

TITLE 5
TRAFFIC REGULATIONS

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CHAPTER 1 MODEL

TRAFFIC CODE SECTION:

- 5-1-1: Adoption of Model Traffic Code**
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Chapter 1 was repealed and reenacted by;
Ordinance 619, 11-02-1996; repealed and reenacted, Ordinance 760, 11-03-2003
Ordinance 760, 11-03-2003; repealed and reenacted, Ordinance 885, 10-19-2010

5-1-1: ADOPTION OF MODEL TRAFFIC CODE.

Pursuant to parts 1 and 2 of Article 16 of Title 31 and part 4 of Article 15 of Title 30, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2010 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town of Lyons, Colorado. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the Town of Lyons, Colorado, and may be inspected during regular business hours.

5-1-2: DELETIONS.

The 2010 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared inapplicable to this municipality and therefore expressly deleted:

- §109(13) Low-power scooters, animals, skis, skates, and toy vehicles on highways
- §109.5(3) Low-speed electric vehicles
- §109.6(3) Class B low-speed vehicles
- §114 Removal of traffic hazards
- §116(3) Restrictions on minor drivers under eighteen year of age
- §117(4) Personal mobility devices
- §201(8) Obstruction of view or driving mechanism – hazardous situation
- §202(4) Unsafe vehicles
- §203(4) Unsafe vehicles – spot inspections
- §204(4) When lighted lamps are required
- §205(4) Headlamps on motor vehicles
- §206(7) Tail lamps and reflectors
- §207(6) Clearance and identification
- §208(4) Stop lamps and turn signals
- §209 Lamp or flag on projecting load (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
- §210(4) Lamps on parked vehicles
- §211(8) Lamps on farm equipment and other vehicles and equipment

§212(5)	Spot lamps and auxiliary lamps
§213(6)	Audible and visual signals on emergency vehicles
§214(6)	Visual signals on service vehicles
§215(9)	Signal lamps and devices – additional lighting equipment
§216(3)	Multiple-beam road lights
§217(2)	Use of multiple-beam lights
§218(2)	Single-beam road-lighting equipment
§219	Number of lamps permitted (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§220(7)	Low-power scooters – lighting equipment – department control – use and operation
§221(9)	Bicycle and personal mobility device equipment
§222(1)(a)	Volunteer firefighters – volunteer ambulance attendants – special lights and alarm systems (last sentence only: "If used for any other purpose, such use shall constitute a violation of this subsection (1), and the violator commits a class B traffic infraction.")
§223(3)	Brakes
§224(6)	Horns or warning devices
§225(3)	Mufflers – prevention of noise
§226(3)	Mirrors – exterior placements
§227(3)	Windows unobstructed – certain materials prohibited – windshield wiper requirements
§228(8)	Restrictions on tire equipment
§229(5)	Safety glazing material in motor vehicles
§230(5)	Emergency lighting equipment – who must carry
§231	Parking lights (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§232(3)	Minimum safety standards for motorcycles and low-power scooters
§233(3)	of suspension system
§234(4)	Slow-moving vehicles – display emblem
§236(6)	Child restraint systems required – definitions - exceptions
§237(4)	Safety belt systems – mandatory use – exemptions – penalty
§238(3)	Blue and red lights – illegal use or possession
§239(5)	Misuse of a wireless telephone – definitions – penalty – preemption
§240	Low-speed electric vehicle equipment requirements (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§502(6)	Width of vehicles
§503	Projecting loads on passenger vehicles (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§504(7)	Height and length of vehicles
§505(5)	Longer vehicle combinations
§506(4)	Trailers and towed vehicles
§507(6)	Wheel and axle loads
§509(3)	Vehicles weighed – excess removed
§512(3)	Liability for damage to highway
§603(5)	Obedience to official traffic control devices
§604(2)	Traffic control signal legend
§605(3)	Flashing signals
§606(3)	Display of unauthorized signs or devices
§607(2)(a)	Interference with official devices (last sentence only: "Except as otherwise in paragraph (b) of this subsection (2), a person who violates any provision of this paragraph (a) commits a class A traffic infraction.")
§607(2)(b)	Interference with official devices
§608(3)	Signals by hand or signal device
§609(2)	Method of giving hand and arm signals

§610	Unauthorized insignia ((last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§611(2)	Paraplegic persons or persons with disabilities – distress flag
§612(3)	When signals are inoperative or malfunctioning
§701(3)	Vehicles approaching or entering intersection
§702	Vehicle turning left (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§703(5)	Entering through highway – stop or yield intersection
§704	Vehicles entering roadway (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§705(3)(a)	Operation of vehicle approached by emergency vehicle – operation of vehicle approaching stationary emergency vehicle
§706(3)	Obedience to railroad signal
§707(6)	Certain vehicles must stop at railroad grade crossings
§708(6)	Moving heavy equipment at roadcrossing
§709	Stop when traffic obstructed (last sentence only: ("Any person who violates any provision of this section commits a class A traffic infraction.")
§710(4)	Emerging from or entering alley, driveway, or building
§711(3)	Driving on mountain highways
§712(3)	Driving in highway work area (last sentence only: ("Any person who violates any provision of this section commits a class A traffic infraction.")
§801(4)	Pedestrian obedience to traffic control devices and traffic regulations
§802(6)	Pedestrians' right-of-way in crosswalks
§803(5)	Crossing at other than crosswalks
§805(9)	Pedestrians walking or traveling in a wheelchair on highways
§806	Driving through safety zone prohibited (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§807	Drivers to exercise due care (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§808	Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§901(3)	Required position and method of turning
§902(4)	Limitations on turning around
§903(5)	Turning movements and required signals
§1001(4)	Drive on right side – exceptions
§1002(3)	Passing oncoming vehicles
§1003(2)	Overtaking a vehicle on the left
§1004(3)	When overtaking on the right is permitted
§1005(5)	Limitations on overtaking on the left
§1006(4)	One-way roadways and rotary traffic islands
§1007(2)	Driving on roadways laned for traffic
§1008(4)	Following too closely
§1009(3)	Coasting prohibited
§1010(3)	Driving on divided or controlled-access highways (last sentence only: ("Any person who violates any provision of this section commits a class A traffic infraction.")
§1011(3)	Use of runaway vehicle ramps
§1012(3)	High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes
§1013(3)	Passing lane – definitions – penalty
§1101(12)	Speed limits
§1103(5)	Minimum speed regulation

§1104(4)	Speed limits on elevated structures
§1105(2)(c)	Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle – definitions
§1105(8)(c)	Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle – definitions
§1201	Starting parked vehicle (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§1202(2)	Parking or abandonment of vehicles
§1204(7)	Stopping, standing, or parking prohibited in specified places
§1205(4)	Parking at curb or edge of roadway
§1206	Unattended motor vehicle (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§1207	Opening and closing vehicle doors (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§1208(6)(7)	Parking privileges for persons with disabilities – applicability
§1210(3)	Designated areas on private property for authorized vehicles
§1211(2)	Limitations on backing
§1401(2)	Reckless driving – penalty
§1402(2)	Careless driving – penalty
§1403	Following fire apparatus prohibited (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§1404	Crossing fire hose (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§1405	Riding in trailers (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")
§1406(5)	Foreign matter on highway prohibited
§1407(3)	Spilling loads on highways prohibited
§1407.5(4)	Splash guards – when required
§1408(3)	Operation of motor vehicles on property under control of or owned by parks and recreation districts
§1409(4)(9)	Compulsory insurance – penalty
§1411(2)	Use of earphones while driving
§1412(12)	Operation of bicycles and other human-powered vehicles
§1414(2)	Use of dyed fuel on highways prohibited
§1415(4)	Radar jamming devices prohibited – penalty
§1502(5)	Riding on motorcycles – protective helmet
§1503(6)	Operating motorcycles on roadways laned for traffic
§1504	Clinging to other vehicles (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")
§1701	Municipalities – traffic offenses classified – schedule of fines
§1702	Counties – traffic offenses classified – schedule of fines
§1706	Juveniles – convicted – arrested and incarcerated – provisions for confinement
§1709	Penalty assessment notice for traffic offenses – violations of provisions by officer – driver's license
§1710	Failure to pay penalty for traffic offenses – failure of parent or guardian to sign penalty assessment notice – procedures
Part 18	Vehicles Abandoned on Public Property (including sections 1801 – 1814)
§1903(6)	School buses – stops – signs – passing
§1904(3)	Regulations for school buses – regulations for discharge of passengers – penalty – exception

- Article II Definitions:
- (57) "Motor-driven cycle"
 - (60)(a) "Motorscooter" and "motorbicycle"
 - (60)(b) "Motorized bicycle"
 - (62) "Neighborhood electric vehicle"

5-1-3: ADDITIONS OR MODIFICATIONS.

The said adopted Code is subject to the following additions or modifications:

(1) **Article 11: Definitions:**

(28.5) **"Electrical assisted bicycle"** means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding seven hundred and fifty watts of power, and a top motor-powered speed of twenty miles per hour.

(28.7) **"Electrical personal assistive mobility device"** or "EPAMD" means a self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.

(39.5) **"Golf car"** means a self-propelled vehicle not designed for operation on roadways and that has:

- (a) A design speed of less than twenty miles per hour;
- (b) At least three wheels in contact with the ground;
- (c) An empty weight of not more than one thousand three hundred pounds; and
- (d) A carrying capacity of not more than four persons.

(49.5) (a) **"Low-power scooter"** means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

- (I) A cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or
 - (II) A wattage not exceeding four thousand four hundred seventy-six if powered by electricity.
- (b) "Low-power scooter" shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility impaired people who use pedestrian rights-of-way.

(49.6) **"Low-speed electric vehicle"** means a vehicle that:

- (a) Is self-propelled utilizing electricity as its primary propulsion method;
- (b) Has at least three wheels in contact with the ground;
- (c) Does not use handlebars to steer; and
- (d) Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

(56) **"Motorcycle"** means every motor vehicle designed to travel on not more than three wheels in contact with the ground; except that the term does not include a farm tractor or low-power scooter.

(58) **"Motor vehicle"** means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways; except that the term does not include low-power scooters, wheelchairs, or vehicles moved solely by human power. "Motor vehicle" includes a neighborhood electric vehicle operated pursuant to section 42-4-111(1)(aa). For the purposes of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401 for farm tractors and off-highway vehicles, as defined in section 33-14.5-101(3), C.R.S., operated on streets and highways, "motor vehicle" includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle. For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle" includes a low-power scooter.

(111)(a) **"Toy vehicle"** means any vehicle that has wheels and is not designed for use on public highways or for off-road use.

(b) **"Toy vehicle"** includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters.

(c) **"Toy vehicle"** does not include off-highway vehicles or snowmobiles.

(121) **"Vehicle"** means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes, without limitation, a bicycle, electric assisted bicycle, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

(2) 103(2)(b). Scope and effect of Model Traffic Code – exceptions to provisions.

(b) For provisions of sections 1401, 1402, 1413 and 1211 of this Code which shall apply upon streets and highways and elsewhere throughout the jurisdiction.

(3) §615. School zones – increase in penalties for moving traffic violations.

(1) Any person who commits a traffic infraction or a traffic offense in a school is subject to increased penalties as provided at Lyons Municipal Code §8-7(5), as amended.

(4) §1204. Stopping, standing, or parking prohibited in specified places.

- (1)(l) At any other place where yellow or red curb markings prohibit stopping.
- (2)(g) At any other place where yellow or red curb markings prohibit standing.
- (3)(c) At any other place where yellow or red curb marking prohibit parking.

(5) §1211. Limitations on backing.

- (1) The driver of a vehicle, whether on public or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other vehicles or traffic.
- (2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

(6) §1413 Eluding or attempting to elude a police officer

It shall be unlawful for any operator of a motor vehicle who a police officer has reasonable grounds to believe has violated a state law or municipal ordinance, who has received a visual or audible signal such as a red light or a siren from a police officer driving a marked vehicle showing the same to be an official police, sheriff, or Colorado state patrol car directing the operator to bring the operator's vehicle to a stop, or to willfully increases his or her speed or extinguishes his or her lights in an attempt to elude such police officer, or willfully attempt in any other manner to elude the police officer, or elude such police officer.

(7) §1703. Parties to a crime.

Every person who commits, conspires to commit, or aids or abets in the commission of any traffic violation, whether a traffic infraction or a traffic offense, and whether individually or in connection with one or more other persons or as a principal, agent, or accessory, is guilty of such offense or liable for such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Code is likewise guilty of such infraction or offense.

5-1-4 PENALTIES The following penalties, herewith set forth in full, shall apply to this ordinance:

- (1) It is unlawful for any person to violate any of the provisions adopted in this ordinance.
- (2) Penalties for civil traffic infractions.

Upon conviction, or entry of guilty plea or plea of nolo contendere, to a civil traffic infraction, a fine not to exceed one thousand dollars (\$1,000.00) may be imposed. As guidance, penalties for traffic convictions for which up to four (4) points will be assessed (based on the original charge), penalties may be imposed at thirty dollars (\$30.00) for each point, as set forth below.

<u>Points Assessed</u>	<u>Penalty</u>
0 point violation	\$30.00
1 point violation	\$30.00
2 point violation	\$60.00
3 point violation	\$90.00
4 point violation	\$120.00
6 point violation	\$180.00
8 point violation	\$240.00
12 point violation	\$360.00

- (3) Penalties for noncivil traffic offenses.

(a) Any person eighteen (18) years of age or older, convicted of a traffic offense, as set forth in subsection (3)(b) of this section, may be incarcerated for a period not to exceed one year or fined by an amount not to exceed one thousand dollars (\$1,000.00), or both. Any juvenile under the age of eighteen (18) years convicted of a traffic offense may be fined by an amount not to exceed one thousand dollars (\$1,000.00).

(b) Noncivil traffic offenses subject to penalties as set forth in subsection (a) of this section (3) are as follows:

MTC 1101	Speeding violations (25 – 39 mph over speed limit)	6 points
MTC 1101	Speeding violations (40+ mph over speed limit)	12 points
MTC 1105	Speed contest	12 points
MTC 1401	Reckless driving	8 points
MTC 1413	Eluding or attempting to elude police	12 points
MTC 1903	Fail to stop for school bus	6 points
MTC 1409	Compulsory insurance	4 points

(c) Penalties for traffic infractions or offenses in a maintenance, repair or construction zone designated pursuant to Section 614 of the Model Traffic Code, 2010 edition, shall be double the penalty for such violation as set forth above.

(d) Penalties for traffic infractions or offenses that occur in a school zone shall be double the penalty for such violation as set forth above.

5-1-5: Applications. This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Section 1211, 1401, 1402, 1413 and Part 16 of the adopted Model Traffic Code, respectively concerning limitations on backing, reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall not apply only to public places and ways but also throughout this municipality.

5-1-6: Reserved (Repealed, Ordinance 619, 11-04-1996)

ENTIRE CHAPTER 2
RESERVED (REPEALED, ORDINANCE 760, 11-03-2003)

CHAPTER 3

TRAFFIC INFRACTIONS

5-3-1:	Definitions
5-3-2:	Civil Traffic Infractions
5-3-3:	No Jury Trial of Traffic Infractions
5-3-4:	Right to Jury Trial for all Noncivil Traffic Offenses
5-3-5:	Commencement of Action
5-3-6:	Payment Before Appearance
5-3-7:	First Hearing
5-3-8:	Subpoenas
5-3-9:	Speedy Trial
5-3-10:	Final Hearing
5-3-11:	Judgment After Final Hearing
5-3-12:	Posthearing Motions and Appeal
5-3-13:	Default
5-3-14:	Appeal
5-3-15:	Referee Appointment—Hearing of Parking Assessments
5-3-16:	Penalties for Civil Traffic Infractions
5-3-17:	Penalties for Noncivil Traffic Offenses
5-3-18:	Penalty For Traffic Violation In Designated School Zone

Entire Chapter 3 Added Ord. 617, 11-4-96.

5-3-1: DEFINITIONS. As used in this Chapter, the following definitions shall apply:

- (A) "Charging document" means the document commencing or initiating the traffic infraction matter, whether denoted as a complaint, summons and complaint, citation, penalty assessment notice, or other document charging the person with the commission of a traffic infraction or infractions.
- (B) "Defendant" means any person charged with the commission of a traffic infraction, including but not limited to the following terms used in the implementing legislation: "cited person," "cited party," "individual," "person charged with a traffic violation," "violator," or "accused."
- (C) "Docket fee means a fee assessed according to the provisions of this code, or a fee established by the rules of the municipal court.
- (D) "Judgment" means the admission of guilt or liability for any traffic infraction, the entry of judgment of guilt or liability, or the entry of default judgment as set forth in this chapter against any person for the commission of a traffic infraction.
- (E) "Officer" means a peace officer who tenders or serves a charging document.

- (F) "Penalty" means a fine imposed pursuant to this code for the violation of a traffic infraction.
- (G) "Referee" means any person appointed by the municipal judge as a referee pursuant to this chapter, to determine parking assessments.

5-3-2: CIVIL TRAFFIC INFRACTIONS. Notwithstanding any provision contained to the contrary as set forth in this Code, all violations of any provisions of Title 5 of this Code relating to traffic or any provision of the Model Traffic Code for Colorado Municipalities, as adopted or amended by the Town for which a fine only is established as a penalty for the violation thereof, are hereinafter referred to as "traffic infractions" and shall constitute civil matters and not criminal violations, except those violations set forth in Section 5-3-4 and any other traffic offense for which, upon conviction, a term of imprisonment may be imposed.

5-3-3: NO JURY TRIAL OF TRAFFIC INFRACTIONS. A defendant brought to trial solely upon a traffic infraction or infractions shall have no right to a trial by jury as contemplated by COLO. REV. STAT. § 13-10-14 or Rule 223, Municipal Court Rules of Procedure, and trial of civil traffic infractions shall be to the court. No defendant found civilly liable for a traffic infraction shall be punished by imprisonment for said infraction.

5-3-4: RIGHT TO JURY TRIAL FOR ALL NONCIVIL TRAFFIC OFFENSES.

(A) Any defendant charged with any traffic violation punishable upon conviction, with the imposition of a penalty which includes the possibility of imprisonment, shall have the right, upon proper perfection of a jury demand, to a trial by jury. Such offenses include the following offenses as set forth in the Model Traffic Code for Colorado Municipalities, as adopted and amended by the Town, as follows:

- (1) Sec. 1903 Stopping for school buses;
- (2) Sec. 1101 Basic (speed) Rule – Decrease of speed limits-Increase of speed limits, only where the speed alleged is greater than twenty-five (25) mph over the lawful speed limit;
- (3) Sec. 1105 Speed contests;
- (4) Sec. 1401 Reckless driving;
- (5) Sec. 1402 Careless driving;
- (6) Sec 1413 Eluding or attempting to elude police officer;

(B) In the event that a defendant is charged with more than one traffic violation arising out of the same incident and at least one of the charged offenses is listed in subsection (a) of this section, the defendant shall have the right to demand a trial by jury as to all such offenses, which shall be consolidated for purposes of trial.

5-3-5: COMMENCEMENT OF ACTION. An action under this Chapter charging a civil traffic infraction is commenced by the tender or service of a charging document upon a defendant, or by conspicuously attaching a parking assessment to the subject vehicle, and by filing of the charging document with the municipal court.

5-3-6: PAYMENT BEFORE APPEARANCE.

- (A) The clerk of court shall accept payment of a penalty assessment notice by a defendant without an appearance before the court, if payment is received five (5) days prior to the date set for first hearing.
- (B) At the time of payment, which shall include all costs and fees regularly assessed by the court for defendant's pleading or being found guilty of municipal violations, the defendant shall sign a waiver of rights and acknowledgment of guilt or liability upon a form approved by the rules of the municipal court.
- (C) This procedure shall constitute an entry and satisfaction of judgment.

5-3-7: FIRST HEARING.

- (A) If the defendant has not previously acknowledged guilt or liability and satisfied the judgment, he shall appear before the court at the time scheduled for first hearing.
- (B) The defendant may appear in person or by counsel, who shall enter appearance in the case, providing, however, if an admission of guilt or liability is entered, the court may require the presence of the defendant for the assessment of the penalty.
- (C) If the defendant appears in person, the court shall advise him in open court of the following:
 - (1) The nature of the infractions alleged in the charging document;
 - (2) The penalty, any fees and costs that may be assessed, and the penalty points that may be assessed against the driving privilege;
 - (3) The consequences of the failure to appear at any subsequent hearing including entry of judgment against the defendant and reporting the judgment to the state motor vehicle division, which may assess points against the driving privilege and may deny an application for a driver's license;
 - (4) The right to be represented by an attorney at the defendant's expense;
 - (5) The right to remain silent, because any statement made by the defendant may be used against him;

- (6) Guilt or liability must be proven beyond a reasonable doubt;
 - (7) The right to testify, subpoena witnesses, present evidence, and cross-examine any witnesses for the state;
 - (8) Any answer must be voluntary and not the result of undue influence or coercion on the part of anyone; and
 - (9) An admission of guilt or liability constitutes a waiver of the foregoing rights and any right to appeal.
- (D) The defendant personally or by counsel shall answer the allegations in the charging document either by admitting guilt or liability or by denying the allegations.
 - (E) If the defendant admits guilt or liability, the court shall enter judgment and assess the appropriate penalty and the fees and costs after determining that the defendant understood the matters set forth in Section 5-3-7(C), and has made a voluntary, knowing, and intelligent waiver of rights.
 - (F) If the defendant denies the allegations, the matter shall be set for final hearing, and the defendant, the prosecuting attorney's office and the charging officer shall be notified.

5-3-8: SUBPOENAS.

- (A) The defendant and Town shall have the right to the issuance of subpoenas by the court clerk as in all other noncivil municipal prosecutions to secure the attendance of witnesses at final hearing.
- (B) The service of a subpoena shall be by first class mail, if the person to whom it is delivered waives personal service. No fees or mileage need be tendered with service by mail.
- (C) If the person to whom a subpoena is directed does not waive personal service, the issuance and service of a subpoena shall be as provided by Rule 271, Municipal Court Rules of Procedure, except as otherwise provided in this rule.

5-3-9: SPEEDY TRIAL. The charges shall be dismissed if the final hearing is not held within the time requirements and standards otherwise applicable to the trial of noncivil municipal code violations.

5-3-10: FINAL HEARING. The hearing of all traffic infractions, except for parking assessments, shall be conducted pursuant to the Colorado Rules of Evidence, and the conduct of the hearing shall otherwise be in the form applicable to noncivil municipal offenses tried to the court.

5-3-11: JUDGMENT AFTER FINAL HEARING.

- (A) If all elements of a traffic infraction are proven beyond a reasonable doubt, the court shall find the defendant guilty or liable and enter appropriate judgment.
- (B) If any element of a traffic infraction is not proven beyond a reasonable doubt the court shall dismiss the charge and enter appropriate judgment, provided, however, that the court may find the defendant guilty of or liable for a lesser included traffic infraction, if based on the evidence offered, and enter appropriate judgment.
- (C) If the defendant is found guilty or liable, the court shall assess any applicable fees, and additional costs otherwise generally imposed in noncivil municipal offenses.
- (D) The judgment shall be satisfied upon payment to the clerk of the total amount assessed as set forth above.
- (E) If the defendant fails to satisfy the judgment upon the finding of guilt or liability, or within the time of a reasonable extension granted upon a showing of good cause by, and upon application of the defendant, then such nonpayment in the full amount of the penalty, fees and costs shall be treated as a default.

5-3-12: POSTHEARING MOTIONS AND APPEAL. There shall be no posthearing motions except for a motion to set aside a default judgment as provided by Section 5-3-13.

5-3-13: DEFAULT.

- (A) If the defendant fails to appear for any hearing on a traffic infraction, the court shall enter judgment against the defendant. The record of such judgment, including the points assessed, shall be forwarded to the Colorado Division of Motor Vehicles.
- (B) The amount of the judgment shall be the appropriate penalty assessed after a finding of guilt or liability, outstanding judgment fee, and additional costs assessable to municipal violations generally upon conviction of municipal charges, except such fees and additional costs shall not be added to parking assessment default judgments.
- (C) The court may set aside a judgment entered under this rule on a showing of good cause or excusable neglect by the defendant. A motion to set aside the judgment shall be made to the court not more than seven (7) calendar days after entry of judgment.
- (D) The defendant may satisfy a judgment entered under this rule by paying the clerk.
- (E) No warrant shall issue for the arrest of a defendant who fails to appear at a hearing on a traffic infraction or fails to satisfy a judgment assessed for a finding of guilt or liability of a traffic infraction.

5-3-14: APPEAL. Appeal of any finding of guilt or liability of traffic infractions shall be subject to the same procedures as applicable to convictions of municipal offenses generally.

5-3-15: REFEREE APPOINTMENT--HEARING OF PARKING ASSESSMENTS.

The municipal judge may appoint a referee to hear and determine parking assessments.

- (A) The hearing of parking assessment contents shall be informal, the object being to dispense justice and resolution promptly and economically.
- (B) The Town shall first provide sworn testimony and evidence to the facts concerning the alleged parking infraction, subject to cross-examination.
- (C) Upon the conclusion of testimony and examination, the court or referee may further examine or allow rebuttal as deemed appropriate.
- (D) Upon the conclusion of all testimony each party, or their respective counsel, shall be permitted to make a closing statement.
- (E) The Colorado Rules of Evidence shall not apply to hearings relating to parking assessments.

5-3-16: PENALTIES FOR CIVIL TRAFFIC INFRACTIONS. Upon conviction, or entry of guilty plea or plea of *nolo contendere*, to a civil traffic infraction, as defined at Lyons Municipal Code 5-3-2, a fine not to exceed one thousand dollars (\$1,000.00) may be imposed. As guidance, penalties for traffic convictions may be imposed at thirty dollars (\$30.00) for each point assessed (based on the original charge), as set forth below.

<u>Points</u>	<u>Penalty</u>
0 point violation	\$30.00
1 point violation	\$30.00
2 point violation	\$60.00
3 point violation	\$90.00
4 point violation	\$120.00
6 point violation	\$1 80.00
8 point violation	\$240.00
12 point violation	\$360.00

(Ord. 760, 11-03-03, Section 5-3-16 amended by Ordinance 887, 12-18-2010)

5-3-17: PENALTIES FOR NONCIVIL TRAFFIC OFFENSES.

- (A) Upon conviction, entry of a guilty plea or a plea of nolo contendere to a traffic offense, as defined at Lyons Municipal Code §5-3-4, any adult (a person age 18 years or older) may be fined by an amount not to exceed \$1,000, or incarcerated for a period not to exceed one year, or both.
- (B) Upon conviction, entry of a guilty plea or a plea of nolo contendere to a traffic offense, as defined at Lyons Municipal Code §5-3-4, any juvenile (a person under the age of 18 years) may be fined by an amount not to exceed \$1,000.
- (C) Noncivil traffic offenses subject to penalties as set forth in Subsection (A) and (B) above are as follows:

MTC Section*	Charge	Points Assessed
§1101	Speeding violations more than 25 mph over speed limit	6
§1105	Speed contest	12
§ 1401	Reckless driving	8
§ 1402	Careless driving	4
§1413	Eluding or attempting to elude police	12
§1903	Failure to stop for school bus	6
§ 1409	Compulsory insurance	4

*MTC: Model Traffic Code (Ord.

Ord 760, 11-03-03)

5-3-18: PENALTY FOR TRAFFIC VIOLATION IN DESIGNATED SCHOOL ZONE.

Any person convicted of any traffic violation that occurs in designated school zone shall be fined double the amount designated for such violation as set forth in Section 5-3-16 and Section 5-3-17.

(Ord. 745, 03-17-03)

CHAPTER 4

RECORDING OF TRAFFIC CONVICTONS

5-4-1: Recording of Traffic Convictions

Entire Chapter 4 Added, Ord 609, 12-6-1999

- 5-4-1:** Recording of Traffic Convictions. All convictions of the Model Traffic code shall be reported to the Boulder County Sheriff's Department records division as a violation of Title 5, Chapter 4, the appropriate section of the Model Traffic Code [i.e.:§5-5- (Model Traffic Code section number)]