



360 Village Square Lane, Suite B  
Castle Pines, CO 80108  
303-705-0200  
castlepinesco.gov

## CITY COUNCIL COMMUNICATION FORM ACTION ITEM

TO: Mayor Radloff and Members of the City Council

FROM: Silvia Buchenic, Assistant City Attorney  
Linda Michow, City Attorney

DATE: July 13, 2021

RE: Ordinance No. 21-06: An Ordinance of the City Council of the City of Castle Pines, Colorado Repealing and Re-enacting Article 1 of Chapter 8 of the Castle Pines Municipal Code Entitled Model Traffic Code Concerning Vehicles and Traffic, Adopting by Reference the 2020 Edition of the Model Traffic Code for Colorado, with Certain Amendments, and Adopting Penalties for Violations Thereof on First Reading

---

### **Policy Question:**

Does City Council support adopting Ordinance 21-06 (“Ordinance”), which repeals and replaces Article 1 of Chapter 8 of the Castle Pines Municipal Code to adopt the most recent version of the Model Traffic Code promulgated by the State?

### **Background and Analysis:**

The City of Castle Pines (“City”) previously adopted by reference the 2010 edition of the Model Traffic Code for Colorado (“MTC”). The State, through the Colorado Department of Transportation, has updated the MTC with a 2020 edition. The Ordinance is proposed to adopt the 2020 edition of the MTC by reference to stay up to date with changes in traffic regulations, providing uniformity and consistency in the regulation of traffic. The 2020 edition of the MTC is available at the following link: <https://www.codot.gov/library/traffic/traffic-manuals-guidelines/2020-model-traffic-code-for-colorado.pdf>.

The 2020 edition of the MTC makes clean-up revisions such as updating statutory references and more stringent safety provisions. It also takes into account technological advancements and makes changes including:

- Prohibiting earphones while driving, with the exception of wireless headphones that only cover one ear;
- Imposing compulsory insurance requirements and penalties for low-power scooters;
- Including child restraint and seat belt regulations relating to rear-facing and forward-facing car seats based on the size and age of a child;
- Clarifying motorcycle eye protection and helmet requirements;
- Setting forth more extensive regulations regarding parking for persons with disabilities; and

- Regulating electric vehicle parking, including allowing peace officers to enforce related violations on private property.

Further, the City, in adopting the 2010 version of the MTC, made certain amendments thereto, and this Ordinance incorporates those amendments as part of the 2020 MTC adoption while removing redundancies and unnecessary changes. The Ordinance carries forward the following amendments from the City's prior adoption of the MTC:

- Restriction or prohibition of motorized and non-motorized vehicles where official signs are posted;
- Ability of City to place a lien on property when a property owner adjacent to a right-of-way fails to remove shrubs, vines, hedges, branches, or other plants falling into the right-of-way and fails to repay City costs in doing so after the required notices are provided;
- Limitation on the number of passengers driven by a minor to the number of seatbelts in the vehicle;
- Minimum fine of \$1,000 for infractions relating to mufflers;
- Amended parking distance from fire hydrants from 15 to 7.5 feet;
- Requirement for angled parking where marked by the City;
- Prohibition on parking or standing on private property and public school grounds without owner's consent;
- Presumption that the owner of a vehicle is responsible when that vehicle is parked in violation of the MTC;
- Parking restrictions for residential areas, including time limitations for parking to recreational vehicles and commercial vehicles;
- Compulsory insurance for low-speed electric vehicles;
- Designation of violations constituting criminal offenses, including speed contests, wheel and axle load violations, reckless driving, compulsory insurance violations, and parking for persons with disabilities violations;
- Citations to the Model Traffic Code rather than statute for violations;
- Procedures for summons to court and defendant's failure to appear in municipal court; and
- Number of points for particular violations.

In addition, the Ordinance:

- Provides the municipal judge with more discretion when imposing traffic penalties. Although the judge must set penalties for non-criminal traffic infractions, penalties for criminal traffic offenses will be determined by the judge on a case-by-case basis depending on the facts of the case, subject to the general penalty limitations in the Castle Pines Municipal Code (*consistent with other jurisdictions*).
- Removes provisions relating to dumpsters, landscape materials, and other debris and obstructions on public property (*covered in Castle Pines Municipal Code nuisance provisions and therefore redundant if included here*).

- Deletes MTC provisions relating to arrest procedures and replaces with reference to Sheriff's Department procedures.
- Deletes time limit for arraignment hearings (*gives additional discretion to the municipal judge for consistency with other jurisdictions*).

**Fiscal Impact:**

N/A

**Staff Recommendation:**

Staff recommends that City Council adopt the Ordinance on first reading and schedule second reading for a date certain.

**Proposed Motion:**

I move to adopt Ordinance No. 21-06, An Ordinance of the City Council of the City of Castle Pines, Colorado Repealing and Re-enacting Article 1 of Chapter 8 of the Castle Pines Municipal Code Entitled Model Traffic Code Concerning Vehicles and Traffic, Adopting by Reference the 2020 Edition of the Model Traffic Code for Colorado, with Certain Amendments, and Adopting Penalties for Violations Thereof on First Reading.

**Attachments:**

Ordinance No. 21-06