

## TITLE 10

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## CHAPTER 10.04

### Model Traffic Code\*

#### 10.04.010 Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is adopted by reference Articles I and II, inclusive, of the 2003 edition of the "Model Traffic Code for Colorado Municipalities," promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Chapter 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 City Clerk and may be inspected during regular business hours. (Ord. 1352 §§A, D, 2003)

#### 10.04.015 Deletions/amendments.

(a) The 2003 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 to be inapplicable to the City and are therefore expressly deleted: none.

(b) The adopted code is subject to the following additions or modifications:

(1) Section 1204 is amended to read as follows:

#### **"1204. Stopping, standing or parking prohibited in specific places.**

"(1) Except as otherwise provided in subsection (4) of this section, no person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

"a. On a sidewalk;

"b. Within an intersection;

"c. On a crosswalk;

"d. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;

"e. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

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\*Prior history: Prior code §§18-1; 18-5; Ords. 589, 599, 623, 647, 671 and 681.

"f. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

"g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

"h. On any railroad tracks;

"i. On any controlled-access highway;

"j. At any other place where official signs prohibit stopping;

"k. In the area between roadways of a divided highway, including crossovers, except that delivery trucks may use the roadways in those areas designated east of Carson Avenue and west of Smithland Avenue, south of 1st Street and north of 5th Street, but only for durations of time which do not exceed five (5) minutes;

"l. In any place where the parking shall so constitute an obstruction of any traffic control device, as determined in the sole consideration of the Traffic Engineer, after giving consideration to the size and shape of the vehicle in relation to that vehicle's obstruction of the traffic control device.

"m. Parking on sidewalks prohibited: No operator or owner of a vehicle shall park any motor vehicle upon any sidewalk within the City.

"n. Parking in a manner that blocks sidewalks: No operator or owner of a vehicle shall park any motor vehicle upon or across any sidewalk so as to impede the public's use of said sidewalk.

"(2) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsection (1) of this section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or any official traffic control device, in any of the following places:

"a. Within five (5) feet of a public or private driveway;

"b. Within fifteen (15) feet of a fire hydrant;

"c. Within twenty (20) feet of any crosswalk at an intersection;

"d. Within thirty (30) feet upon the approach to any flashing beacon or signal, stop sign, yield sign or traffic control signal located at the side of a roadway;

"e. Within twenty (20) feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of said entrance when properly signposted;

"f. At any other place where official signs prohibit standing;

"g. In any place when the parking shall constitute an obstruction of any approach to any flashing beacon or signal, stop sign, yield sign or traffic control signal located at the side of the roadway.

"(3) In addition to the restrictions specified in subsection (1) and (2) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:

"a. Within fifty (50) feet of the nearest rail of a railroad crossing;

"b. At any other place where official signs prohibit parking.

"(4) a. Paragraph a of subsection (1) of this section shall not prohibit persons from parking two (2) or more bicycles abreast in accordance with the provisions of Section 1412 (11)(a) and (11)(b).

"b. Paragraph f of subsection (1) of this section shall not prohibit persons from parking two (2) or more bicycles abreast in accordance with the provisions of Section 1412 (11)(d).

"c. Paragraph a, c, and d of subsection (2) of this Section shall not apply to bicycles parked on sidewalks in accordance with Section 1412 (11)(a) and (11)(b).

"(5) No person shall move a vehicle not lawfully under his control to any such prohibited area, or away from a curb such distance as is unlawful.

"(6) It shall be unlawful for any owner of a vehicle to permit any authorized driver to operate a vehicle in such a manner as to violate any of the provisions herein.

"(7) The owner of any unattended vehicle found to be in violation of the requirements of this Section shall be vicariously liable for a violation hereof."

(Ord. 1464 §1, 2008; Ord. 1395 §1, 2004; Ord. 1352 §§B, E, 2003)

#### **10.04.025 Window treatments.**

(a) Generally.

(1) Except as provided in this Paragraph, no person shall operate any motor vehicle within the City on which any window, except the windshield, is composed of, covered by or treated with any material or component which presents an opaque, nontransparent or metallic or mirrored appearance in such a way that it allows less than twenty-seven percent (27%) light transmittance. The windshield shall allow seventy percent (70%) light transmittance. The provisions of this Subparagraph shall not apply to the windows to the rear of the driver, including the rear window, on any motor vehicle; however, if such windows allow less than twenty-seven percent (27%) light transmittance, then the front side windows and the windshield on such vehicle shall allow seventy percent (70%) light transmittance.

(2) Notwithstanding any provision of this Subparagraph, nontransparent material may be applied, installed or affixed to the topmost portion of the windshield subject to the following:

a. The bottom edge of the material extends no more than four (4) inches measured from the top of the windshield down;

b. The material is not red or amber in color nor does it affect perception of primary colors or otherwise distort vision or contain lettering that distorts or obstructs vision;c. The material does not reflect sunlight or headlight glare into the eyes of occupants of oncoming or preceding vehicles to any greater extent than the windshield without the material.

(b) Nothing in this Section shall be construed to prevent the use of any window which is composed of, covered by or treated with any material or component in a manner approved by federal statute or regulation if such window was included as a component part of a vehicle at the time of the vehicle manufacture or the replacement of any such window by such covering which meets such guidelines.

(c) No material shall be used on any window in the motor vehicle that presents a metallic or mirrored appearance.

(d) Nothing in this Section shall be construed to deny or prevent the use of certificates or other papers which do not obstruct the view of the driver and which may be required by law to be displayed on a windshield or window. (Ord. 1114 §2, 1994)

#### **10.04.030 Interpretation.**

This Chapter shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Chapter and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. (Ord. 1148 §8, 1995; Ord. 747 §7, 1978)

#### **10.04.040 Application.**

This Chapter shall apply to every street, alley, sidewalk area, driveway, park and every other public way, public place or public parking area, either within or outside the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413 and Part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer and accidents and accident reports, shall apply not only to public places and ways, but also throughout the City. (Ord. 1148 §5, 1995; Ord. 747 §4, 1978)

#### **10.04.050 Penalties.**

Except as provided in Section 1208(9) of the Model Traffic Code, the following penalties, herewith set forth in full, shall apply to this Chapter:

(1) It is unlawful for any person to violate any of the provisions adopted in this Chapter.

(2) Every person convicted of a violation of any provision adopted in this Chapter shall be punished by a fine not to exceed two thousand dollars (\$2,000.00), or by imprisonment not to exceed one hundred eighty (180) days or by both such fine and imprisonment. (Ord. 1148 §4, 1995)

## **CHAPTER 10.08**

### **Parking**

#### *I. Parking Regulations*

##### **10.08.010 Express or implied consent of property owner required.**

It is a violation of Sections 10.08.010 through 10.08.060 for any person to park or cause to be parked any vehicle upon any private or public property in the City without the express or implied consent of the owner or person in possession and control of the property or for a time period in excess of that for which consent was given by the owner or person in possession and control of the property. (Ord. 795 §1, 1980)

##### **10.08.020 Designation of areas of implied consent; revocation as regards to posted areas; sign specifications**

(a) For the purposes of Sections 10.08.010 through 10.08.060 there shall be an implied consent to park in areas set aside for parking on any public or private property, except on property used as a single-family residence.

(b) This implied consent shall be deemed revoked with respect to a particular person insofar as such person has parked a vehicle or has allowed a vehicle to remain parked in disregard of or contrary to the directions or intended function of signs, posted on the property, indicating a limitation or prohibition on parking thereupon or that a parking fee must be paid.

(c) The posting must be by a sign with a minimum area of one and one-half (1½) square feet per face and must comply with applicable provisions of the sign code. The sign shall:

- (1) Have at least one and one-half (1½) inch lettering;
- (2) Clearly indicate the limitation, prohibition or fee schedule and method of payment;
- (3) Be installed in or near the area where the limitation, prohibition or fee applies; and
- (4) Located so that it can be seen by an ordinarily observant person. (Ord. 795 §2, 1980)

##### **10.08.030 Applicability.**

Sections 10.08.010 through 10.08.060 shall not apply to parking on public streets or to parking in the City-owned off-street parking lots. (Ord. 795 §5, 1980)

**10.08.040 Filing of complaint by property owner.**

No complaint shall issue for any violation of Sections 10.08.010 through 10.08.060 unless signed by the owner or person in possession and control of the entire property or a representative authorized in writing. (Ord. 795 §3, 1980)

**10.08.050 Authorization to tow; storage; restoration to vehicle owner.**

(a) The Police Department is authorized to remove and tow away and have removed and towed away by commercial towing service any car or other vehicle illegally parked in violation of Sections 10.08.010 through 10.08.060.

(b) Cars so towed away for illegal parking shall be stored in a safe place and shall be restored to the owner or operator of such car upon the payment of the towing and storage fees. (Ord. 795 §6, 1980)

**10.08.060 Violation; penalty.**

The penalty for each and every violation of Sections 10.08.010 through 10.08.050 shall be a minimum of ten dollars (\$10.00) and not to exceed three hundred dollars (\$300.00). (Ord. 795 §4, 1980)

*II. Truck Parking*

**10.08.070 Truck defined.**

For the purposes of Sections 10.08.070 through 10.08.100, a *truck* is any truck, trailer, semitrailer or other vehicle designated or operated for the transportation of property with a capacity in excess of two (2) tons or an overall length in excess of thirty (30) feet and is any vehicle, regardless of capacity or length, used for the transportation of flammable liquids or gases. (Prior code §18-6(part))

**10.08.080 Time restrictions.**

(a) No truck used for the transportation of flammable gases shall be parked in the City in excess of thirty (30) minutes.

(b) No other truck shall be parked on any street, alley or avenue in the City south of First Street for a period from 6:00 p.m. to 6:00 a.m., except during loading or unloading thereof or while being used on construction, maintenance or repair work in progress in the block in which such vehicle is parked. (Ord. 1081 §§51, 52, 1992; amended during 1980 codification; prior code §18-6(a))

**10.08.090 Restrictions on leaving unattended.**

(a) No driver, operator or attendant shall leave unattended a truck during the loading or unloading of flammable liquids and gases.

(b) No truck used for the transportation of livestock shall be parked and left unattended south of U.S. Highway 50. (Ord. 1081 §§53, 54, 1992; prior code §18-6(b))

**10.08.100 Restrictions on proximity to buildings.**

No truck used for the transportation of flammable liquids parked off the street in the City shall be parked nearer than twenty-five (25) feet to any residence or business building. (Prior code §18-6(c))

**CHAPTER 10.12**

**Junk Vehicles, Repair of Vehicles**

**10.12.010 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this Code.

- (1) *Costs* means the expenses of removing, storing or selling a junked vehicle.
- (2) *Hobby* means the repairing, reconditioning or rebuilding of all vehicles which is done for personal enjoyment or entertainment only, with no profits or compensation or reimbursement of any kind involved.
- (3) *Junk vehicle* means any self-propelled vehicle designed for highway travel under its own power which is not capable of such travel in its existing mechanical condition; or any dismantled, partially dismantled, discarded, wrecked, demolished or partially demolished vehicle; or any vehicle designed for highway travel not bearing a current license plate or license certificate.
- (4) *Vehicle* means a machine propelled by power other than human power designed to travel along the ground, in the air or through water by use of wheels, treads, runners, slides, wings or hulls and to transport persons or property or pull non self-propelled vehicles or machinery and includes, without limitation, automobile, airplane, boat, truck, trailer, motorcycle, motor scooter, moped, tractor, buggy and wagon.
- (5) *Fully enclosed structure* means any commercial or residential garage and any other man-made or natural barrier which effectively prevents viewing of the area screened and its contents from adjacent walkways, roadways or alleys. For purposes of Sections 10.12.010 through 10.12.090 only, *fully enclosed structure* shall also include custom-made automobile covers which fully encompass an automobile and which generally follow the form of the automobile so as to completely enshroud the vehicle. Tarps and other coverings, not custom-made nor contoured to the shape of the automobile, are not sufficient for purposes of this definition. (Ord. 1220 §§1, 2, 1999; Ord. 921 §10.12.010, 1986)

**10.12.020 Leaving junked vehicles on street prohibited.**

No person shall knowingly leave any partially dismantled, wrecked, discarded, junked or unlicensed vehicle on any street or highway within the City. (Ord. 921 §10.12.020, 1986)

#### **10.12.030 Junk vehicles prohibited.**

(a) It shall be unlawful for any person to store or keep any junk vehicle on any premise or within any zoning district, or anywhere within the City unless in a fully enclosed structure.

(b) It shall be unlawful for any person to store or keep any junk vehicle parts on any premise or within a zoning district or anywhere within the City unless in a fully enclosed structure.

(c) In the event of the storage or keeping of such junk vehicles or parts thereof in the City, the persons responsible for the violation of this Section shall include the owner of the junk vehicle or parts thereof; the occupant or lessee of the premises where stored or kept; and the owner of such premises.

(d) Exceptions:

(1) Any vehicle registered as a collectors' item by the State under the provisions of Sections 42-15-101 and 42-15-102, C.R.S., provided that such vehicles are maintained in such a manner that they do not constitute a health hazard, a safety hazard or a fire hazard and are contained in a fully enclosed structure.

(2) Vehicles stored or kept on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, provided that any dismantled, discarded, wrecked, demolished or partially demolished vehicles are stored in a fully enclosed structure or in a junkyard, as defined in Ordinance 870, as amended. (Ord. 1126 §1, 1994; Ord. 921 §10.12.030, 1986)

#### **10.12.040 Hobby repair work.**

It is unlawful for any person to repair, keep or work on any junk vehicle as a hobby, unless such hobby is conducted in and totally contained within a fully enclosed structure and conducted in such a manner so as not to create a safety, health or fire hazard; except, this shall not apply to minor repair and maintenance activities such as, by way of illustration, the changing of oil, sparkplugs, tires, so long as said minor work does not exceed a reasonable length of time, not to exceed three (3) days. Repair of vehicles purchased for repair and resale or vehicles repaired for any compensation received shall be considered an auto repair business, not a hobby. (Ord. 921 §10.12.040, 1986)

#### **10.12.050 Auto repair business.**

It shall be unlawful for any person to engage in a vehicle repair business on residential premises or premises zoned for residential use under the Zoning Ordinance. A person shall be deemed to be in the vehicle repair business if he or she undertakes the repair of any vehicles belonging to other persons, or which he or she has purchased for repair and resale or any other vehicle other than that used regularly by himself or herself or his or her family. The presence of any vehicles on residential property which are undergoing repairs and which are not owned by and registered in the name of the occupant of the premises shall be deemed a prima facie violation of this Section. As used in this Section the word *person* shall include any person actually engaged in such automobile repair and the occupant of the premises upon which the repair has occurred. (Ord. 921 §10.12.050, 1986)

**10.12.060 Investigation.**

The Director of Public Safety is hereby authorized to investigate any matter at any place within the City which reasonably appears to be in violation of the provisions of this Chapter. (Ord. 1384 §§1—4, 2004; Ord. 921 §10.12.060, 1986)

**10.12.070 Notice.**

(a) If, after an investigation, there is probable cause for believing a violation of this Chapter exists, a written notice of violation shall be issued immediately to the owner of the vehicle or any person in charge or control of the vehicle or the property owner, or his or her agent, manager, tenant, resident, lessee, renter or occupant of the premises on which such vehicle is located. Such notice of violation shall include the date issued, the name of the person to whom the notice is issued, the violation involved, a time limit of fifteen (15) days to remove or correct the cause of such violation, and the signature of the issuing officer.

(b) For the purpose of this Section, the tenant, occupant or lessee shall be deemed agent of the owner of the premises. (Ord. 921 §10.12.070, 1986)

**10.12.080 Issuance of summons and complaint.**

If after fifteen (15) days from the date of issuance of the notice of the violation of Section 10.12.030(b), the cause of such violation has not been removed or corrected, a summons and complaint shall be issued to the person named on the notice of violation unless satisfactory arrangements for an extension of time have been made with the Police Department. The summons shall contain at least the following information: the vehicle, by make, year and model. In the event that the owner of the vehicle or his or her agent, manager, tenant, resident, lessee, renter or occupant of the premises on which such vehicle is located cannot be located in order to serve such notice of violation, then a summons and complaint shall be issued against the vehicle. Said summons and complaint shall be firmly attached to the vehicle, or parts thereof, in plain sight. (Ord 921 §10.12.080, 1986)

**10.12.090 Effecting removal.**

(a) Upon failure, neglect or refusal of any owner or agent of the owner so notified, to properly dispose of such vehicle or parts thereof within the time limits herein set forth, the Director of Public Safety is authorized and empowered to remove the same at the expense of such owner or agent of the owner, plus a sum not to exceed forty dollars (\$40.00) for the administrative expenses of the City.

(b) In case the owner or agent of the owner of such property fails to pay such costs within the thirty (30) days after a statement therefor has been rendered, the Director of Public Safety shall order the vehicle disposed of as an abandoned vehicle under Section 22-21 of the Model Traffic Code and/or report the same to the City Clerk who shall assess the costs against the property in question. Such assessment shall constitute a perpetual, first and prior lien on the property involved, subject to general taxes and/or prior special assessments. The City Clerk shall certify to the County Treasurer the assessments which are not paid within twenty (20) days after the date of assessment. Ten percent (10%) of the amount shall be added to the assessments to pay the cost of collection. (Ord. 1384 §§1—4, 2004; Ord. 921 §10.12.090, 1986)

**10.12.100 Penalty.**

Any person convicted of violating any portion of this Chapter shall be fined not to exceed three hundred dollars (\$300.00) or imprisoned for a period not to exceed ninety (90) days and/or both. (Ord. 921 §10.12.100, 1986)

**10.12.110 Separability.**

If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof. (Ord. 921 §10.12.100, 1986)

**CHAPTER 10.20**

**Towed Vehicles**

**10.20.010 Charges for release.**

No vehicle removed and stored or impounded as provided for in Article 10.12 of the La Junta Municipal Code, the Model Traffic Code or other state statute shall be released until the charge for towing or otherwise removing such vehicle together with the charge for storage of the same shall have been paid or exonerated. The charges for towing, removal, storage and impoundment of such vehicles shall be established by the City Council. (Ord. 922 §1, 1986)

**10.20.020 Notices of impoundment and hearings for impounded vehicles.**

Notices of impoundment and hearings regarding the removal and towing and storage fee assessments for vehicles removed and impounded pursuant to the authority contained in Article 10.12 of the La Junta Municipal Code, and the Model Traffic Code, or other state statute shall be provided as follows:

(1) Whenever a vehicle is impounded as authorized in this Article, the officer or employee of the City who removed the vehicle or caused it to be removed and impounded shall make a diligent effort to ascertain from the registration, other records in the vehicle or otherwise, the name and address of the owner or any other person legally entitled to possession of the vehicle and shall immediately give or cause to be given notice in writing to such owner or person legally entitled to possession, indicating the fact of such removal, the reason therefor, and the place to which such vehicle has been removed and the right to a post-removal administrative hearing as set forth in this Section. Written notice shall be mailed within forty-eight (48) hours of the removal; Saturdays, Sundays and City holidays shall be excluded from this compilation.

(2) Any person demonstrating a legal entitlement to possession of an impounded vehicle has a right to a post-removal administrative hearing to determine whether there was probable cause to impound the vehicle and shall be so advised at the time the vehicle is retrieved. Demands for a hearing must be filed in writing on forms provided for such a hearing with the City Manager

within ten (10) days after the vehicle has been impounded or within ten (10) days after mailing of the written notice of impounded vehicle required in Subsection (1), whichever occurs first.

(3) Upon written request, a hearing shall be conducted before a hearing officer designated by the City Manager within forty-eight (48) hours of the receipt of a written demand therefor from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays and City holidays shall be excluded from the calculation of the forty-eight (48) hour period. The hearing officer shall be someone other than the person who directed the removal and impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle. *Probable cause to impound* shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle.

(4) The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The officer or other person responsible for the removal and impounding of the vehicle shall carry the burden of establishing that there was probable cause to remove and impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing). The hearing officer's decision shall in no way effect any traffic or criminal proceedings in connection with the removal and impound in question, and any such traffic or criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer shall be final. Failure of the registered or legal owner or their agent to request or attend a scheduled post-removal hearing shall be deemed a waiver of the right to such hearing.

(5) The hearing officer shall only determine that as to the vehicle in issue either (a) there was probable cause to impound the vehicle, or (b) there was no such probable cause. In the event that the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, copies of which shall be given to the possessor of the vehicle and the officer or employee who caused the vehicle to be removed and impounded. Upon receipt of the possessor's copy of such certificate, the City or the official police garage having custody of the vehicle shall release the vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be assumed by the City. If such towing and storage fees have already been paid, they shall be reimbursed by the City. (Ord. 922 §2, 1986)

#### **10.20.030 Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. (Ord. 922 §3, 1986)

## CHAPTER 10.24

### Mandatory Automobile Insurance Coverage

#### 10.24.010 Compulsory insurance.

(a) No owner of a motor vehicle shall operate the vehicle or permit it to be operated on a public street or highway within this City when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S.

(b) No person shall operate a motor vehicle on a public street or highway within this City without a complying policy or certificate of self-insurance in full force and effect as required by Section 10-4-705 and 10-4-716, C.R.S.

(c) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a police officer, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S. (Ord. 1126 §1, 1994; Ord. 1086 §1, 1993)

#### 10.24.020 Penalties.

(a) Any person who violates the provisions of Subsections (a), (b) or (c) of Section 10.24.010 shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) or by imprisonment of not more than one hundred eighty (180) days, or by both fine and imprisonment.

(b) Upon a second or subsequent conviction under this Section within a period of two (2) years following a prior conviction under this Section, the defendant shall be punished by a fine of not less than two hundred dollars (\$200.00), nor more than two thousand dollars (\$2,000.00) and, in addition, the Court may impose imprisonment in the County jail for not less than three (3) days, nor more than one hundred eighty (180) days. The fine imposed by this Subsection shall be mandatory and the Court shall not suspend said fine in whole or in part.

(c) In addition to the penalties prescribed in this Subsection, any person convicted pursuant to this Section shall be sentenced to perform not less than eight (8) hours of community service work.

(d) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S., when requested to do so by a police officer shall constitute prima facie evidence at a trial concerning a violation charged under the provisions of Section 10.24.010, that such owner or operator of a motor vehicle violated the provisions of Section 10.24.010.

(e) No person charged with violating Subsection (a), (b) or (c) of this Section shall be convicted if said person produced in Court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by Sections 10-4-705 and 10-4-716, C.R.S., at the time of the alleged violation.

(f) In the event that any person charged with violating Subsection (a), (b) or (c) of Section 10.24.010 thereafter produces to the Court a bona fide complying policy or certificate of self-insurance and thereafter the summons is dismissed pursuant to Subsection (e) above, the person so charged shall pay a twenty-dollar administrative fee in lieu of fine and/or court cost for the administrative handling of this matter, to include the administrative costs associated with dismissal thereof. Until such time as said payment is made, the charges shall not be dismissed. Failure to make payment within thirty (30) days after the issuance of a summons shall be the basis for the issuance of a citation for violation of the terms and provisions of this Subsection as a separate offense which shall be punishable by fines and penalties as set forth in Section 1.01.110 of this Code.

(g) The Municipal Court may suspend up to one-half (½) of the fine upon a showing that appropriate insurance as required pursuant to Section 10.24.010 has been obtained. Nothing in this Subsection shall be construed to prevent the Municipal Court from imposing a fine greater than the minimum mandatory fine. (Ord. 1394 §1, 2004; Ord. 1276 §6, 2000; Ord. 1161 §3, 1996; Ord. 1126 §1, 1994; Ord. 1086 §2, 1993)

#### **10.24.030 Community service waived.**

Community service requirements ordered or required pursuant to Sections 10.24.010 and 10.24.020 shall be waived, upon any of the following circumstances:

- (1) That the motor vehicle operator is a resident of a state other than Colorado and does not, at the time of conviction, reside within the State;
- (2) That the driver is disabled; or
- (3) That the driver suffers from a physical impairment or infirmity which makes community service work impractical. (Ord. 1101 §1, 1993)

#### **10.24.040 Determination of waiver.**

The determination of a driver's exemption from community service under Sections 10.24.010 and 10.24.020 shall be at the discretion of the Municipal Court Clerk, the City Attorney or the Municipal Judge. Whenever a determination is made by the Municipal Court Clerk or the City Attorney, said determination may be subject to review by the Municipal Judge. (Ord. 1101 §2, 1993)

#### **10.24.050 Hearing on waiver.**

Any driver convicted of a violation of Sections 10.24.010 and 10.24.020, who believes that he or she is entitled to relief under the provisions herein, may petition to the court for a review of the community service requirements on said person. If a petition is made at any time other than at the time of formal sentencing on the violation, the petition shall be accompanied by a nonrefundable payment in the amount of twenty-five dollars (\$25.00), payable to the City, for reimbursement for the administrative costs for the court review. Said payment shall be mandatory, and shall not be waivable or refundable under any circumstances. (Ord. 1101 §3, 1993)