

ORDINANCE NO. _____
INTRODUCED BY: Taddeo

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADDING ARTICLE 10-3 OF THE BRIGHTON MUNICIPAL CODE; REPEALING AND REPLACING ARTICLE 10-4 OF THE BRIGHTON MUNICIPAL CODE; ADOPTING THE *MODEL TRAFFIC CODE FOR COLORADO, 2024 EDITION*; AND SETTING FORTH DELETIONS, MODIFICATIONS, AND ADDITIONS THERETO

WHEREAS, the City of Brighton Police Department (“BPD”) is charged with the enforcement of state and local traffic laws within the City of Brighton’s (“City’s”) jurisdiction; and

WHEREAS, the BPD’s officers are authorized to issue traffic citations returnable to either the City’s Municipal Court or Adams County Court, depending on the nature of the violation; and

WHEREAS, currently, certain traffic-related infractions, including fictitious or improper license plates, violations relating to the number or display of license plates, driving without a valid driver’s license, and driving after revocation or suspension, are not within the jurisdiction of the City’s Municipal Court, cannot be charged in the Municipal Court, and must be charged in County Court; and

WHEREAS, the situation has, at times, resulted in situations where not all applicable or appropriate traffic violations are charged, or where cases are referred entirely to the County Court rather than the Municipal Court; and

WHEREAS, the inability to charge all appropriate traffic violations in Municipal Court negatively impacts the City by reducing enforcement efficiency, limiting local adjudication, and affecting public safety; and

WHEREAS, the City Council for the City of Brighton (the “City Council”) finds it necessary to acknowledge and address these impacts to promote consistent traffic enforcement practices, support public safety, and protect the City’s residents; and

WHEREAS, the Colorado Department of Transportation originally adopted the *Model Traffic Code for Colorado* in 1952, and subsequently periodically revise the same, including the latest revision in 2024; and

WHEREAS, the City Council for the City of Brighton has adopted the *Model Traffic Code for Colorado* by reference and from time to time has regularly enacted such code, as amended, and incorporated such code in the *Brighton Municipal Code*; and

WHEREAS, the City Council finds and determines that it is still necessary, proper, and in the best interests of the public to adopt current state codes and regulations and, in particular, to adopt such codes as will facilitate and enable the proper regulation of traffic within the City, including the *Model Traffic Code for Colorado, 2024 Edition*; and

WHEREAS, the City Council therefore finds the adoption of the *Model Traffic Code for Colorado, 2024 Edition* shall enhance, protect, and otherwise further the public health, safety and welfare of the City's citizens, and allow for the proper regulation of traffic within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Article 3 of Chapter 10 of the *Brighton Municipal Code* is hereby added as follows:

Article 10-3 – Additional Traffic Infractions

Sec 10-3-101. Fictitious Plates

(1) It is unlawful:

- a. to display or permit to be displayed, to have in possession, or to offer for sale a certificate of title, validation tab or sticker, or registration number plate knowing the same to be fictitious or to have been stolen, canceled, revoked, suspended, or altered; or
- b. to lend to or knowingly permit the use by one not entitled thereto a certificate of title, registration card, or registration number plate issued to the lending or permitting person.

(2) A person who violates this section is guilty of a traffic infraction as defined in Article 10-4.

Sec 10-3-102. Number Plate Violations

(1) No motor vehicle, motorcycle, trailer or other vehicle drawn by a motor vehicle, or item of special machinery shall be driven or operated in the City unless the assigned license plate or plates are attached thereto in the location or locations and in the manner established by Colorado Revised Statutes section 42-3-202 or by the laws of the state, territory, or country which issued the license plate or plates. Rear license plates shall be displayed showing the current registration month and year in the manner established by C.R.S § section 42-3-202 or by the laws of the state, territory, or county which issued the license plate or plates.

- (2) Every license plate shall be displayed in a place and position clearly visible and maintained free from foreign materials and in a condition as to be clearly legible at all times.
- (3) Except as provided in subsection (4) of this section, no motor vehicle, motorcycle, trailer or other vehicle drawn by a motor vehicle, or item of special machinery shall be driven or operated in the City unless the assigned license plate or plates are attached thereto display on every number plate the registration number assigned to the vehicle and owner, the year number for which it is issued, the month in which it expires, and any other appropriate symbol, word, or words designated by the Motor Vehicle Division of the Department of Revenue of the State of Colorado. The department may adopt rules for the issuance of permanent number plates that do not display the year number for which it is issued or the month in which it expires. Such plate and the required letters and numerals, except the year number for which issued, must be of sufficient size to be plainly readable from a distance of one hundred feet during daylight.
- (4) Exception to (3) is as follows: License plates to a Class A commercial trailer or semitrailer registered in Colorado that are issued by the Motor Vehicle Division of the Department of Revenue of the State of Colorado will not contain the month and year the trailer expires, and a validating sticker or tab is not issued nor required for the license plates.
- (5) No person shall operate a vehicle in the City with an affixed device, machine, or any substance that causes all or any portion of a license plate to be unreadable. Such a device, machine, or substance includes, but is not limited to, anything that distorts angular visibility of the plate; alters the color of the plate; or is smoked, tinted, scratched, or dirty so as to impair the legibility of the plate.
- (6) A person who violates this section is guilty of a traffic infraction as defined in Article 10-4.

Sec. 10-3-103. Drove motor vehicle without valid driver's license

- (1) Except as otherwise provided in C.R.S § 42-2-401, et al., no person shall drive any motor vehicle upon any public rights-of-ways of this City unless such person has been issued a currently valid driver's or minor driver's license or an instruction permit by the Department of Revenue of the State of Colorado or by another state or country.
- (2) No person shall drive any motor vehicle upon any public rights-of-ways of this City unless such person has in his or her immediate possession a current driver's or minor driver's license or an instruction permit issued by the Motor Vehicle Division of the

Department of Revenue of the State of Colorado or by another state or country.

- (3) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall drive a type or general class of motor vehicle upon any public rights-of-ways of this City for which such person has not been issued the correct type or general class of license or permit.
- (4) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall operate a motor vehicle upon any public rights-of-ways of this City without having such license or permit in such person's immediate possession.
- (5) A charge of a violation of subsection (2) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license or an instruction permit issued by the Department of Revenue of the State of Colorado or by another state or country, or an officially issued duplicate thereof if the original is lost, stolen, or destroyed.
- (6) A charge of a violation of subsection (4) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license or an instruction permit issued by the Department of Revenue of the State of Colorado or by another state or country, or an officially issued duplicate thereof if the original is lost, stolen, or destroyed.
- (7) The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
 - a. It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by this section; or
 - b. The applicable conditions for exemption, as set forth in C.R.S § 42-2-102, exist.
- (8) A person who violates this section is guilty of a traffic infraction as defined in Article 10-4.

Sec 10-3-104. Drove motor vehicle when license under revocation or restraint

(1) Definitions. As used in this Ordinance, unless the context otherwise indicates:

- a. The term "Department" means the Motor Vehicle Division of the Department of Revenue of the State of Colorado;
- b. The term "Habitual Traffic Offender" means any person, resident or non-resident of the State of Colorado, who has been so declared by the Department, as more particularly set forth in C.R.S § 42-2-202.
- c. The terms "restraint" or "restrained" means any denial, revocation, or suspension of a person's license or privilege to drive a motor vehicle in the State of Colorado, or any combination of denials, revocations, or suspensions.

(2) Driving After Revocation Prohibited. It shall be unlawful for any person to operate any motor vehicle on public rights-of-way of the City of Brighton with knowledge that such person's license or privilege to drive has been restrained by the Department, or with knowledge that such person has been found to be a Habitual Traffic Offender by the Department and such order remains in effect pursuant to C.R.S § 42-2-205. A person who violates this section is guilty of a traffic infraction.

(3) Evidence of Revocation. In any trial for a violation of this code, a certified copy of any person's denial, revocation, or suspension, or any combination thereof from the Department, or a certified copy of the finding of a person to be a Habitual Traffic Offender by the Department shall constitute prima facie evidence of such a denial, revocation, suspension, or any combination thereof, or of such a person being found to be a Habitual Traffic Offender, and may be used in evidence against such person.

(4) Driving Under Restraint Prohibited. Any person who drives a motor vehicle or off-highway vehicle upon any street in the City of Brighton with knowledge that the person's license or privilege to drive, either as a resident or a nonresident, is under restraint for an outstanding judgment is guilty of a traffic infraction as defined in Article 10-4.

Section 2. Article 4 of Chapter 10 of the *Brighton Municipal Code* is hereby repealed and replaced as follows:

ARTICLE 10-4: Model Traffic Code

Sec. 10-4-10. Short title.

This Article and the code herein adopted shall be known and cited as the *Municipal Traffic Code of Brighton, Colorado*, and all references throughout this

Article to *the Code* or to *this Article* shall be construed to include the code adopted herein by reference.

Sec. 10-4-20. Adoption.

Pursuant to Article V, Sections 5.8, 5.9 and 5.12 of the City Charter, and Part 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Sections 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, and 19 and Appendix I, Definitions, of the 2024 edition of the Model Traffic Code of Colorado, promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services, 2829 W Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Article and the Model Traffic 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 2024 edition 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.

Sec. 10-4-40. Penalties.

- (a) It is unlawful for any person to violate any of the provisions adopted in this Article, whether the same is defined herein as a traffic infraction or traffic offense.
- (b) Definitions; generally.
 - (1) When used in this Chapter, the words and phrases deemed shall, for the purposes of this Article, have the meanings respectively ascribed to them in Subsection (c) below, except where the context clearly indicates a different meaning.
 - (2) Whenever any words and phrases used in this Article are not defined herein but are defined in the State laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used in this Article and the 2024 edition of the Model Traffic Code as herein adopted.
 - (3) In the event of any conflict between the Model Traffic Code and the definitions contained in this Article, this Article shall be controlling.
- (c) Definitions as used in this Article:
 - Charging document* means the document commencing or initiating the traffic violation 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 violation.

Convicted means the admission of guilt or entry of judgment of guilt for any traffic offense.

Defendant means any person charged with the commission of a traffic violation.

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 Article against any person for the commission of a traffic infraction.

Penalty means the fine and/or imprisonment imposed pursuant to this Section or as provided otherwise in this Code.

Traffic infraction means every violation of any provision of this Chapter relating to traffic or any provision of the Model Traffic Code as adopted in Section 10-4-20 above, except those traffic violations deemed as traffic offenses.

Traffic offense means the following offenses as set forth in this Chapter or in the Model Traffic Code:

- a. Sections 1101, 1103 and 1104: Provided that the speed alleged is in excess of the posted or maximum speed limit by forty (40) miles per hour or more.
- b. Section 1105: Speed contests.
- c. Section 1401: Reckless driving.
- d. Section 1402(2): Careless driving with bodily injury.
- e. Section 1409: Compulsory insurance, as amended herein.
- f. Section 107: Obedience to police officer.
- g. Section 1413: Eluding or attempting to elude police officer.
- h. Section 1903: Stopping for school buses.

Traffic violation means any violation of this Article, whether or not such violation is a traffic infraction or traffic offense.

(d) Traffic infractions not criminal.

(1) Notwithstanding any provision to the contrary in this Article or this Code, all violations of any provisions of the Model Traffic Code, unless defined as traffic offenses in Paragraph (c) above, are traffic infractions and shall be quasi-civil matters and not criminal violations. The Colorado Municipal Court Rules shall apply to civil traffic infractions, except as stated in this Article.

(2) Traffic infractions shall be tried only to the Municipal Judge.

- (e) No jury trial for 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 Section 13-10-114, C.R.S., or Rule 223, Colorado Municipal Court Rules, and trial of traffic infractions shall be to the Court. No defendant found liable for a traffic infraction shall be punished by imprisonment.
- (f) Right to jury trial for traffic offenses.
 - (1) Any defendant charged with any traffic offense shall have the right to a jury trial upon proper perfection of a jury trial demand pursuant to the Colorado Municipal Court Rules of Procedure.
 - (2) If a defendant is charged with more than one (1) traffic violation arising out of the same incident and at least one (1) of the charged violations is a traffic offense, the defendant shall have the right to demand a trial by jury as set forth in this Section as to all violations/offenses, which shall be consolidated for purposes of trial.
- (g) Commencement of traffic infraction action. An action under this Article charging a traffic infraction is commenced by the tender or service of a charging document upon the defendant or by conspicuously attaching a parking traffic infraction-charging document to the subject vehicle and by filing the charging document with the Municipal Court.
- (h) Judgment after final hearing.
 - (1) If it finds all elements of a traffic infraction beyond a reasonable doubt, the Court shall find the defendant guilty or liable and enter appropriate judgment.
 - (2) The judgment shall be satisfied upon payment to the Clerk of the total penalty and court costs.
 - (3) 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 the Court shall treat such nonpayment, in the full amount of the penalty, fees and costs, as a default.
- (i) Post-trial motions and appeal. As to trials on traffic infractions, there shall be no post-trial motions except motions to set aside a default judgment.
- (j) Default judgments.
 - (1) The Court shall enter judgment by default against a person charged with a traffic infraction who fails to appear in the Municipal Court to answer such charge on the date and time listed on the charging document, or on the date and time such person is scheduled to appear in Court.

- (2) If the defendant fails to appear for any hearing, the Court shall enter judgment against the defendant.
 - (3) The amount of the judgment shall be the specified penalty assessed after a finding of guilt or liability, fees and additional costs assessable to municipal violations generally or upon conviction of quasi-civil municipal charges. The Court shall not add such fees and additional costs to parking assessment default judgments.
 - (4) The Court may set aside a judgment entered under Subsection (j) of this Section on a showing of good cause or excusable neglect by the defendant, or a showing that the Court did not have jurisdiction over the subject matter of the alleged infraction or offense or over the person of the alleged violator. The Court shall have no jurisdiction to set aside a judgment unless a motion has been filed within thirty (30) calendar days after entry of the judgment.
 - (5) If the defendant fails to file a motion to vacate the judgment within the thirty-day period provided in Paragraph (4) above or such motion is denied, the Court shall forward the record of such judgment, including points assessed, to the State Division of Motor Vehicles, pursuant to the provisions of Sections 42-2-127(5), 42-4-1709 and 42-4-1710, C.R.S.
 - (6) The defendant may satisfy a judgment entered under this rule by paying the Clerk.
 - (7) No warrant shall issue for the arrest of a defendant who fails to appear at a hearing or fails to satisfy a judgment on a traffic infraction.
- (k) Penalties - traffic offenses. Every person convicted of a violation of any traffic offense as defined and adopted in this Article shall be punished as provided in Section 1-24-10 of this Code.
- (l) Collection of judgments. Upon finality of a judgment under this Article and in addition to all legal, enforcement, administrative or collection procedures and remedies otherwise available, the City Attorney is authorized to file a civil action with any state court having appropriate jurisdiction, which filing shall include the record of the case certified by the Clerk of the Municipal Court, praying for judgment based thereon, and, on the entry of a judgment, the City Attorney is authorized to proceed with judgment execution and collection procedures authorized by law for the amount of the judgment, costs and fees incurred in the proceedings and legal interest.

Sec. 10-4-50. Application.

This Article and the 2024 Model Traffic Code as adopted 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, over which the City has jurisdiction and authority to regulate. The provisions of Sections: 606, Display of unauthorized signs or devices; 1204, Stopping, standing or parking prohibited in specified places; 1211, Limitations on backing; 1401, Reckless driving; 1402, Careless driving; and 1413, Eluding or attempting to elude a police officer; apply not only to public places and ways but also throughout the jurisdiction of the City.

Sec. 10-4-60. Interpretation.

This Article and the 2024 Model Traffic Code as adopted 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 Article 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.

Sec. 10-4-70. Certification.

The City Clerk shall certify to the passage of the ordinance adopting the 2024 edition of the Model Traffic Code and make not less than three (3) copies of the adopted Model Traffic Code available for inspection by the public during regular business hours.

Sec. 10-4-80. Validity.

If any part or parts of this Article are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have passed the ordinance codified herein and each part or parts thereof, irrespective of the fact that any one (1) part or parts be declared invalid.

Sec. 10-4-90. Repeal.

Existing or parts of ordinances covering the same matters as embraced in this Article are hereby repealed, and all ordinances or parts of ordinances inconsistent with the provisions of this Article are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Article.

Sec. 10-4-100. Additions, deletions or modifications.

(a) Deletions.

- (1) The 2024 edition of the Model Traffic Code is adopted as set out in Section 10-4-20 save and except the following Articles, Sections, and/or specific sentences from Sections which are declared to be inapplicable to the City and are therefore expressly deleted:

<i>Section</i>	<i>Title</i>
§106(4.5)	Who may restrict right to use highways
§106(5)(a)(I)(B)	Who may restrict right to use highways
§106(5)(a)(I)(C)	Who may restrict right to use highways
§106(5)(a)(I)(E)	Who may restrict right to use highways
§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(5)	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 (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")	Lamp or flag on projecting load
§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 (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")	Number of lamps permitted
§220(7)	Low-power scooters - lighting equipment - department control - use and operation
§221(11)	Bicycle and personal mobility device equipment
§222(1)(a) (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.")	Volunteer firefighters - volunteer ambulance attendants - special lights and alarm systems
§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 (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")	Parking lights
§232(4)	Minimum safety standards for motorcycles and low-power scooters

§233(3)	Alteration of suspension system
§234(4)	Slow-moving vehicles - display emblem
§236(7)	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 (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")	Low-speed electric vehicle equipment requirements
§502(6)	Width of vehicles
§503 (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")	Projecting loads on passenger vehicles
§504(7)	Height and length of vehicles
§505(5)	Longer vehicle combinations
§506(4)	Trailers and towed vehicles
§507(6)	Wheel and axle loads
§510	Permits for excess size and weight and for manufactured homes – rules – definitions
§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) (last sentence only: "Except as otherwise provided in paragraph (b) of this Subsection (2), a person who violates any provision of this paragraph (a) commits a class A traffic infraction.")	Interference with official devices
§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 (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")	Unauthorized insignia
§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 (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")	Vehicle turning left
§703(5)	Entering through highway - stop or yield intersection
§704 (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")	Vehicles entering roadway
§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 heaving equipment at railroad crossing
§709 (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")	Stop when traffic obstructed
§710(4)	Emerging from or entering alley, driveway, or building
§711	Driving on mountain highways
§712(3)	Driving in highway work area
§714(2)	Bicyclist or other authorized used in bicycle lane
§715(4)	Yielding right-of-way in roundabouts - definitions

§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 (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")	Driving through safety zone prohibited
§807 (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")	Drivers to exercise due care
§808(1) (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")	Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities
§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(3)	Driving on roadways laned for traffic
§1008(4)	Following too closely
§1008.5(2)	Crowding or threatening bicyclist
§1009(3)	Coasting prohibited
§1010(4)	Driving on divided or controlled-access highways
§1011	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 (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")	Starting parked vehicle
§1202(2)	Parking or abandonment of vehicles
§1203	Ski areas to install signs
§1204(7)	Stopping, standing, or parking prohibited in specified places
§1205(4)	Parking at curb or edge of roadway
§1206(2)	Unattended motor vehicle
§1207 (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")	Opening and closing vehicle doors
§1208(6)	Parking privileges for persons with disabilities - applicability
§1210	Designated areas on private property for authorized vehicles
§1211(2)	Limitations on backing
§1213(4)	Parking in electric motor vehicle charging stations
§1401(2)	Reckless driving - penalty
§1402(2)	Careless driving - penalty
§1402.5(3)	Vulnerable road user – prohibition – violations and penalties – definition
§1403 (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")	Following fire apparatus prohibited
§1404 (last sentence only: "Any person who violates any provision of this section commits a class B traffic infraction.")	Crossing fire hose
§1405 (last sentence only: "Any person who violates any provision of this	Riding in trailers

section commits a class B traffic infraction.")	
§1406(1)(b)	Foreign matter on highway prohibited
§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
§1410.5	Providing false evidence of proof of motor vehicle 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
§1416(3)	Failure to present a valid transit pass or coupon – fare inspector authorization definitions
§1502(5)	Riding on motorcycles - protective helmet
§1503(6)	Operating motorcycles on roadways laned for traffic
§1504 (last sentence only: "Any person who violates any provision of this section commits a class A traffic infraction.")	Clinging to other vehicles
§1701	Municipalities - traffic offenses classified - schedule of fines
§1702	Counties - traffic offenses classified - schedule of fines
§1705	Person arrested to be taken before the proper court
§1706	Juveniles - convicted - arrested and incarcerated - provisions for confinement
§1707	Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses – release – registration

§1708	Traffic infractions – proper court for hearing, burden or proof – appeal – collateral attack
§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
§1711	Compliance with promise to appear
§1712	Procedure prescribed not exclusive
§1715	Convictions, judgments, and charges recorded - public inspection
§1716	Notice to appear or pay fine – failure to appear - penalty
§1901	School buses - equipped with supplementary brake retarders
§1903(6)	School buses - stops - signs - passing
§1904	Regulations for school buses - regulations for discharge of passengers - penalty - exception

(2) All Subsections of the 2024 edition of the Model Traffic Code that categorize violations into classes of traffic infractions, traffic offenses or misdemeanors contrary to the provisions of Section 10-4-40 of this Article; or which set forth a specific penalty for a violation, whether monetary or otherwise, are hereby deleted.

(b) Modifications. The 2024 edition of the Model Traffic Code is adopted as set out in Section 10-4-40, provided that the following specified articles, sections, and provisions are modified to read as follows:

103. Scope and effect of Model Traffic Code - exceptions to provisions.

(2) The 2024 Model Traffic Code as adopted in Section 10-4-40 applies 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, over which the City has jurisdiction and authority to regulate as set forth in Section 10-4-50 of this Code, as the same may be amended from time to time.

235. Enforcement of standards for commercial vehicles - spot inspections.

(1) A police officer may, at any time, require the driver of any commercial vehicle, as defined in section 42-4-235, C.R.S., to stop so

that the officer may inspect the vehicle and all required documents for compliance with the rules and regulations promulgated by the Colorado Department of Public Safety, pursuant to Colorado Code of Regulations 8-1507-1, 'Authority to Adopt Standards and Specifications.'

(2) A police officer may immobilize, impound, or otherwise direct that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under the rules and regulations promulgated by the Colorado Department of Public Safety, pursuant to Colorado Code of Regulations 8-1507-1 'Authority to Adopt Standards and Specifications.'

(3) Any person, as defined in section 42-4-102(69), C.R.S., who violates subsection (2) of this section, commits a traffic infraction.

237. Safety belt systems - mandatory use - exemptions - penalty.

(6) Testimony at a trial for a violation charged pursuant to subsection (2) of this section may include:

509. Vehicles weighed - excess removed.

(1) Any police or peace officer, as described in section 16-2.5-101, C.R.S., having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales or shall require that such vehicle be driven to the nearest public scales in the event such scales are within five miles.

(2)(a) Except as provided in paragraph (b) of this subsection (2), whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under sections 501 to 512 and 1407. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

(b) Whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful and the load consists solely of either explosives or hazardous materials as defined in section 102(32), such officer shall permit the driver of such vehicle to proceed to the driver's destination without requiring the driver to unload the excess portion of such load.

(3) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing or who fails or refuses when directed

by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section commits a traffic infraction."

614. Designation of highway maintenance, repair, or construction zones - signs - increase in penalties for speeding violations.

(1) (a) Any person who commits a speeding violation in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to which shall include a fine double in amount from the fine normally imposed for the moving violation, whether traffic infraction or offense.

(b) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a street, right-of-way or other thoroughfare or state highway, the public entity conducting the activities may designate such portion of the roadway as a maintenance, repair, or construction zone.

(2) Public authorities, within their jurisdiction, shall designate a maintenance, repair, or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for certain traffic violations are in effect in such zone. Public authorities shall erect a second sign after such zone indicating that the increased penalties for certain traffic violations are no longer in effect. A maintenance, repair, or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

(3) Signs used for designating the beginning and end of a maintenance, construction, or repair zone shall conform to department of transportation requirements. Local authorities may display such signs on any fixed, variable, or movable stand. Local authorities may place such a sign on a moving vehicle if required for certain activities, including but not limited to highway painting work.

615. School zones - increase in penalties for moving traffic violations.

(1) Any person who commits a moving traffic violation in a school zone is subject to increased penalties which shall include a fine double in amount from the fine normally imposed for the moving violation, whether traffic infraction or offense.

(2) For the purposes of this section, *school zone* means an area that is designated as a school zone and has appropriate signs posted indicating that the fines will be doubled.

(3) This section does not apply if the fine for a violation has been doubled pursuant to section 614 because such violation also occurred within a highway maintenance, repair, or construction zone.

1101. Speed Limits

(2)(c) twenty-five miles per hour in any residence district, as defined in section 42-1-102(80), C.R.S.

1204. Stopping, standing, or parking prohibited in specified places.

(2)(b) Within five feet of a fire hydrant;

1211. Limitations on backing.

(1) The driver of a vehicle, whether on public property 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.

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, to willfully increase his or her speed or extinguish his or her lights in an attempt to elude such police officer, or willfully attempts in any other manner to elude the police officer, or does elude such police officer.

1703. Parties to a crime.

Every person who commits, conspires to commit, or aids or abets in the commission of any act declared in this Code to be a traffic offense violation, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, is guilty of such violation or liable for such violation, 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 violation or liable for such violation.

Appendix I - 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.

(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.

(48.5) *Low-power scooter*.

(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.

(48.6) *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 C.F.R. 565 or displays a seventeen-character vehicle identification number as provided in 49 C.F.R. 565.

(55) *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.

(103.5) *Toy vehicle*.

(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, dirt-bikes, go-peds, and stand-up scooters.

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

(112) *Vehicle* means any 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, or any farm tractor, or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power or moved exclusively over stationary rails or tracks or designed to move primarily through the air.

- (c) Additions. The 2024 edition of the Model Traffic Code is adopted as set out in Section 10-4-40 and in addition thereto shall include the following Articles, Sections, and provisions to read as follows:

513. Weight limits on certain streets or parts thereof.

When official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the amount specified on such signs at any time upon any of the streets, rights-of-way, bridges, or parts thereof.

1204. Stopping, standing, or parking prohibited in specified places.

(1)(l) At any other place where yellow or red curb marking prohibit stopping, standing or parking.

(2)(g) At any other place where yellow or red curb marking prohibit stopping, standing or parking.

(3)(c) At any other place where yellow or red curb marking prohibit stopping, standing or parking.

Section 3. As required by C.R.S. § 31-16-203, at the first reading of this Ordinance on February 3, 2026, City Council set a final public hearing for March 3, 2025, and notice of the hearing was published fifteen and eight days before the final public hearing.

Section 4. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 3rd DAY OF February 2026.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 3rd DAY OF March 2026.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney