

TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. 2023-5

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL REPEALING AND
REENACTING CHAPTER 10.04 OF THE NEW CASTLE MUNICIPAL CODE AND
ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR
COLORADO, WITH CERTAIN AMENDMENTS AND PENALTIES FOR VIOLATIONS
THEREOF.

WHEREAS, the Town of New Castle (“Town”) is authorized pursuant to C.R.S. §§ 31-15-401 and 42-4-110(1)(b), to adopt and enforce police power regulations in furtherance of the health, safety, and welfare of its citizens, and specifically, to adopt a model traffic code that encompasses the rules of the road and vehicle requirements set forth in Article 4 of Title 42, C.R.S.; and

WHEREAS, the Town is authorized to adopt Colorado statute or any standard published codes pursuant to Section 4.6 of the New Castle Charter and C.R.S. §§ 31-16-201, *et seq.*; and

WHEREAS, the Town Council previously adopted by reference the 2010 Edition of the Model Traffic Code for Colorado, as amended and codified in Chapter 10.04 of the New Castle Municipal Code; and

WHEREAS, the Colorado Department of Transportation (“CDOT”) has promulgated a 2020 Edition of the Model Traffic Code for Colorado (“2020 MTC”), which the Town Council desires to adopt to remain consistent with changes in the Model Traffic Code; and

WHEREAS, upon recommendation from Town staff, the Town Council also desires to amend Chapter 10.04 of the Code to include provisions regarding driving without a valid driver’s license and current vehicle registration; and

WHEREAS, the Town Council hereby finds and determines that the adoption of the 2020 MTC and requirement for valid driver’s licenses and vehicle registration is in the best interest of the public health, safety, and welfare of the citizens of the Town and desires to adopt such code by reference, as amended and set forth herein, and to adopt penalties for and violations thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town Council.

2. Adoption by Reference. Except as provided in the following sections, the Town Council hereby adopts by reference the 2020 MTC, and appendices thereto, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 E. Arkansas Avenue, Denver, Colorado 80222. In lieu of full publication of the foregoing, a true and correct copy of the 2020 MTC shall be available for inspection at the office of the Town Clerk as provided in Section 4.6 of the New Castle Charter.

3. Citation Corrections. The Town Council finds that there are numerous citation errors throughout the official 2020 MTC adopted by this Ordinance. As such, the Town Council approves and incorporates by reference herein the citation corrections listed in Exhibit A, attached hereto.

4. Repeal and Reenactment. Chapter 10.04 of the New Castle Municipal Code is hereby repealed in its entirety and reenacted to read as set forth in Exhibit B, attached hereto and incorporated by reference herein.

5. Applicability. 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 the Town, the use of which the Town has jurisdiction and authority to regulate.

6. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

7. Repeal. Any ordinance of the Town or part thereof whose provisions are in conflict with this Ordinance is hereby repealed. Provided, however, this Ordinance shall not affect the prosecution of any violation of the 2010 Edition of the Model Traffic Code that commenced prior to the effective date of this Ordinance.

8. Effective Date. This Ordinance shall be effective 14 days after final publication pursuant to Section 4.3 of the Town Charter.

INTRODUCED on September 19, 2023, at which time copies were available to the Town Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Town Council of the Town of New Castle, Colorado, on October 3, 2023, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.



TOWN OF NEW CASTLE, COLORADO
TOWN COUNCIL

By:

A handwritten signature in blue ink, appearing to read 'Art Riddile', written over a horizontal line.

Art Riddile, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read 'Mindy Andis, CMC', written over a horizontal line.

Mindy Andis, Town Clerk

Exhibit A

The following citations in the 2020 Model Traffic Code are corrected as follows:

1. In Section 223, all references to "section 235(1)(a)" in subsection (1), are modified to read "section 42-4-235(1)(a), C.R.S."
2. In Section 225, subsection (1.5), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
3. In Section 228, subsection (5)(c)(III), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
4. In Section 237, subsection (3)(g), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
5. In Section 509, subsection (2)(b), the reference to "section 102(32)" is modified to read "section 42-1-102(32), C.R.S."
6. In Section 613, the references to "Code 4" are modified to read "Article 4."
7. In Section 805, subsection (5), the reference to "section 110" is modified to read "section 42-4-110, C.R.S." and the reference to "section 111" is modified to read "section 42-4-111, C.R.S."
8. In Section 1012, subsection (2.5)(c), the reference to September 1, 2003, is deleted.
9. In Section 1012, subsection (3)(b), the reference to "section 1701(4)(a)(I)(K)" is modified to read "section 42-4-1701(4)(a)(I)(K), C.R.S."
10. In Section 1208, all references to "section 204(2)" are modified to read "section 42-3-204(2), C.R.S."; all references to "section 204(1)" are modified to read "section 42-3-204(1), C.R.S."; all references to "section 204(1)(b)" are modified to read "section 42-3-204(1)(b), C.R.S."; all references to "section 204" are modified to read "section 42-3-204, C.R.S."; and all references to "section 102(17)" are modified to read "section 42-1-102(17), C.R.S."
11. In Section 1412, all references to "section 111" are modified to read "section 42-4-111, C.R.S."; and the reference to "Code 10" is modified to read "Article 10."
12. In Section 1805, the reference to "Part 1 of Code 6 of this Title" is modified to read "Part 1 of Article 6 of Title 42, C.R.S."

Exhibit B

10.04.010 - 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.

10.04.020 - Application.

This chapter 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 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 this municipality.

10.04.030 - Adoption.

Pursuant to Section 4.6 of the New Castle Charter and Part 2 of Article 16 of Title 31, C.R.S., there is adopted by reference the 2020 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 ("Model Traffic Code"), and the amendments thereto set forth herein. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic regulations for the town. The purpose of this chapter 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 copies of the Model Traffic Code adopted herein are now filed in the office of the town clerk and may be inspected during regular business hours.

10.04.040 - Deletions.

The 2020 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 this municipality and are therefore expressly deleted:

- (A) Part 1, "TRAFFIC REGULATION-GENERALLY," Sections 101, Short title and 102, Legislative declaration;
- (B) Part 7, "RIGHTS OF WAY", Section 711, Driving on mountain highways;
- (C) Part 12, "PARKING", Section 1210, Designated areas on private property for authorized vehicles;

- (D) Part 14, "OTHER OFFENSES", subsection (9) of Section 1409, Compulsory insurance-penalty-legislative intent;
- (E) Part 18, "VEHICLES ABANDONED ON PUBLIC PROPERTY", in its entirety;
- (F) Part 19, "SCHOOL BUSES", Section 1904, Regulations for school buses;
- (G) Any penalty provisions in the Model Traffic Code that conflict with the provisions set forth in Municipal Code Sections 10.04.050 or 10.04.060 are deleted and said Municipal Code provisions control.

10.04.050 - Additions or modifications.

The Model Traffic Code is subject to the following additions or modifications:

A. Section 1101(2) is modified to read as follows:

(2) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:

(a) Fifteen miles per hour in all alleyways;

(b) Twenty miles per hour on narrow, winding mountain highways or on blind curves;

(c) Twenty miles per hour in any business district, as defined in section 42-1-102(11), C.R.S., and in any residence district, as defined in section 42-1-102(80), C.R.S.;

(d) Forty miles per hour on open mountain highways;

(e) Forty-five miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to section 507(3);

(f) Fifty-five miles per hour on other open highways which are not on the interstate system, as defined in section 43-2-101(2), C.R.S., and are not surfaced, four-lane freeways or expressways.

(g) Seventy-five miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in section 43-2-101(2), C.R.S., or are freeways or expressways;

(h) Any speed not in excess of a speed limited designated by an official traffic control device.

Signs shall be posted at the Town limits advising motorists entering the Town that the speed limit within the Town of New Castle is 20 mph on all streets, 15 mph in alleyways, unless otherwise posted.

B. The following Traffic Control Schedules for Designated Streets are added in accordance with Sections 703, 1101 and 1102:

(1) SCHEDULE I — THROUGH STREETS

In accordance with Section 703, and when official signs are erected giving notice thereof, drivers of vehicles shall stop or yield as required by said signs at every intersection before entering any of the following streets or parts of streets:

Name of Street	Segment Affected
Main Street (Highway 6 & 24)	East to West Town Limit
7th Street	Main Street to Front Street
Front Street	7th Street to Midland Avenue
Midland Avenue	Front Street to North Town Limit
County Road 335	East Town Limit to West Town Limit
Castle Valley Boulevard	Midland Avenue Main Street
Alder Avenue	West intersection to East intersection with Castle Valley Boulevard
Clubhouse Drive	Entire roadway, but through traffic to yield at marked pedestrian/ golf cart crossings

(2) SCHEDULE II — MODIFIED SPEED LIMITS

In accordance with Sections 1101 and 1102, and when official signs are erected giving notice thereof, the presumptive speed limits are modified for the following streets or portions thereof:

Name of Street	Portion Affected	Speed Limit
County Road 245	Castle Valley Boulevard to North Town Limit	30 mph
Castle Valley Boulevard, east bound	Midland Avenue to 700 block	30 mph
	700 block to Main Street (Highway 6 & 24)	20 mph
Castle Valley Boulevard (west bound)	Main Street (Highway 6 & 24) to Midland Avenue	30 mph
Main Street (Highway 6 & 24)	East Town Limit to a point 369 feet east of Castle Valley Boulevard	55 mph
	A point 369 feet east of Castle Valley Boulevard to west	45 mph

	intersection with Burning Mountain Avenue	
	West intersection with Burning Mountain Avenue to 150 feet west of Elk Creek Bridge	30 mph
	150 feet west of Elk Creek Bridge to West Town Limit	35 mph
County Road 335	Intersection of bridge over I-70/Colorado River and CR 335 west for .5 miles	35 mph
	.5 miles west of CR 335 intersection with I-70/Colorado River bridge to West Town Limit	45 mph

(3) SCHOOL ZONES

In accordance with Sections 1101 and 1102 of the 2010 Model Traffic Code, when official signs are erected giving notice thereof, the maximum permitted speed in designated school zones shall be 20 miles per hour at any time when children are present.

The following areas are designated as school zones:

(A) Kathryn Senor Elementary School Zone and Riverside Junior High School Zone

Castle Valley Boulevard: beginning at a point 1,416 feet east of the intersection with Midland and continuing to a point 654 feet west of the intersection with Alder Avenue.

Current Drive: entire road.

Alder Avenue: from the intersection with Castle Valley Boulevard to a point 750 feet north of the intersection.

(B) Elk Creek Elementary School Zone

7th Street: beginning at a point 386 feet north of the intersection with Main Street and continuing along the 7th Street corridor to a point 150 feet south of the intersection of North Midland Avenue with 1st Avenue.

- C. **Section 1701 is amended by the addition of a new subsection (5)(a)(III) to read as follows:**

(III) If a person receives a penalty assessment notice for a violation under this Section 1701, and such person pays the fine and surcharge for the violation on or before the date the payment is due, the points assessed for the violation are reduced as follows:

(A) For a violation having an assessment of three (3) or more points under section 42-2-127(5) C.R.S., as amended, the total number of points assessed for said violation are reduced by two (2) points.

(B) For a violation having an assessment of two (2) points under section 42-2-127(5) C.R.S., as amended, the total number of points assessed for said violation are reduced by one (1) point.

D. Section 1204 is amended by the addition of a new subsection (9) to read as follows:

(9) No person shall park a vehicle in any private commercial parking lot within this municipality where signs are posted sufficient to inform the public of the parking restrictions thereon and the penalties for violation thereof, and where such signs and their locations have first been approved in writing by the town's chief of police or his/her designee. The owner of the vehicle in violation of this provision is liable for the payment of the respective fine(s) unless he/she can furnish sufficient evidence that the vehicle was, at the time of the violation, in the care, custody or control of another person. To avoid liability for payment, the owner of the vehicle must provide, within three days after receiving notification of the violation, the town attorney with the name and address of the person who had care, custody or control of the vehicle at the time of the violation.

E. Section 1406 is repealed and reenacted in its entirety as follows:

1406. Foreign matter on highway prohibited.

(1)(a) No person shall throw or deposit upon or along any highway any glass bottle, glass, stones, nails, tacks, wire, cans, container of human waste, or other substance likely to injure any person, animal, or vehicle upon or along such highway.

(b) No person shall throw, drop, or otherwise expel a lighted cigarette, cigar, match, or other burning material from a motor vehicle upon any highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway or structure any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(4) No person shall excavate a ditch or other aqueduct, or construct any flume or pipeline or any steam, electric, or other railway, or construct any approach to a public highway without written consent of the authority responsible for the maintenance of that highway.

(5)(a) Except as provided in paragraph (b) of this subsection (5), any person who violates any provision of this section commits a class B traffic infraction.

(b)(I) Any person who violates any provision of paragraph (b) of subsection (1) of this section commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(II) Any person who violates paragraph (a) of subsection (1) of this section by throwing or depositing a container of human waste upon or along any highway shall be punished by a fine of five hundred dollars in lieu of the penalty and surcharge prescribed in section 42-4-1701(4)(a)(I)(N), C.R.S.

(6) As used in this section:

(a) "Container" includes, but is not limited to, a bottle, a can, a box, or a diaper.

(b) "Human waste" means urine or feces produced by a human.

F. Section 1407 is repealed and reenacted in its entirety as follows:

1407. Spilling loads on highways prohibited - prevention of spilling of aggregate, trash, or recyclables.

(1) No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereof securely covered to prevent any of its load from blowing, dropping, sifting, leaking, or otherwise escaping therefrom; except that material may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(2.4)(a) A vehicle shall not be driven or moved on a highway if the vehicle is transporting trash or recyclables unless at least one of the following conditions is met:

(I) The load is covered by a tarp or other cover in a manner that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

(II) The vehicle utilizes other technology that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

(III) The load is required to be secured under and complies with 49 CFR parts 392 and 393; or

(IV) The vehicle is loaded in such a manner or the load itself has physical characteristics such that the contents will not escape from the vehicle. Such a load may include, but is not limited to, heavy scrap metal or hydraulically compressed scrap recyclables.

(b) Paragraph (a) of this subsection (2.4) shall not apply to a motor vehicle in the process of collecting trash or recyclables within a one-mile radius of the motor vehicle's last collection point.

(2.5)(a) No vehicle shall be driven or moved on any highway for a distance of more than two miles if the vehicle is transporting aggregate material with a diameter of one inch or less unless:

(I) The load is covered by a tarp or other cover in a manner that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle; or

(II) The vehicle utilizes other technology that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle.

(b) Nothing in this subsection (2.5) shall apply to a vehicle:

(I) Operating entirely within a marked construction zone;

(II) Involved in maintenance of public roads during snow or ice removal operations; or

(III) Involved in emergency operations when requested by a law enforcement agency or an emergency response authority designated in or pursuant to section 29-22-102, C.R.S.

(2.7) For the purposes of this section:

(a) "Aggregate material" means any rock, clay, silts, gravel, limestone, dimension stone, marble, and shale; except that "aggregate material" does not include hot asphalt, including asphalt patching material, wet concrete, or other materials not susceptible to blowing.

(b) "Recyclables" means material or objects that can be reused, reprocessed, remanufactured, reclaimed, or recycled.

(c) "Trash" means material or objects that have been or are in the process of being discarded or transported.

(3)(a) Except as otherwise provided in paragraph (b) or (c) of this subsection (3), any person who violates any provision of this section commits a class B traffic infraction.

(b) Any person who violates any provision of this section while driving or moving a car or pickup truck without causing bodily injury to another person commits a class A traffic infraction.

(c) Any person who violates any provision of this section while driving or moving a car or pickup truck and thereby proximately causes bodily injury to another person commits a class 2 misdemeanor traffic offense.

G. Subsection (3) of Section 114 is amended to read as follows:

(3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge or other plant within ten (10) days after receipt of written notice from said local authority to do so, said local authority may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the local authority for the cost of the work performed. Such costs, from the time the same shall become due and payable, shall become and remain a lien on the premises until such costs have been paid to the local authority. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town and in the court having jurisdiction thereof. If the local authority must resort to court action for collection of amounts due, the local authority shall be entitled to its reasonable attorney's fees and other expenses incurred in such action if the local authority prevails. In the event such costs are not paid by the property owner when due, the Town Treasurer may certify the amount of the same to the County Treasurer, to be placed on the tax list for the current year, and to be collected in the same manner as other taxes are collected with ten percent (10%) added thereto to defray the costs of collection, pursuant to Section 31-20-105, C.R.S., as amended.

H. Subsection 3 of Section 1205 is amended to read as follows:

(3) On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at an angle to the curb or edge of the roadway indicated by such signs or markings.

I. The following definitions are added to the "Definitions" appendix of the Model Traffic Code:

(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 750 watts of power, and a top motor speed of 20 miles per hour.

(28.7) "Electric Personal Assistive Mobility Device" or "EPAMD" means a self balancing, non tandem 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 750 watts.

(49.5) "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:

(a) A cylinder capacity not exceeding 50 cubic centimeters if powered by internal combustion; or

(b) A wattage not exceeding 4,476 if powered by electricity.

The term "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.

J. Section 239 is amended by the modification of subsections (5), (5.5), and (6) to read as set forth below:

(5) (a) A person who operates a motor vehicle in violation of subsection (2) or of this Section commits a Class A traffic infraction as defined in Section 1701(3) of the Model Traffic Code, and the court or the department of revenue shall assess a fine of fifty dollars.

(b) A second or subsequent violation of subsection (2) of this Section is Class A traffic infraction as defined in Section 1701(3) of the Model Traffic Code, and the court or the department of revenue shall assess a fine of one hundred dollars.

(5.5) (a) Except as provided in subsections (5.5)(b) and (5.5)(c) of this Section, a person who operates a motor vehicle in violation of subsection (3) of this Section commits a Class 2 misdemeanor traffic offense, and the court or the department shall assess a fine of three hundred dollars.

(b) If the person's actions are the proximate cause of bodily injury to another, the person commits a Class 1 misdemeanor traffic offense and shall be punished as provided in Section 1701(3)(a)(ii) of the Model Traffic Code.

(c) If the person's actions are the proximate cause of death to another, the person commits a Class 1 misdemeanor traffic offense and shall be punished as provided in Section 1701(3)(a)(ii) of the Model Traffic Code.

(6) (a) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this Section unless a law enforcement officer saw the operator use a wireless

telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission, in a manner that caused the operator to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by Section 1402 of the Model Traffic Code.

10.04.060 – Penalties.

The following penalties, herewith set forth in full, shall apply to this chapter:

- A. It is unlawful for any person to violate any of the provisions adopted in this chapter.
- B. Every person convicted of a violation of any provision of this chapter that is a point violation of four points or fewer, pursuant to C.R.S. § 42-2-127, as may be amended from time to time and which is adopted by reference, excluding careless driving, text messaging while driving, and compulsory insurance violations, shall be punished by a fine not exceeding two hundred dollars (\$200.00).
- C. Every person convicted of a violation of any provision of this chapter not addressed by subsection B of this section, shall be punished by a fine and/or imprisonment in accordance with Section 1.20.010.
- D. Pursuant to Section 615, when official signs are posted giving notice thereof, the penalties described in subsections B and C of this section, shall be doubled when a person is convicted of a moving traffic violation in an area designated as a school zone in Section 10.04.050.
- E. Fines shall be doubled for speeding violations in maintenance, repair or construction zones subject to the requirements of Section 614.

10.04.070 – Operator’s Licenses.

A. License Required.

1. Except as may be otherwise provided under state law for commercial drivers, no person shall drive any motor vehicle upon a right-of-way within the Town unless such person has been issued a current, valid driver’s or minor driver’s license or an instruction permit by the State of Colorado or by another state or country.
2. No person shall drive any motor vehicle upon a right-of-way within the Town if such person’s driver’s or minor driver’s license has been expired for one year or less and such person has not been issued another such license by the State of Colorado or by another state or country subsequent to such expiration.
3. No person shall drive any motor vehicle upon a right-of-way within the Town 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 State of Colorado or by another state or country. 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 a right-of-way within the Town without having such license or permit in such person's immediate possession.

4. 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 a right-of-way within the Town for which such person has not been issued the correct type or general class of license or permit.
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.
6. A charge of a violation of subsection (3) 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 license or permit issued to such person 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:
 - i. 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
 - ii. The applicable conditions for exemption, as set forth in C.R.S. § 42-2-102, exist.
8. The issue of justification or exemption is an affirmative defense. As used in this subsection (H), "affirmative defense" means that, unless the evidence raises the issue involving the particular defense, the defendant, to raise the issue, shall present some credible evidence on that issue. If the issue involved in an affirmative defense is raised, then the liability of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the traffic infraction.
9. Any person who violates any provision of subsection (1) or (4) of this section is guilty of a class 2 misdemeanor traffic offense. Any person who violates any provision of subsection (2) or (3) of this section commits a class B traffic infraction.

10. Notwithstanding any law to the contrary, a second or subsequent conviction under subsection (1) or (4) of this section, when a person receiving such conviction has not subsequently obtained a valid Colorado driver's license or the correct type or general class of license, shall result in the assessment by the department of six points against the driving privilege of the person receiving such second or subsequent conviction.

B. Driving Under Restraint.

1. Any person who drives a motor vehicle or off-highway vehicle with knowledge that the person's license or privilege to drive, either as a state resident or a non-resident is under restraint for an outstanding judgment is guilty of a Class A Traffic Infraction.
2. Except as provided in subsection (1) of this section, any person who drives a motor vehicle or off-highway vehicle upon any street, highway, public right of way or public property within the Town with knowledge that the person's license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason other than conviction of DUI, DUI per se, DWAI, or UDD is guilty of a criminal offense. The municipal court may sentence a person convicted of this criminal offense to imprisonment for a period of not more than six months and may impose a fine of not more than five hundred dollars.
3. The municipal court shall not waive or reduce the three-point penalty imposed under state law for violation of this section.

- C. Permitting unauthorized persons to drive.** No person shall authorize or knowingly permit a motor vehicle owned by such person or under such person's hire or control to be driven upon any right-of-way within the Town by any person who has not been issued a currently valid driver's or minor driver's license or an instruction permit or shall cause or knowingly permit such person to drive a motor vehicle upon any right-of-way in violation of the conditions, limitations, or restrictions contained in a license or permit which has been issued to such other person. Any person who violates any provision of this section commits a class B traffic infraction.

10.04.080 – Expired license plates.

All motor vehicles operated within the Town shall have current registration. Pursuant to State law, § 42-3-114, C.R.S., as amended, every vehicle registration issued by the State of Colorado shall expire on the last day of the month at the end of each twelve-month registration period and shall be renewed, upon application by the owner, by the payment of the fees required by law not later than the last day of the month following the date of expiration. No license plates other than those of the registration period to which they pertain shall be displayed on a motor vehicle operating on any street, highway, or right-of-way within the Town.