

**TOWN OF SILT
ORDINANCE NO. 3
SERIES OF 2021**

AN ORDINANCE OF THE TOWN OF SILT, COLORADO, AMENDING CHAPTERS 1.12, 2.08, 2.36, 6.04, 9.09, 9.28, 9.32, 10.04, 10.05, 10.10 AND 10.14 OF THE SILT MUNICIPAL CODE PERTAINING TO THE MUNICIPAL COURT, ANIMALS, PUBLIC PEACE, MORALS AND WELFARE AND THE MODEL TRAFFIC CODE

WHEREAS, the Town of Silt is a Colorado home rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Silt Home Rule Charter; and

WHEREAS, pursuant to C.R.S. Section 31-15-103, the Board of Trustees of the Town of Silt, Colorado has the authority to make and publish ordinances necessary and proper to provide for the safety, health, prosperity and order of the Town; and

WHEREAS, the Board desires to amend the current code provisions pertaining to municipal court to be consistent with Colorado Law; and

WHEREAS, the Board desires to amend the code to provide more precise regulations regarding animal bites, vicious and aggressive dogs; and

WHEREAS, pursuant to C.R.S. Section 31-16-201 et seq., the Town may adopt by reference certain model codes, including the Model Traffic Code for Colorado, in whole or in part; and

WHEREAS, Town staff and the Town Prosecutor have undertaken a review of the vehicle and traffic regulations set forth in Title 10 of the Silt Municipal Code as well as the Model Traffic Code, 2020 Edition, and recommend amendments to Title 10 as set forth below; and

WHEREAS, the Town gave proper and timely published and/or posted notice of the dates and times of the public hearings at which Board considered this ordinance; and

WHEREAS, the Board has determined that the adoption of this ordinance and the amendments set forth herein are necessary and proper to provide for the safety, health, prosperity and order of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT THAT:

SECTION 1

Section 1.12.020 of the Silt Municipal Code is hereby amended as follows:

1.12.020 – Penalty.

Any person who violates any provision of the ordinances of the town may be punished by the maximum fine allowed by law pursuant to C.R.S. 13-10-113 and subsequent statutes or by imprisonment not to exceed three hundred sixty-four days, or by both such fine and imprisonment, except where a different punishment is otherwise prescribed.

SECTION 2

The following sections of Title 2 of the Silt Municipal Code are hereby amended and restated as follows:

2.08.020 - Jurisdiction.

The municipal court shall have original jurisdiction of all cases arising under ordinance provisions of the town. The municipal court shall have full power to punish violators thereof by the imposition of such fines and penalties as are required by resolution or court rule.

2.08.130 – Penalties – Contempt.

Any person who is found to be in contempt pursuant to Section 2.08.120 shall, for each offense, be subject to a penalty not to exceed 6 months in jail or a fine not to exceed the maximum fine in Chapter 1.12 of this code, or both such fine and imprisonment.

SECTION 3

The following sections of Chapter 6.04 of the Silt Municipal Code are hereby amended as follows:

Chapter 6.04 DOMESTIC ANIMALS

6.04.050 – License fee designated.

- A. The owner of every dog and/or pot-bellied pig in the town shall pay a license fee to the town as set by the board of trustees by resolution annually, or more often as necessary. For purposes of this section, a senior citizen is a person 60 years of age or older;
- B. An applicant who is partially or totally blind, partially or totally deaf, or otherwise disabled, shall not pay a fee for dog registration, but shall submit all vaccination records and service dog certification as required by the town; notwithstanding the foregoing, the municipal judge may adjudicate such a dog as aggressive or vicious,

and in such a case, an applicant shall pay the fee as set by the board of trustees by resolution annually, or more often as necessary.

6.04.110 - Reporting animal bites; confinement.

A. Any person having knowledge that an animal other than a rodent, rabbit, bird or reptile has bitten a human shall immediately report the incident to the town police. Every physician or other medical practitioner who treats a person for such bites shall, within twelve (12) hours, report such treatment to the town police, giving the name and precise location of the bitten person and such other information as the officer may require.

B. Any dog or cat which has bitten a person or is suspected of having rabies ~~may~~ must either be observed for a period of ten (10) days from the date of the bite or analyzed for rabies virus by a laboratory. During the ten-day observation period, no rabies vaccine shall be administered to the animal. Ferrets, potbellied pigs, wolf hybrids, wolves and other wildlife which have bitten a person must be observed for a period of not less than thirty (30) days or tested for rabies if required by Colorado Division of Wildlife or Department of Public Health and Environment regulations. The procedure and place of observation or analysis shall be designated by the investigating officer or responsible agency. If the animal is not confined on the owner's premises, confinement shall be by impoundment in an animal shelter or at any veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. Stray animals whose owners cannot be located shall be confined as designated by the town. The owner of any animal that has been reported to have inflicted a bite on any person shall on demand produce said animal for impoundment, as prescribed in this section, or for laboratory analysis. Refusal to produce said animal constitutes a violation of this section, punishable as a municipal offense, and each day of such refusal shall constitute a separate and continuing violation.

C. It shall be unlawful for any person to kill, remove or release any animal which has been confined, impounded or is in the custody of the town or its agents, as authorized under this chapter, without the consent of the town or the impounding agency.

D. For the purposes of this section, rabies confinement at owner's residence shall mean that the animal is kept inside a secure building or is within a fence or other enclosure which limits the animal to a particular premise for a ten-day period, so that the animal cannot come into contact with people or animals outside of the immediate family household. During such period of confinement, the animal must not be confined or unsupervised without being on a leash and handled by a person capable of physically restraining the animal. The intent of this section is to prohibit nose-to-nose mucus membrane contact with another animal or contact with a person. As a result, the confined animal should not be permitted to approach a fence which also constitutes the perimeter of the owner's property if such proximity to the fence could potentially produce contact with another animal or person. Restraint by a solely a tether is insufficient restraint. If such animal is otherwise found outside the owner's residence during the confinement period, it shall be taken and confined at the animal shelter or at a veterinary

hospital of the owner's choice, at the expense of the owner, for the remainder of the confinement period.

E. If any animal has been bitten by another animal suspected to have rabies, the owner of such animal exposed to rabies shall report such fact to town police. The town police shall have the power, in the officer's discretion, to have the animal suspected of having rabies or of being exposed to rabies removed from the owner's residence to a veterinary office or hospital and placed under observation for a period of up to six months at the expense of the owner, provided that the owner may elect to have such animal destroyed in lieu thereof.

F. Notwithstanding the above, if a standard incubation period has not been established by the state department of health for the particular species of animal that was bitten, it shall be summarily destroyed. If the animal has been in contact with another animal or human, appropriate testing shall be performed by a certified laboratory to determine rabies contamination at the expense of the owner.

G. Any owner whose animal is confined pursuant to this section shall pay a confinement and daily boarding fee as established by the town administrator upon recommendation of the director or operator of the animal shelter plus all actual veterinary costs incurred on behalf of the animal. Said fees and costs may be collected through court-ordered restitution or in any other manner provided by law.

6.04.180 - Aggressive and vicious animals.

A. Aggressive animals. It shall be unlawful for any person to own, possess, keep, harbor, or have custody or control of an aggressive animal, except in strict conformance with other provisions of this chapter.

B. Vicious animals. It shall be unlawful for any person to own, possess, keep, harbor, or have custody or control of a vicious animal, except in strict conformance with other provisions of this chapter.

C. Confinement. If there is probable cause to believe that an animal is owned or harbored in violation of this chapter or any other ordinance, regulation, state statute or regulation and the officer believes impoundment is too restrictive, in order to meet the needs of societal protection, the animal may be required to remain on the premises of the owner pending a court hearing.

D. Affirmative defense. It shall be an affirmative defense to the violation of this Section 6.04.180 that:

1. The animal is used by a law enforcement officer while the officer is engaged in the performance of official duties;

2. At the time of the aggressive or vicious behavior against a domestic animal, said domestic animal was at large and entered upon the property of the owner and the threat, behavior, or attack began, but did not necessarily end, upon such property;
3. At the time of the aggressive or vicious behavior against a domestic animal, said animal was biting or otherwise attacking the allegedly aggressive or vicious animal, its owner, or its young;
4. At the time of the aggressive or vicious behavior against a person, the victim was committing or attempting to commit a criminal offense against the animal's owner;
5. At the time of the aggressive or vicious behavior against a person, the victim was committing or attempting to commit a criminal offense on the owner's property, and the threat, behavior, or attack began, but did not necessarily end, upon such property;
6. At the time of the aggressive or vicious behavior against a person, the victim tormented, provoked, abused, or inflicted injury upon the animal in such an extreme manner that it resulted in the threat, behavior or attack;
7. At the time of the aggressive or vicious behavior against a person, the victim was attempting to stop a fight between the animal and any other animal, and the animal instigating the fight was under the ownership or control of the victim;
8. At the time of the aggressive or vicious behavior, the victim was attempting to aid the animal when it was injured;
9. At the time of the aggressive or vicious behavior, the victim was not on the victim's property and attempting to capture the animal in the absence of the owner, with the exception of a peace officer, firefighter, authorized town official, or other code enforcement officer in the performance of his or her duties;
10. The exceptions set forth in this paragraph shall not apply to any animal that has engaged in or been trained for animal fighting as described and prohibited in C.R.S. § 18-9-204.

E. For the purposes of this section, a person is lawfully upon the premises of an owner when such person is on the premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent.

F. In addition to any other penalties, the municipal judge may order any animal determined to be aggressive or vicious barred from the town or destroyed. If the judge

orders the specific disposition of the animal, such order shall be carried out immediately. If the owner of the animal is given a choice as to the disposition of the animal, the judge may order the owner to immediately surrender the animal to the town police department for impoundment if the same has not already occurred. Such impoundment shall be at the owner's expense. The owner shall make a decision as to the disposition of the animal within five days. If the animal is allowed by the municipal judge removed from the town, the animal shall be released to the owner for the purpose of immediately relocating the animal outside of town limits.

1. If the animal is adjudicated to be aggressive or vicious, and remains within the town, the licensing and inoculation requirements of this chapter shall be met within ten days of the judge's order and annually thereafter.
 - a. By payment of the license fee, the owner acknowledges that he or she is applying for a new license that is valid only for a period that coincides with the current rabies inoculation period;
 - b. At the time of licensing for each one-year period, the owner shall provide to the town an updated vaccination record of the dog;
 - c. At no time shall an owner of a vicious dog fail to inoculate such dog at the appropriate time.

2. If owner does not license and provide updated vaccination record for the adjudicated aggressive or vicious dog, the municipal court may order the aggressive or vicious animal destroyed, removed from town, and/or impose any penalties in accordance with Chapter 1.12 of this code.

G. Impoundment; nuisance declared. Any animal which has exhibited behavior that would cause a reasonable person to believe that the animal is a vicious animal or a potentially dangerous animal may be summarily impounded when the animal control officer or police officer reasonably believes that the animal is a present threat to the health or safety of the community. Such animal is hereby declared to be a public nuisance, which may be abated by the municipal court in a proceeding brought under the procedures established in this code for the abatement of nuisances. If impoundment of said animal cannot be made with safety to the animal control officer, the police officers or other persons, the animal may be euthanized by an animal control officer or police officer without notice to the owner or harbinger of the animal.

SECTION 4

The following sections of Chapter 9 of the Silt Municipal Code are hereby amended as follows:

9.09.010 - Definitions.

As used in this chapter, unless the context otherwise requires:

- A. "Fermented malt beverage" shall have the same definition as in C.R.S. Section 44-4-103(1)(a).
- B. "Legal drinking age" means twenty-one years of age.
- C. "Malt, vinous or spirituous liquor" shall have the same definitions as in C.R.S. Section 44-3-103(30)(a)(b), 44-3-103(54) and 44-3-103(59)(a)(I)(II)(b).
- D. "Minor" means any person who is under the legal drinking age.

9.28.010 - Minors under the age of eighteen.

A. It is unlawful for any minor under the age of eighteen to loiter, idle, wander or play in or upon the public streets, highways, roads, alleys or other public grounds or public places, and public buildings, vacant lots or other unsupervised places, on Sunday, Monday, Tuesday, Wednesday and Thursday, between the hours of ten p.m. and five a.m. of the following day, and on Friday night and Saturday night between the hours of twelve midnight and five a.m. of the following day; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor or when the minor is on an emergency errand or legitimate business directed by his parent, guardian or other adult person having the care and custody of the minor.

B. It is unlawful for any minor under the age of eighteen to drive after curfew with the following exceptions:

1. Minors going to or coming from a school function;
2. Minors going to or coming home from work; or
3. Minors who are accompanied in a motor vehicle by an adult.

9.32.010 - Shooting without authorization—Matches or competitions.

Except in circumstances of extreme emergency, no person shall, within the corporate limits of the town, fire or discharge any cannon, gun, rifle, fowling piece, pistol, air gun or firearms of any description, without prior permission from the police chief, which permission shall limit the time and define the circumstances of such firing, and shall be subject to immediate revocation by the police chief at any time for failure to comply with the conditions of the grant; provided, that no such permission shall be granted to any person to hold or conduct any shooting match or competitive skill with firearms within the limits of the town.

SECTION 5

Sections 10.04.010, 10.04.040 and 10.04.050 and 10.050.010 of the Silt Municipal Code are hereby repealed and reenacted as follows:

10.04.010 – Model Traffic Code Adoption.

A. Pursuant to parts 1 and 3 of article 16 of title 31 of the Colorado Revised Statutes, there is hereby adopted by reference articles I and II, inclusive, of the most current edition of the Model Traffic Code for Colorado, together with the appendices thereto, promulgated and published as such by the Colorado Department of Transportation, Traffic and Safety Engineering Branch (“Model Traffic Code”). The purpose of the Model Traffic Code as 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.

B. Deletions.

The Model Traffic Code is adopted as if set out at length, save and except the following parts, sections and/or subsections which are inapplicable to the town and are therefore deleted from the code.

1. Part 10, Section 1011. “Use of runaway vehicle ramps.”
2. Part 10, Section 1012. “High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes.”
3. Part 11, Section 1105, subsections (5)-(9). Provisions concerning penalties and immobilization of motor vehicle in “Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle - definitions.”
4. Part 12, Section 1210. “Designated areas on private property for authorized vehicles.”
5. Part 14, Section 1409, subsections (4) and (9). Provisions concerning penalties and fines in “Compulsory Insurance – penalty – legislative intent.”
6. Part 17 “Penalties and Procedure” in its entirety.
7. Part 18 “Vehicles Abandoned on Public Property” in its entirety.
8. Part 19, Section 1904. “Regulations for school buses – regulations on discharge of passengers – penalty – exception.”
9. All subsections of the Model Traffic Code that categorize violations into classes of traffic infractions, traffic offenses, misdemeanors, or which set forth a specific penalty for a violation, whether monetary or otherwise are hereby deleted.

C. Additions and Modifications.

The Model Traffic Code is amended or modified as set forth herein.

1. Part 3 is amended by the addition of section 314 to read as follows:

A person shall not engage in a nuisance exhibition of motor vehicle exhaust, which is the knowing release of soot, smoke, or other particulate emissions from a motor vehicle into the air and onto roadways. Any person who violates any provision of this section commits a noncriminal traffic offense.

2. Part 6, Section 615(1), concerning school zones, is hereby amended to read as follows:

- (1) Any person who commits a moving traffic violation in a school zone is subject to double the penalty and surcharge imposed for any moving violation, whether a criminal traffic offense or a non-criminal traffic offense, that occurs in a school zone.

3. Part 14, concerning other offenses, is amended by the addition of Sections 1417 – 1420 to read as follows:

1417. Operator's license required.

- (1) Except as otherwise provided in part 4 of this article for commercial drivers, no person shall drive any motor vehicle upon a highway in this state unless such person has been issued a currently valid driver's or minor driver's license or an instruction permit by the department under this article.

- (2) No person shall drive any motor vehicle upon a highway in this state 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 department or by another state or country subsequent to such expiration.

- (3) No person shall drive any motor vehicle upon a highway in this state 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 department under this article.

- (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 highway in this state for which such person has not been issued the correct type or general class of license or permit.

- (5) 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 highway in this state without having such license or permit in such person's immediate possession.

- (6) 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.

- (7) A charge of a violation of subsection (5) 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.

(8) 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 section 42-2-102, exist.

(9) The issue of justification or exemption is an affirmative defense. As used in this subsection (9), "affirmative defense" means that, unless the state's 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.

(10) 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), (3), or (5) of this section commits a class B traffic infraction.

(11) 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.

1418. 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.

1419. Permitting unauthorized person to drive.

(1) 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 highway 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 highway in violation of the conditions, limitations, or restrictions contained in a license or permit which has been issued to such other person.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

1420. License plate required.

(1) It is unlawful for any person to drive, stop or park, or for the owner or person in charge of any vehicle to cause or knowingly permit to be driven, stopped or parked, on any street, highway, public right of way or public property within the Town, any vehicle that has been assigned a license plate, pursuant to Colorado law, unless the license plate assigned to be vehicle for the current registration year is properly attached to and displayed on the vehicle and stickers are affixed in their proper location in accordance with Colorado law.

(2) For purposes of this Section, the term *license plate* shall include license plates, number plates, personalized license plates, special license plates, stickers and other plates, both permanent and temporary, issued pursuant to Colorado law.

1421. Misuse of license plates unlawful.

It is unlawful for any person to display or cause or permit to be displayed on any vehicle driven, stopped or parked on any street, highway, public right of way or public property within the town, any license plate, that is not the license plate that has been assigned to that vehicle pursuant to Colorado law.

4. Part 16, concerning accidents, is amended by the addition of Sections 1603 – 1606 to read as follows:

1602. Accident Involving Damage- Duty.

(1) The driver of any vehicle directly involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall immediately return to and in every event shall remain at the scene of such accident, except in the circumstances provided in subsection (A) of this section, until the driver has fulfilled the requirements of section 1603. Every such stop shall be made without obstructing traffic more than is necessary.

(2) When an accident occurs on the traveled portion, median, or ramp of a divided highway and each vehicle involved can be safely driven, each driver shall move such driver's vehicle as soon as practicable off the traveled portion, median, or ramp to a frontage road, the nearest suitable cross street, or other suitable location to fulfill the requirements of section 1603. Any person who violates any provision of subsections (A) or (B) commits a criminal traffic offense as defined in 10.04.040(B).

1603. Duty to give notice, information, and aid.

(1) The driver of any vehicle involved in an accident resulting in injury to any person, or damage to any vehicle which is driven or attended by any person shall give the driver's name, the driver's address, and the registration number of the vehicle he or she is driving and shall upon request exhibit his or her driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and where practical shall render to any person injured in such accident reasonable assistance.

(2) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (A) of this section and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsection (A) of this section, insofar as possible on the driver's part to be performed, shall immediately report such accident to the nearest office of a duly authorized police authority as required in section 1606 and submit thereto the information specified in subsection (A) of this section. Any person who violates any provision of subsections (A) or (B) commits a criminal traffic offense as defined in 10.04.040(B).

1604. Duty upon striking unattended vehicle or other property.

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such vehicle or other property shall immediately stop and either locate and notify the operator or owner of such vehicle or other property of such fact, the driver's name and address, and the registration number of the vehicle he or she is driving or attach securely in a conspicuous place in or on such vehicle or other property a written notice giving the driver's name and address and the registration number of the vehicle he or she is driving. The driver shall also make report of such accident

when and as required in section 1606. Every stop shall be made without obstructing traffic more than is necessary. This section shall not apply to the striking of highway fixtures or traffic control devices which shall be governed by the provisions of section 1605. Any person who violates any provision of this section commits a criminal traffic offense as defined in 10.04.040(B).

1605. Duty upon striking highway fixtures or traffic control devices.

The driver of any vehicle involved in an accident resulting only in damage to fixtures or traffic control devices upon or adjacent to a highway shall notify the road authority in charge of such property of that fact and of the driver's name and address and of the registration number of the vehicle he or she is driving and shall make report of such accident when and as required in section 1606. Any person who violates any provision of this section commits a criminal traffic offense as defined in 10.04.040(B).

1606. Duty to report accidents.

The driver of a vehicle involved in a traffic accident resulting in injury to, serious bodily injury to, or death of any person or any property damage shall, after fulfilling the requirements of sections 1602 and 1603(A), give immediate notice of the location of such accident and such other information as is specified in section 1603(B) to the nearest office of the duly authorized police authority and, if so directed by the police authority, shall immediately return to and remain at the scene of the accident until said police have arrived at the scene and completed their investigation. Any person who violates any provision of this section commits a criminal traffic offense as defined in 10.04.040(B).

10.04.040 – Violation – Penalties.

A. Except as otherwise provided for in this section, any person who violates any provision of the Model Traffic Code shall be deemed to have committed a noncriminal traffic offense. Every person who is convicted of, who admits liability for, or against whom a judgment is entered for a noncriminal traffic offense shall be penalized by imposition of a fine in an amount not less than \$18.00 and not greater than \$500.00. The presiding Judge of the municipal court shall promulgate a schedule of penalties for all noncriminal traffic offenses contained in the Model Traffic Code. Said schedule shall be prominently posted in the office of the Municipal Court Clerk.

B. A violation of any of the following provisions of the Model Traffic Code shall be a criminal offense. Every person convicted of violating any of the following provisions of the Model Traffic Code may be punished pursuant to the General Penalty at section 1.12.020.

1. Section 1903 Stopping for school buses.
2. Section 1101 Speeding (the alleged violator is accused of exceeding the prima facie speed limit by more than 19 miles per hour).

3. Section 1105 - Speed contests.
4. Section 1401 - Reckless driving.
5. Section 1402 - Careless driving (the violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or an injury or death to any person).
6. Section 1413 - Eluding or attempting to elude police officer.
7. Section 1409 - Compulsory insurance.
8. Any other offense contained in the Model Traffic Code resulting in an accident causing personal injury or substantial property damage.

10.04.050 – Parking on town streets.

Parking is allowed on all town streets unless otherwise designated by signage or in this code. Maximum speed limit on all streets within the town is twenty-five miles per hour unless otherwise designated.

10.05.010 – Non-criminal traffic offenses - Procedures.

A. At any time that a person is charged with the commission of a traffic infraction, the peace officer shall, except when the provisions of subsection D of this section prohibit it, give a penalty assessment notice to the defendant containing all the information required Section 10.05.040. The peace officer shall advise the person cited of the points to be assessed in accordance with applicable state law. The penalty specified in the penalty assessment schedule for the violation charged, and any applicable surcharge, may be paid at the office of the municipal court clerk, either in person or by postmarking such payment within twenty days from the date the penalty assessment notice is served upon the defendant. Acceptance of a penalty assessment notice and payment of the prescribed penalty and applicable surcharge thereon to the municipal court shall be deemed a complete satisfaction for the violation, and the defendant shall be given a receipt which so states when such penalty thereon is paid in currency or other form of legal tender. Checks tendered by the defendant to and accepted by the municipal court and on which payment is received by the municipal court shall be deemed sufficient receipt.

B. If a person receives a penalty assessment notice for a violation under this Title 10 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, in the manner and to the extent permitted by Sections 42-2-127(5.5) and (5.6), C.R.S.

- a) For a violation having an assessment of three (3) or more points, the points are reduced by two (2) points.
- b) For a violation having an assessment of two (2) points, the points are reduced by one (1) point.

C. Should the defendant charged with a traffic infraction accept the notice but fail to post the prescribed penalty and applicable surcharge thereon within twenty days thereafter, he shall be allowed to pay such penalty and surcharge, plus court costs, to the clerk of the municipal court prior to the time for appearance as specified in the notice.

If the penalty, surcharge and court costs are not timely paid, the case shall thereafter be heard in the municipal court in accordance with applicable municipal court rules of procedure. In such case, the maximum penalty which may be imposed shall not exceed the penalty set forth in the penalty assessment schedule.

D. The penalty assessment schedule shall not apply to traffic infractions specified in the schedule when it appears that:

1. The alleged violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or an injury or death to any person;
2. The defendant is charged with two or more violations, arising out of the same transaction, any one of which is a criminal violation requiring a court appearance. In such cases the procedures for criminal violations shall apply.

E. In all cases where subsection (D) of this section prohibits the issuance of a penalty assessment notice, the penalty contained in the schedule shall be inapplicable.

F. Notwithstanding the provisions of Rules 223(a) and (b) of the Colorado Municipal Court Rules of Procedure, or any other provision of law, the right of a jury trial shall not be available at a hearing where the cited person is charged with a non-criminal traffic offense. In addition, no person charged with a non-criminal traffic offense shall be afforded the right of Court-appointed counsel.

G. The Colorado Municipal Court Rules of Procedure shall apply to any hearing where the cited person is charged with a non-criminal traffic offense, unless any of the rules are clearly inapplicable.

SECTION 6

Section 10.05.040 of the Silt Municipal Code is hereby amended as follows:

Section 10.05.040 – Penalty assessment notices for traffic infractions.

A. At the time a person is charged with a traffic infraction, the police officer shall issue or tender the defendant a penalty assessment notice.

B. The penalty assessment notice shall be signed and served on or tendered to the defendant by a peace officer and shall contain the name and address of the defendant; the license number of the vehicle involved, if any; the number of defendant's driver's license, if any; a citation of the Model Traffic Code or ordinance section alleged to have been violated; a brief description of the infraction; the date and approximate location thereof; the amount of penalty prescribed and any applicable surcharge; the number of points, if any, prescribed for such infraction pursuant to C.R.S. Section 42-2-127; and the date the penalty assessment notice is served on the defendant.

C. The notice shall direct the defendant to appear in the municipal court on a specified date, time and place in the event the prescribed penalty is not paid, shall be signed by the peace officer, and shall contain a place for the defendant to elect to execute a signed acknowledgement of liability and an agreement to pay the penalty on or before the appearance date. The notice shall also contain any additional information which shall be required by law to convert the penalty assessment notice into a summons and complaint should the penalty not be paid within the time allowed.

D. One copy of the penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the chief of police and such other copies as may be required by the municipal court and town attorney.

E. The time specified in the summons portion of the penalty assessment notice shall be at least thirty days and not more than ninety days after the date the penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

F. Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereof upon the defendant.

G. If the alleged violator is cited for a non-criminal traffic offense, he or she shall be privileged to answer the complaint made against him or her in the manner provided in the Colorado Municipal Court Rules of Procedure. The maximum penalty which may be imposed shall not exceed the penalty set forth in the penalty assessment notice.

H. The provisions of this section shall not require the issuance of a penalty assessment in any case.

SECTION 7

The following section 10.10.070 is hereby added to Chapter 10.10 of the Silt Municipal Code:

10.10.070 – Penalty assessment on an unattended vehicle.

A. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the parking, standing or stopping provisions of the Model Traffic Code, the officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user and shall conspicuously affix to the vehicle a penalty assessment notice directing the driver to respond and answer the charge at a place and time specified in said notice.

B. In any prosecution charging a violation of any provision of this section, proof that the vehicle described in the notice was parked or stopped in violation of such provision, together with proof that the defendant named in the notice was at the time of such violation the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner was the person who parked or stopped the vehicle at the time and place of the violation.

C. Any person charged with a parking, stopping or standing violation under the Model Traffic Code for which a penalty assessment notice may be issued and for which payment of a fine may be made to the municipal court shall have the option of paying such fine within the date, time and at the place specified in said notice upon entering a plea of guilty and upon waiving appearance in court, or may have the option of depositing any required lawful bail, and upon a plea of not guilty shall be entitled to a trial to the court before the Municipal Judge.

D. Payment of a penalty assessment notice by the person to whom the notice is tendered shall constitute an acknowledgment of guilt by such person of his or her violation of the offense stated in such notice.

E. Payment of the prescribed fine shall be deemed a complete satisfaction for the violation, and the municipal court, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof. A check tendered and accepted and on which payment is received shall be deemed sufficient.

SECTION 8

Section 10.14.070 of the Silt Municipal Code is hereby amended as follows:

10.14.070 – Penalties.:

A. Any violation of this chapter shall be punishable under chapter 1.12.

B. Each violation of this chapter shall be deemed separate and distinct from any other violation of this chapter or of any other federal, state, or local law, rule, order or regulation.

C. Pursuant to C.R.S. § 30-15-409, all suits for the recovery of any fine and prosecutions for the commission of any offense made punishable under this chapter shall be barred if not commenced within one year after the commission of the alleged offense.

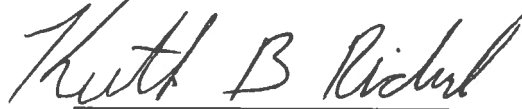
SECTION 9

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

APPROVED ON FIRST READING this 22nd day of March, 2021, 7 p.m. in the Municipal Building of the Town of Silt, Colorado.

PASSED, APPROVED ON SECOND READING, ADOPTED AND ORDERED PUBLISHED this 12th day of April, 2021.

TOWN OF SILT



Mayor Keith B. Richel

ATTEST:


Town Clerk Sheila M. McIntyre, CMC