

TOWN OF GYPSUM, COLORADO

ORDINANCE NO. 06

SERIES 2026

AN ORDINANCE REPEALING THE 2010 EDITION OF THE MODEL TRAFFIC CODE, ADOPTING BY REFERENCE THE 2024 EDITION OF THE MODEL TRAFFIC CODE AND REPEALING AND READOPTING TITLE 10 OF THE GYPSUM MUNICIPAL CODE REGARDING VEHICLE AND TRAFFIC VIOLATIONS

A. The Town of Gypsum (“Town”) is a home rule municipality duly organized and existing under Articles XX of the Colorado Constitution and the Town’s Home Rule Charter effective October 21, 1982; and

B. Pursuant to Article VIII, Section 8.7 of the Home Rule Charter and Part 2, Article 16, Title 31, C.R.S., the Town is authorized to adopt codes by reference, including compilations of statutes, ordinances, rules, regulations, or standards adopted by the Federal Government, State, other political subdivision of the state and trade or professional organizations; and

C. Pursuant to Section 31-15-401, C.R.S., for purposes of promoting health, safety, morals and the general welfare of the community, the Town Council has the authority to create laws that prevent and suppress activities that could prove harmful to the health, safety and welfare of its citizens, and pass and enforce all necessary police ordinances, and pursuant to Section 31-15-702(1)(a)(I), C.R.S., to regulate the use of streets; and

D. Pursuant to Section 42-1-102(48), C.R.S., a town is defined as a “local authority” having the authority to adopt local police regulations under the constitution and laws of the State of Colorado; and

E. Pursuant to Section 42-4-110(1)(b), C.R.S., the Town Council may adopt by reference all or any part of a model traffic code that embodies the rules of the road and vehicle requirements set forth in Article 4 of Title 42, C.R.S.; and

F. The Town Council finds and determines that it is in the best interest of the residents, taxpayers, and visitors of the Town to adopt by reference the 2024 edition of the Model Traffic Code regulating traffic and providing penalties for violations thereof, for application within the Town; and

G. The Town's Vehicle and Traffic Regulations are contained in Title 10 of the Gypsum Municipal Code; and

H. The Town Council believes it is necessary and desirable to amend certain sections of Title 10 of the Gypsum Municipal Code and the Model Traffic Code regarding violations of the Town's vehicle and traffic regulations;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Gypsum, Colorado that:

Section 1. Adoption of the 2024 Edition of the Model Traffic Code and Amendment of Title 10 of the Gypsum Municipal Code. Title 10 of the Gypsum Municipal Code as set forth in Exhibit A, attached hereto and incorporated herein, is repealed and readopted in its entirety.

Section 2. Public Inspection. Copies of the Model Traffic Code 2024 Edition; this ordinance; and the Gypsum Municipal Code, including existing amendments to the Model Traffic Code, are available for public inspection at the office of the Gypsum Town Clerk.

Section 3. Public Hearing. A public hearing on this Ordinance shall be held on the 23rd day of June 2026, at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 4. Effective Date. This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption after a public hearing held on the 23rd day of June 2026, at 7:00 p.m., at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 5. Severability. If any portion of this Ordinance, or the International Codes amended hereby, is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

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INTRODUCED, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 9TH DAY OF JUNE 2026.

TOWN OF GYPSUM

Scott Green, Mayor

Attest:

Polly Keene, Town Clerk

INTRODUCED ON SECOND READING, READ, CONSIDERED AT A PUBLIC HEARING AND FINALLY ADOPTED, PASSED AND APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED POSTED AND PUBLISHED, BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS MEETING HELD ON THE 23RD DAY OF JUNE 2026, BY A VOTE OF _____ IN FAVOR AND _____ AGAINST.

TOWN OF GYPSUM

Scott Green, Mayor

Attest:

Polly Keene, Town Clerk

(S E A L)

EXHIBIT A

Title 10 - VEHICLES AND TRAFFIC

Chapter 10.01 - MODEL TRAFFIC CODE

10.01.010 - Model Traffic Code for Colorado Municipalities Adopted.

Pursuant to Article VIII, Section 8.7 of the Gypsum Home Rule Charter and Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference the 2024 edition of the Model Traffic Code for Colorado (“MTC”) promulgated and published as such by the Colorado Department of Transportation, except that all references to violations being Class A or B traffic infractions are declared to be inapplicable in Gypsum and are therefore expressly not adopted. The subject matter of the Model Traffic Code for Colorado relates primarily to comprehensive traffic control regulations for the Town.

10.01.020 – Purpose.

The purpose of this Chapter 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 for Colorado adopted herein are now filed in the office of the clerk of the Town of Gypsum, Colorado, and may be inspected during regular business hours.

10.01.030 Amendments to Traffic Code.

The adopted MTC is amended and/or modified as follows:

- (1) Subsection 110.5(2)(a)(VII) of the MTC is amended to read:

Section 110.5 Automated vehicle identification systems – legislative declaration - exceptions to liability - penalty - limits on use of photographs and video - definitions.

(2)(a)(VII) if the registered owner of the motor vehicle fails to pay in full the prescribed civil penalty by the deadline stated in the civil penalty assessment notice, a final order of liability shall be entered against the registered owner of the vehicle. The final order of liability shall be personally served on the registered owner.

- (2) Subsection 110.5 of the MTC is amended to add subsection 8 to read:

Section 110.5 Automated vehicle identification systems – legislative declaration - exceptions to liability - penalty - limits on use of photographs and video - definitions.

(8) The Town identifies the following as possible automated vehicle identification system corridors: all school zones, residential neighborhoods,

construction zones, and streets bordering parks within the Town boundaries and any other corridors specifically identified by resolution of the Town Council.

- (3) Subsection 236(9) of the MTC amended to read:

Section 236. Child restraint systems required – definitions – exemptions.

(9) On roads other than State highways within the jurisdiction of the Town of Gypsum, a driver of a motor vehicle may be cited for a violation of subparagraph (I) of paragraph (b) of subsection (2) of this Section where the driver was stopped solely for a violation of this Section or Section 237.

- (4) Section 237(5) of the MTC is amended to read:

Section 237. Safety belt systems – mandatory use – exemptions – penalty – definitions.

(5) On roads other than State highways within the jurisdiction of the Town of Gypsum, a driver of a motor vehicle may be cited for a violation of subsection (2) of this Section where the driver was stopped solely for a violation of this Section or Section 236.

- (5) Subsection 615 of the MTC is amended to add subsection 4 to read:

Section 615. School zones – increase in penalties for moving traffic violations.

(4) The increased penalties provided by this Section shall apply any time flashing signals for the school zone are operating or during times posted within signs designating the school zone.

- (6) Section 703(3) of the MTC is amended to read:

Section 703. Entering through highway – stop or yield intersection.

(3) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall come to a complete stop at a clearly marked stop line, but if none, no more than four feet (4') in advance of the crosswalk line on the near side of the intersection, or if none, then no more than four feet (4') in advance of the stop sign. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(7) Section 1204 of the MTC is amended to add subsections 9, 10, 11, 12, and 13 to read:

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

(9) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places at the designated times:

(a) At all times on or along Highway 6, Cooley Mesa Road, Valley Road, and Gypsum Creek Road at any time. This subsection shall not apply to any section of said roads which have obtained an exemption from the Town Council.

(b) On any street or highway where the Town's no parking signs are posted.

(i) Parking that does not block or impede the flow of traffic is permitted in the following locations;

(1) Adjacent to residences on First Street and Second Street between Eagle Street and Railroad Avenue;

(2) Adjacent to residences located on the north side of Eagle Street except from 118 to 230 and adjacent to residences located on the south side of Eagle Street from 101 to 202 Eagle Street;

(3) On Federal, State and Town holidays; or

(4) On any street or highway adjacent to Gypsum parks between 11:00 p.m. and 5:00 a.m., unless specific parking for the park has been provided; or

(5) During Town-approved events when specific roads are opened for parking.

(c) On any other street or highway designated as a prohibited parking street on the Town's Prohibited Parking Street List posted on the Town website.

(d) In addition to any other restrictions contained within the Gypsum Municipal Code for the parking of vehicles, things or objects, no person shall stop, stand or park, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control

device, at any time on any street, highway, or public right-of-way or easement, any recreation vehicle, camper, fifth-wheel trailer, trailer, tractor, farm machinery, boat, commercial vehicle, machinery, construction equipment, dump truck, junk vehicle, inoperable vehicle, unlicensed vehicle, or any other object or thing.

(e) Vehicles are prohibited from parking in violation of subsections 9 and 10 in such a way that impedes the collection of trash as regularly scheduled by Gypsum. In addition to a ticket and fines as established by the municipal court, such vehicle may be immediately removed and impounded. If an additional trip is required by Gypsum to collect trash, the owner or operator of the vehicle shall be fined an amount set by annual resolution.

(f) In addition to enforcement by the Town Enforcement Officers, subsections 9 and 10 may be enforced by a fine, summons for violations issued, and unauthorized vehicles authorized to be removed and impounded, at the owner's expense, by any Town employee so authorized by the Town Manager.

(g) Enforcement is as follows:

(i) First violation of the parking restrictions in Section 1204(9) will result in a warning. Unless it is a trash or snow day then immediate removal can occur at owner's expense.

(ii) Subsequent violations of the parking restrictions in Section 1204(9) will result in a citation in an amount set by annual resolution. A fifth violation of the parking restrictions in Section 1204(9) will also result in immediate towing of the vehicle at the owner's expense, and a summons to municipal court.

(10) Guest parking permits shall be issued at the Community Development office for areas with on-street parking restrictions. The Town Manager, or their designee, shall determine which streets are eligible for guest parking based on where on-street parking can be safely accommodated. The Town Manager, or their designee, shall determine which streets are eligible for guest parking based on where on-street parking can be safely accommodated. The Town Manager, or their designee, shall maintain a Prohibited Parking Street List, which shall be posted on the Town's website and updated as necessary to reflect any changes in eligibility for guest parking. In addition to any other restrictions contained within the Gypsum Municipal Code for the parking of vehicles, such permits shall be issued pursuant to the following guidelines:

(a) Parking permits shall be issued with no fee.

(b) Parking permits for up to six (6) guest cars for one day will be issued for a residence as many as two (2) times annually.

(c) Parking permits for a maximum of two (2) guest cars at a time, for a period not to exceed fourteen (14) days will be issued for a residence as many as two (2) times annually.

(d) Parking permits must be displayed on front windshield or dash when cars are parked on the street. Failure to properly display a permit may result in parking ticket(s), removal, and/or impoundment of the vehicle.

(e) Commercial and construction service vehicles shall be allowed to park on-street where parking can be accommodated without a permit while parked adjacent to a property to which the operator of the vehicle is providing service; but only during the time services are actually being provided and only when there is insufficient parking available on the property.

(f) On-street parking, even with a permit and even for commercial service vehicles, shall not be allowed on trash days. Violation of this provision may result in removal or impoundment of the vehicle at the owner's expense.

(11) Special event parking permits shall be issued at the Community Development office for special events for areas with on-street parking restrictions. In addition to any other restrictions contained within the Gypsum Municipal Code for the parking of vehicles, such permits shall be issued pursuant to the following guidelines:

(a) Parking permits shall be issued with no fee.

(b) Parking permits for up to six (6) vehicles for one day will be issued.

(c) Parking permits must be displayed on front windshield or dash when cars are parked on the street. Failure to properly display a permit may result in parking ticket(s), removal, and/or impoundment of the vehicle.

(d) On-street parking, even with a permit and even for commercial service vehicles, shall not be allowed on trash days. Violation of this provision may result in removal or impoundment of the vehicle at the owner's expense.

(12) Parking on any grass, dirt, or landscaped area is prohibited. All vehicles, including recreational vehicles, trailers, boats, motorhomes, and the like, must be parked on a hard surface such as asphalt, concrete, rock, gravel, or pavers.

The area must be specifically designed for parking use and must be properly maintained.

(8) Section 1209 of the MTC is amended to read:

Section 1209. Owner liability for parking violations.

In addition to any other liability provided for in this Code, the owner of a motor vehicle is liable for payment of a parking violation fine unless the owner of the motor vehicle can furnish sufficient evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. To avoid liability for payment the owner of the motor vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the prosecuting attorney of the Town of Gypsum the name and address of the person or company who leased, rented, or otherwise had the care, custody, or control of such vehicle. As a condition to avoid liability for payment of a parking violation fine, any person or company who leases or rents a motor vehicle to another person shall attach to the leasing or rental agreement a notice stating that, pursuant to the requirements of this Section, the operator of the vehicle is liable for payment of a parking violation fine incurred when the operator has the care, custody, or control of the motor vehicle. The notice shall inform the operator that the operator name and address shall be furnished to the prosecuting attorney of the Town of Gypsum when a parking violation is incurred by the operator.

(9) Subsections 1210(1) and (3) of the MTC are amended to read:

1210. Designated Areas on Private Property Authorized Vehicles.

(1) Common interest communities may request in writing that the Town Manager or their designee designate specific areas on private property for use only by authorized vehicles. Such areas, upon acceptance in writing by the Town Manager or designee, shall be clearly marked by the owner or lessee with official traffic control devices, as defined in Section 42-1-102(64), C.R.S, and the sign required by Section 1210(3). Such a request will be a waiver of any objection the owner or lessee may assert concerning enforcement of this Section by the Town, which is authorized and empowered to enforce this Section 1210. When the owner or lessee gives written notice to the Town Council that said request is withdrawn, and removes all traffic control devices, this Section shall no longer be applicable.

(3) The owner or lessee of property shall post on his property in a conspicuous place so that it can be seen by an ordinarily observant person, a sign which reads as follows:

“PRIVATE PARKING UNAUTHORIZED VEHICLES WILL BE TOWED BY OWNER.”

Posted signs must comply with this Section, be pre-approved by the Town Manager and obtained privately by the owner or lessee

(10) Subsection 1701 of the MTC is amended to read:

1701. Traffic infractions classified - penalties - penalty and surcharge schedule.

(1) It is a traffic infraction for any person to violate any provision of the Code.

(2) Pursuant to C.M.C.R. 210(b)(4), the court may by order, which may from time to time be amended, supplemented, or repealed, designate the traffic offenses, the penalties for which may be paid at the office of the court clerk or violations bureau.

(3) The court in addition to any other notice, by published order to be prominently posted in a place where fines are to be paid, shall specify by suitable schedules the amount of fines to be imposed for violations, designating each violation specifically in the schedules. Such fines will be within the limits set by ordinance.

(4) Fines and costs shall be paid to, received by, and accounted for by the court clerk.

(11) Subsection 1707 of the MTC is amended to read:

1707. Summons and complaint for traffic offenses.

(1) For purposes of this section, “Town Enforcement Officer” means the Town Manager, Town Manager’s designee, Gypsum designated law enforcement officer, or Town Code Compliance Officer. Whenever a person commits a violation of this Code other than a violation for which a penalty assessment notice may be issued in accordance with the provisions of Sections 1701, 1702, Colorado Rules for Magistrates and C.M.C.R., the Town Enforcement Officer may issue and serve upon the defendant a summons and complaint which shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; shall direct the defendant to appear in Gypsum

Municipal Court at a specified time and place; shall be signed by the Town Enforcement Officer; and shall contain a place for the defendant to execute a written promise to appear at the time and place specified in the summons portion of the summons and complaint.

(2) If a Town Enforcement Officer issues and serves a summons and complaint to appear in Gypsum Municipal Court, any defect in form in such summons and complaint regarding the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, the date and approximate location thereof, and the date the summons and complaint is served on the defendant may be cured by amendment at any time prior to trial or any time before verdict or findings upon an oral motion by the prosecuting attorney after notice to the defendant and an opportunity for a hearing. No such amendment shall be permitted if substantial rights of the defendant are prejudiced. No summons and complaint shall be considered defective so as to be cause for dismissal solely because of a defect in form in such summons and complaint as described in this subsection (2).

(3) The time specified in the summons must be at least twenty days after the date such summons and complaint is served, unless the defendant demands an earlier court appearance date and one is available.

(4) The place specified in the summons portion of said summons and complaint will be the Gypsum Municipal Court.

(5) If the defendant is otherwise eligible to be issued a summons and complaint and if the defendant does not possess a valid Colorado driver's license, the defendant must either consent to be taken by the officer to the nearest mailbox to mail the penalty amount to the court clerk, be taken to Town Hall to pay the penalty amount, or must execute a promise to appear in court on the summons and complaint. If the defendant does possess a valid Colorado's driver's license, the defendant shall not be required to execute a promise to appear on the summons and complaint.

(12) *Part 16. A new Part 16, Crashes and Crash Reports, is adopted to read:*

Section 1601. Crashes involving death or personal injuries - duties.

(1) The driver of any vehicle directly involved in an crash resulting in injury to, serious bodily injury to, or death of any person shall immediately stop such vehicle at the scene of such crash or as close to the scene as possible but shall immediately return to and in every event shall remain at the scene of the crash until the driver has fulfilled the requirements of Section 1603(1). Every such stop shall be made without obstructing traffic more than is necessary.

(1.5) It shall not be an offense under this Section if a driver, after fulfilling the requirements of subsection (1) of this Section and of Section 1603(1), leaves the scene of the crash for the purpose of reporting the crash in accordance with the provisions of Section 1603(2) and 1606.

(2) As used in this Section and Sections 1603 and 1606:

(a) “Injury” means physical pain, illness, or any impairment of physical or mental condition.

(b) “Serious bodily injury” means injury that involves, either at the time of the actual injury or at a later time, a substantial risk of death, a substantial risk of serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

Section 1602. Crashes involving damage - duty.

(1) The driver of any vehicle directly involved in a crash 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 crash or as close thereto as possible but shall immediately return to and in every event shall remain at the scene of such crash, except in the circumstances provided in subsection (2) 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 a crash 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.

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

(1) The driver of any vehicle involved in a crash resulting in injury to, serious bodily injury to, or death of 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, the registration number of the vehicle he or she is driving, and the driver's insurance information, 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 crash reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if the carrying is requested by the injured person.

(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 (1) of this Section and no police officer is present, the driver of any vehicle involved in such crash after fulfilling all other requirements of subsection (1) of this Section, insofar as possible on the driver's part to be performed, shall immediately report such crash to the nearest office of a duly authorized police authority as required in Section 1606 and submit thereto the information specified in subsection (1) of this Section.

Section 1604. Duty upon striking unattended vehicle or other property.

The driver of any vehicle which collides with or is involved in a crash 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 shall 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 crash 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 street fixtures or traffic control devices which shall be governed by the provisions of Section 1605.

Section 1605. Duty upon striking street fixtures or traffic control devices.

The driver of any vehicle involved in a crash resulting only in damage to fixtures or traffic control devices upon or adjacent to a street 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 they are driving and shall make report of such crash when and as required in Section 1606.

Section 1606. Duty to report crashes.

The driver of a vehicle involved in a traffic crash resulting in injury to, serious bodily injury to, or death of any person or any property damage shall, after fulfilling the requirements of Section 1602 and 1603(1), give immediate notice of the location of such crash and such other information as is specified in Section 1603(2) 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 crash until said police have arrived at the scene and completed their investigation thereat.

Section 1607. Whenever driver unable to give notice or make written report.

Whenever the driver of a vehicle is physically incapable of giving an immediate notice of a crash as required in 1606(1) and there was another occupant in the vehicle at the time of the crash capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.

(13) *Part 20:* A new Part 20, Driver's License, is adopted to read:

Section 2001. Reserved.

Section 2002. Reserved.

Section 2003. Reserved.

Section 2004. Proper class driver's license required.

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 for which such person has not been issued the correct type or general class of license or permit.

Section 2005. Valid license on person required.

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 without having such license or permit in such person's immediate possession. A charge of violation 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.

Section 2006. Reserved.

Section 2007. Special restrictions on certain drivers.

(1) No person under the age of eighteen years shall drive any motor vehicle used to transport explosives or inflammable material or used as a school bus for the transportation of pupils to or from school: nor shall any person under the age of eighteen years drive a motor vehicle used as a commercial, private or common carrier of persons or property unless such person has experience in operating motor vehicles and has been examined on such person's qualifications in

operating such vehicles. The examination shall include safety regulations of commodity hauling and the driver shall be licensed as a driver or a minor driver who is eighteen years of age or older.

(2) Notwithstanding the provisions of Subsection (1) above, no person under the age of twenty-one years shall drive a commercial motor vehicle as defined in Section 42-2-402(4), C.R.S., except as provided in Section 42-2-404(4), C.R.S.

Section 2007.5. Restrictions on minor drivers under eighteen years of age.

(1) The Town Council finds, determines, and declares that:

(a) Teenage drivers, in order to become safe and responsible drivers, need behind-the-wheel driving experience before they can begin to drive without restrictions;

(b) Providing additional behind-the-wheel training with a parent, guardian, or other responsible adult before obtaining a minor driver's license is the beginning of the young driver's accumulation of experience;

(c) Once a teenage driver begins to drive without a parent, guardian, or other responsible adult in the vehicle, it is necessary to place restrictions on a teenage driver who holds a minor driver's license until such driver turns eighteen years of age in order to give that driver time to exercise good judgment in the operation of a vehicle while keeping that driver, his or her passengers, and the public safe;

(d) Penalties for the violation of these restrictions on minor drivers under eighteen years of age, including the assessment of points where they may not otherwise be assessed, should be sufficient to ensure that chronic violations would result in swift and severe repercussions to reinforce the importance of obeying the driving laws in order to keep the minor driver, his or her passengers, and the public safe.

(2) Occupants in motor vehicles driven by persons under eighteen years of age shall be properly restrained or wear seat belts as required in sections 236 and 237 of the Model Traffic Code.

(3) No more than one passenger shall occupy the front seat of the motor vehicle driven by a person under eighteen years of age, and the number of passengers in the back seat of such vehicle shall not exceed the number of seat belts.

Section 2008. Refusal to give license/permit/I.D. card to police officer on demand.

No person who has been issued a driver's or minor driver's license or an instruction permit or an identification card, who operates a motor vehicle and who has such a license, permit, or identification card in such person's immediate possession shall refuse to remove such license, permit, or identification card from any billfold, purse, cover, or other container and to hand the same to any police officer who has requested such person to do so if such police officer reasonably suspects that such person is committing, has committed, or is about to commit a civil infraction or violate any Code or law.

Section 2009. License restrictions.

No person shall operate a motor vehicle upon a highway or elsewhere in any manner in violation of the restrictions, limitations, or conditions imposed in a special restricted license, in a driver's or minor driver's license, or in an instruction permit issued to such person by the State or another state or country.

Section 2010. Notification of change of name/address.

A person commits a civil infraction if after applying for or receiving a driver's license or identification card, they move from the address named in such application or in the license or identification card issued to such person or when the name of the licensee is changed, such person shall within thirty days, provide notice to the department of such person's old and new address and the number of any license or identification card held by such person. Such notice shall be provided in writing or electronic form. A licensee who changes their name shall, within thirty days, apply in person to renew such license.

Section 2011. Altered/fictitious/license or permit.

(1) It is a civil infraction for any person to have in their possession a lawfully issued driver's, minor driver's, or temporary driver's license or instruction permit, knowing that such license or permit has been falsely altered by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or any other means so that such license or permit in its thus altered form falsely appears or purports to be in all respects an authentic and lawfully issued license or permit.

(2) It is a civil infraction for any person to have in their possession a paper, document, or other instrument which falsely appears or purports to be in all respects a lawfully issued and authentic driver's, minor driver's, or temporary driver's license or instruction permit, knowing that such instrument was falsely made and was not lawfully issued.

(3) It is a civil infraction for any person to display or represent as being such person's own any driver's, minor driver's, or temporary driver's license or any instruction permit, which was lawfully issued to another person.

(4) It is a civil infraction for any person to permit any unlawful use of a driver's license, issued to such person.

Section 2012. Permitting unlicensed person to drive.

(1) It is a civil infraction for any parent or guardian to cause or knowingly permit their child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor has not been issued a currently valid minor driver's license or instruction permit, or cause or knowingly permit such child or ward 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 child or ward.

(2) It is a civil infraction for any person to 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 to cause or knowingly permit such person to drive a motor vehicle upon any highway in violation of the conditions, limitations, or restrictions contained in license or permit which has been issued to such other person.

(14) *Part 21*: A new Part 21, Registration/Title, is adopted to read:

Section 2101. Reserved.

Section 2102. Reserved.

Section 2103. No number plates attached.

(1) It is a civil infraction for any person in control of a self-propelled motor vehicle to fail to attach to such motor vehicle number plates during the current registration year, one (1) in the front and the other in the rear. The number plate assigned to a motorcycle, trailer or semi-trailer, any other vehicle drawn by a motor vehicle, or any item of mobile machinery or self-propelled construction equipment shall be attached to the rear thereof.

(2) It is a civil infraction for any person in control of any vehicle described in this Subsection 2103 to fail to securely fasten number plates to the vehicle to which it is assigned so as to prevent the plate from swinging, to be horizontal at a height not less than twelve (12) inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and to be maintained free from foreign materials and in a condition to be clearly legible.

(3) It is a civil infraction for any person in control of any vehicle described in this Section 2103 to knowingly display or affix to such vehicle any number plates or temporary registration permit that is not issued by the State for the specific vehicle to which the number plates or temporary registration permit is attached, except as provided for in Section 42-3-103, C.R.S.

(4) It is a civil infraction for any person:

(a) To knowingly display, cause or permit to be displayed or to have in his possession any certificate of title or registration number plate knowing the same to be fictitious or to have been canceled, revoked, suspended or altered;

(b) To lend to or knowingly permit the use by one not entitled thereto any certificate of title, registration card or registration number plate issued to the person so lending or permitting the use thereof.

Section 2104. Reserved.

(15) *Part 22*: A new Part 22, Hoverboards, Kick scooters, E-scooters, Self-balancing scooters, and Self-balancing transporters, is adopted to read:

Section 2201. Scope

This Chapter applies to all hoverboards, kick scooters, e-scooters, self-balancing scooters, and self-balancing transporters whenever such are operated upon any street, roadway, or upon any public path designated for their use, subject to the exceptions contained herein.

Section 2202. Application of traffic laws.

Persons operating hoverboards, kick scooters, e-scooters, self-balancing scooters, and self-balancing transporters on a roadway are granted all of the rights and subject to all of the duties applicable to the driver of a vehicle, except

as to special regulations and except as to the provisions of laws and ordinances which by their nature can have no application.

Section 2203. Obedience to traffic-control devices.

(1) Persons operating hoverboards, kick scooters, e-scooters, self-balancing scooters, and self-balancing transporters must obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(2) If authorized signs indicate that no right or left or U-turn is permitted, it is unlawful for persons operating hoverboards, kick scooters, e-scooters, self-balancing scooters, and self-balancing transporters to disobey the sign, except where the person dismounts from the hoverboard, kick scooter, e-scooter, self-balancing scooter, and self-balancing transporter to make the turn, in which event, the person must then obey the regulations applicable to pedestrians.

Section 2204. Riding on bicycle lanes, roadways, and sidewalks.

(1) Persons operating hoverboards, kick scooters, e-scooters, self-balancing scooters, and self-balancing transporters may not ride more than two abreast except on bicycle lanes set aside for the exclusive use of bicycles.

(2) Persons operating hoverboards, kick scooters, e-scooters, self-balancing scooters, and self-balancing transporters upon a roadway must ride as near to the right-hand side of the roadway as judged safe by the operator to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

Section 2205. Riding on sidewalks.

(1) Operating hoverboards, kick scooters, e-scooters, self-balancing scooters, and self-balancing transporters upon or along sidewalks, whether on public property or private property opened for use by the general public, is unlawful except:

(a) When the operator or rider thereof is a Town employee, uniformed state employee, or uniformed federal employee working as part of his or her official duties and riding a marked or unmarked official police e-scooter or while engaged in the discharge of his or her official duties; or

(b) Where the sidewalk is part of a designated bicycle route; or

(c) When the operator or rider thereof is preparing to dismount and park the hoverboard, kick scooter, e-scooter, self-balancing scooter, and self-balancing transporter at a location on the block on which it is being operated, or the operator has just mounted and has not yet crossed a street or alley.

(2) A hoverboard, kick scooter, e-scooter, self-balancing scooter, and self-balancing transporter operator must yield the right-of-way to pedestrians on the sidewalk.

(16) *Part 23*: A new Part 23, Electric Bicycles, is adopted to read:

Section 2301. Scope.

The provisions of this Chapter apply to all electric bicycles whenever such are operated upon any street, roadway, or upon any public path designated for their use, subject to the exceptions contained herein.

Section 2302. Electric bicycle classifications.

Electric bicycles are classified as follows:

(1) Class 1. All bicycles with electric motors that only provide assistance when a person is pedaling and the motor ceases at and does not exceed 20 mph.

(2) Class 2. All bicycles with electric motors that provide assistance regardless of whether a person is pedaling and the motor ceases at and does not exceed 20 mph.

(3) Class 3. All bicycles with electric motors that provide assistance only when a person is pedaling and the motor ceases at and does not exceed 28 mph.

Section 2303. Permissible routes.

Class 1 and Class 2 electric bicycles are allowed on paved bike paths, paved pedestrian paths, and paved recreational trails. Class 1 and Class 2 electric bicycles are not permitted on any soft-surface trail or path. Soft surface trails and paths include, but are not limited to, any trail or path made of dirt, gravel, or grass. Class 3 electric bicycles may not be on bicycle paths, pedestrian paths, or recreational paths, whether paved or soft-surface trails, unless the path is within a street or highway and/or in a bike lane. All electric bicycles are prohibited at the municipal campus and the skate park.

Section 2304. Age restrictions and helmet law.

No one under the age of 16 may ride a Class 3 electric bicycle, except as a passenger. All riders under the age of 18 must wear a helmet on electric bicycles.

Section 2305. Application of traffic laws.

Persons operating electric bicycles on a roadway are granted all of the rights and subject to all of the duties applicable to the driver of a vehicle, except as to special regulations and except as to the provisions of laws and ordinances which by their nature can have no application.

Section 2306. Obedience to traffic-control devices.

(1) Persons operating electric bicycles must obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(2) If authorized signs indicate that no right or left or U-turn is permitted, it is unlawful for persons operating electric bicycles to disobey the sign, except where the person dismounts from the electric bicycle to make the turn, in which event, the person must then obey the regulations applicable to pedestrians.

Section 2307. Riding on bicycle lanes, roadways, and sidewalks.

(1) Persons operating electric bicycles may not ride more than two abreast except on bicycle lanes set aside for the exclusive use of bicycles.

(2) Persons operating electric bicycles upon a roadway must ride as near to the right-hand side of the roadway as judged safe by the operator to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

Section 2308. Operating electric bicycles on sidewalks and trails.

An electric bicycle operator must yield the right-of way to pedestrians on sidewalks, trails, and paths and shall give an audible signal before overtaking and passing a pedestrian. All electric bicycles shall be operated on the right-hand side of all sidewalks, bicycle paths, recreational trails, and roadways.

Section 2309. Electric bicycle labeling.

All electric bicycles must have a label showing their classification, top assisted speed, and motor wattage. Modifications that change speed or wattage require a corrected label.

Section 2310. Lights, reflectors, and equipment.

(1) Every electric bicycle operated between dusk and dawn must be equipped with a lamp on the front emitting a white light visible from a distance of at least two hundred (200) feet to the front. All headlights must be activated thirty (30) minutes before sunset and must be used until thirty (30) minutes after sunrise. Handheld lights and rider-worn lights are not acceptable substitutes.

(2) Every electric bicycle shall be equipped with a red reflector which shall be visible for two hundred (200) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. If an electric vehicle has a taillight, it must be activated thirty (30) minutes before sunset and must be used until thirty (30) minutes after sunrise.

(3) No electric bicycle shall be equipped with, nor shall any person use while operating an electric bicycle, a siren or whistle.

(4) A Class 2 electric bicycle must operate in a manner so that the electric motor is disengaged and ceases to function when the brakes are applied. Class 1 and Class 3 electric bicycles must be equipped with a mechanism or circuit that cannot be bypassed and that causes the electric motor to disengage or cease to function when a person stops pedaling.

(5) All Class 3 electric bicycles must be equipped with a speedometer that displays, in miles per hour, the speed the electric bicycle is traveling.

Section 2311. Safe operation of electric bicycles.

All electric bicycles shall be operated in a safe manner which is reasonable and prudent under the conditions with due regard to the width, grade, curve, corners, traffic, and all other attendant circumstances of the sidewalk, trail, path, or roadway.

Section 2312. Speed limits on electric bicycles.

Electric bicycles are limited to speeds not exceeding 10 mph on sidewalks and 15 mph on shared use recreational trails and paths. Electric bicycles must comply with the posted speed limits on roadways.

Section 2313. Parking.

A person may park an electric bicycle on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance. An electric bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic. A person may park an electric bicycle

on the road at any angle to the curb or edge of the road at any location where parking is allowed. An electric bicycle may be parked on the road next to another such bicycle or at any location where parking is allowed in such a manner that does not impede the normal and reasonable movement of traffic. Electric bicycles shall not be parked on or along a highway.

10.01.040 - Definitions.

Unless otherwise provided expressly or by context, all terms used in this Chapter are defined as provided in the appendices of the MTC.

10.01.050 - Enforcement.

Pursuant to Section 110(2) of the MTC, Title 10 is enforceable in Gypsum Municipal Court. The Town manager, Town code enforcement officer, every officer of the Gypsum Police Department, Eagle County Sheriff's Department, and Colorado State Patrol ("Town Enforcement Officer(s)") are authorized to enforce Title 10, and make all determinations provided for herein. Every officer of the Gypsum Police Department, Eagle County Sheriff's Department, and Colorado State Patrol are also authorized to regulate traffic and issue citations for violations of traffic laws, and are included within the term "police officer" as defined in the appendices of the MTC.

10.01.060 Interpretation of Provisions.

Chapter 10.01 of the Gypsum Municipal Code shall be interpreted and construed to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article, Part and Section headings of the MTC shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or extent of the provisions of any article, part or Section thereof.

10.01.070 - Citation to Colorado Revised Statutes.

All references to provisions of the Colorado Revised Statutes which contain counterpart provisions to the MTC as contained in Title 10e shall be deemed proper references to the counterpart provisions of the MTC and the Gypsum Municipal Code. When enforcing the MTC, arresting police officers, Town enforcement officers, and the Town's prosecuting attorneys and officials are authorized to cite to equivalent counterparts contained in the Colorado Revised Statutes. Any citation, by such persons to a Colorado Revised Statute containing the substantially same or identical provisions as those found in counterpart Sections of the MTC, is equivalent to a citation to the relevant provisions of the MTC for purposes of designating, charging, prosecuting and penalizing violations of the MTC pursuant to Title 10.

10.01.080 - Applicability of Provisions.

Crashes and crash reports. 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 the Town, the use of which the Town has

jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413, and part 16 of the MTC, respectively concerning reckless driving, careless driving, eluding a police officer, and shall apply not only to public places and ways but also throughout the Town.

10.01.081 - Reserved.

10.01.090 - Violation—Penalty.

(1) It is unlawful for any person to violate any of the provisions stated or adopted in Title 10 of the Gypsum Municipal Code.

(2) Violations of Title 10 of the Gypsum Municipal Code shall be cited as follows: “Section # (MTC/GMC)”.

(3) Every person convicted of a violation of any provision stated or adopted in Title 10 of the Gypsum Municipal Code shall be punished by a fine not to exceed the maximum amount set forth in Section 2.01.100(6).

(4) Every person convicted of a violation of any provision stated or adopted in Title 10 of the Gypsum Municipal Code shall pay such penalty as provided for in the Gypsum Municipal Court Penalty Assessment and Bond Schedule or as established in an annual fee resolution adopted pursuant to Section 1701 of the MTC.

(5) If a person receives a penalty assessment notice or summons and complaint pursuant to Section 1701 of the MTC for a violation for which points may be assessed against the person's driver's license pursuant to Section 42-2-127, C.R.S., 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 or more points under the Gypsum Municipal Court Penalty Assessment and Bond Schedule, the points are reduced by two points;

(b) For a violation having an assessment of two points under the Gypsum Municipal Court Penalty Assessment and Bond Schedule, the points are reduced by one point.

(6) If a person receives a summons and complaint or penalty assessment notice pursuant to this Chapter for a civil infraction defined by this Code as a civil infraction, and such person fails to pay the fine and surcharge for the violation on or before 20 days after the citation is issued, such person may be assessed court costs and fees.

(7) If a person receives a summons and complaint or penalty assessment notice pursuant to this Chapter for a civil infraction defined by this Code as a civil infraction, and such person fails to pay the fine and surcharge for the violation on or before the date the

payment is due and fails to appear in person or by counsel before the Municipal Court for a first hearing, the Municipal Court shall issue an order to the defendant commanding appearance at a subsequent court date and stating the date of the required court appearance.

(8) If a person fails to appear before the Municipal Court for a final hearing when scheduled, the Municipal Court may impose all penalties permitted pursuant to Section 2.01.230 of the Code and the annual fee resolution, enter a default against defendant, and issue a warrant for arrest. The Municipal Court may also submit a transcript of record containing the conviction and assessment of points to the motor vehicle division of the state department of revenue pursuant to Rule 255(b) of the Colorado Rules of Municipal Court Procedure.

10.01.100 - Reserved.

Chapter 10.02 - OFF-HIGHWAY VEHICLES

10.02.010 - Definitions.

The following words, terms and phrases, when used in this Chapter 10.02, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(1) *Electric moto* means a lightweight, high-performance electric two-wheeled vehicle that (a) lacks functional pedals and uses a foot-peg-based riding stance, (b) has a top speed between 30 and 60 miles per hour (inclusive), (c) features long-travel suspension (200mm+), (d) has a frame weight of no more than 140 pounds, and (e) delivers peak power between 3 kW and 15 kW (inclusive).

(2) *Off-highway vehicle* means any self-propelled vehicle which is designed to travel on wheels in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. Off highway vehicles includes electric motos. “Off-highway vehicle” does not include the following:

- (a) Vehicles designed and used primarily for travel on, over, or in the water;
- (b) Snowmobiles;
- (c) Military vehicles;
- (d) Golf carts;
- (e) Vehicles designed and used to carry individuals with disabilities;
- (f) Vehicles designed and used specifically for agricultural, logging, or mining purposes;

(g) Vehicles registered pursuant to Article 3 of Title 42, C.R.S.;

(h) Self-balancing motorized personal vehicles, including but not limited to hoverboards, kick scooters, e-scooters, self-balancing scooters, and self-balancing transporters; or

(i) Ride-on lawn mowers.

(3) *Off-highway vehicle route* means any road, trail, or other public way owned or managed by the Town and designated for off-highway vehicle travel pursuant to this Chapter.

(4) *Operator* means any person having physical custody of or using an off-highway vehicle.

(5) *Owner* means any person, other than a lienholder, having a property interest in an off-highway vehicle and entitled to the use and possession thereof.

10.02.020 - Off-Highway Vehicle Routes Designated.

In accordance with C.R.S. § 33-14.5-108, excluding Highway 6 from Jules Drive east to the Town boundaries and any street or road which is part of the State highway system, all other streets, roads, and alleys within the Town are hereby designated as limited off-highway vehicle routes. Off-highway vehicles shall be permitted on such routes for the limited purpose of traveling to or from the owner's or operator's residence or place of storage directly to the following Town-owned recreational areas and recreational areas immediately adjacent to the Town's boundaries:

(1) Hardscrabble special recreation management area via any of the following routes:

- (a) BLM access in Siena Lake;
- (b) BLM access in Buckhorn Valley; and
- (c) BLM access from Spring Creek Road.

(2) Gypsum Hills Extensive Recreation Management Area via the BLM access from Trail Gulch Road.

(3) Red Hill from any of the following routes:

- (a) BLM access from Cottonwood Pass Road;
- (b) BLM access from Legend Drive in Sky Legend; and
- (c) BLM access from Highlands Road.

(4) Dry Lake Motocross Park via Trail Gulch Road, provided that Eagle County authorizes off-highway vehicles to travel on Trail Gulch Road.

10.02.030 - Regulations Concerning the Operation of Off-Highway Vehicles within the Town.

No off-highway vehicle shall be operated on any off-highway vehicle route within the Town except in accordance with the following. This Chapter shall not apply to use of off-highway vehicles during applicable emergency conditions declared by the Town or proper state authority, or to off-highway vehicles used solely on private property.

(1) Every off-highway vehicle shall be currently registered with the State Division of Parks and Wildlife.

(2) Every off-highway vehicle shall be covered by either an insurance policy complying with the state's requirements for motor vehicles or a certificate of self-insurance in full force and effect which complies with the state's requirements for motor vehicles. When an crash occurs, or when requested to do so following any lawful traffic contact, or during an investigation by a police officer, no owner or operator of an off-highway vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

(3) No person shall operate an off-highway vehicle at a speed greater than is reasonable and prudent under the conditions then-existing, and in no event greater than the posted speed limit within business districts and 15 miles per hour in a residential zone district.

(4) Any person who drives an off-highway vehicle in such a manner as to indicate either a wanton or willful disregard for the safety of persons or property shall be deemed guilty of reckless operation of an off-highway vehicle.

(5) Any person who operates an off-highway vehicle in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, pedestrians and use of the streets, and all other attendant circumstances, shall be deemed guilty of careless operation of an off-highway vehicle.

(6) A person operating an off-highway vehicle shall observe all official traffic control devices, including signs and signals, as set forth in the Model Traffic Code for Colorado Municipalities, as adopted by reference by the Town, and shall further operate such off-highway vehicle in the manner required for vehicles under the Model Traffic Code for Colorado Municipalities, as adopted by reference by the Town, except as otherwise provided in this Chapter.

(7) No off-highway vehicle shall be operated between the hours of sunset and sunrise unless such off-highway vehicle is equipped with at least one lighted headlamp and one lighted taillamp, each having the minimum candlepower prescribed by the regulations of the state.

(8) No off-highway vehicle shall be operated unless such off-highway vehicle is equipped with brakes and a muffler and spark arrester which conform to the standards prescribed by the regulations of the state.

(9) No person shall operate an off-highway vehicle unless such person has a current valid driver's license and is at least 16 years of age, unless supervised by an adult traveling on a separate off-highway vehicle who is riding immediately next to, in front of, or behind the minor operator.

(10) Any operator of an off-highway vehicle that is under the age of 18 years shall wear a safety helmet.

(11) An off-highway vehicle shall not carry more people than such vehicle is designed to carry.

(12) An off-highway vehicle shall not tow objects or people behind such vehicle.

(13) No off-highway vehicle shall be operated on sidewalks within the Town.

(14) Operators of off-highway vehicles shall use proper hand signals to warn other drivers of their intentions such as to turn or stop.

(15) Operators of off-highway vehicles shall wear proper eye protection.

10.02.040 - Penalties.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who violates any of the provisions of this Chapter commits a civil infraction. The penalty schedule shall be determined annually and set forth in an annual fee schedule adopted by the Town. Fines and costs shall be paid to, received by, and accounted for by the Town Clerk.