

**ORDINANCE NO. 2025-036**

**AN ORDINANCE REPEALING AND REPLACING SECTIONS 10.04.010, 10.04.020, 10.04.030 AND 10.04.040 OF THE MUNICIPAL CODE AND ADOPTING BY REFERENCE AS A PRIMARY CODE, WITH CERTAIN AMENDMENTS, THE MODEL TRAFFIC CODE FOR COLORADO NOVEMBER 2024 REVISION 1.0; AND AMENDING SECTIONS 10.20.040 AND 10.20.050 OF THE MUNICIPAL CODE TO ACCURATELY REFERENCE RELEVANT STATE STATUTES**

**WHEREAS**, pursuant to its home rule authority and C.R.S. § 42-4-110(1)(b), the Town of Castle Rock (the “Town”) may, in the manner prescribed by Parts 1 and 2 of Article 16 of Title 31, C.R.S., adopt by reference all or any part of a model traffic code that embodies the rules of the road and vehicle requirements as set out in the state traffic laws; and

**WHEREAS**, the Town previously adopted the 2010 edition of the Model Traffic Code promulgated by the Colorado Department of Transportation (“CDOT”) by reference, with certain amendments thereto, by Ordinance No. 2012-15; and

**WHEREAS**, CDOT has promulgated a 2024 edition of the Model Traffic Code for Colorado; and

**WHEREAS**, CDOT updated the 2024 edition of the Model Traffic Code for Colorado with Revision 1.0; and

**WHEREAS**, the Town’s current traffic code requires amendments in order to comply with changes in state law; and

**WHEREAS**, uniformity between the Town and State of Colorado traffic codes benefits officers by allowing them to adhere to a single set of rules, thereby simplifying their duties and reducing the risk of error; and

**WHEREAS**, Sections 10.20.040 and 10.20.050 of the Town Code as currently written reference a portion of the Colorado Revised Statutes inaccurately, creating confusion and an inability to enforce certain provisions of said sections; and

**WHEREAS**, the Town Council hereby finds that adoption of the 2024 Model Traffic Code November 2024 Revision 1.0 is necessary for the health, safety, and welfare of the public and desires to adopt said code by reference, as amended and set forth herein; and amendments to Sections 10.20.040 and 10.20.050 of the Town Code are necessary for the health, safety, and welfare of the public and desires to adopt said revisions herein.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO, AS FOLLOWS:**

**Section 1.** Section 10.04.010 of the Castle Rock Municipal Code is hereby repealed and reenacted to read as follows:

**“10.04.010 Adoption.**

Pursuant to Part 2 of Article 16 of Title 31, C.R.S, there is hereby adopted by reference as a primary code the 2024 Model Traffic Code November 2024 Revision 1.0 (the “Model Traffic Code”), promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services branch, 2829 West Howard Place, Denver, Colorado 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations of the Town. The purpose of this Chapter and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. Three (3) copies of the Model Traffic Code adopted herein are on file in the office of the Town Clerk and may be inspected during regular business hours.”

**Section 2.** Section 10.04.020 of the Castle Rock Municipal Code is hereby repealed and reenacted to read as follows:

**“10.04.020. Application.**

This Chapter shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public place, and public parking area within the corporate limits of the Town, and those same areas outside of the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate. The provisions of Sections 1204, 1208, 1211, 1213, 1401, 1402, 1409(3) and 1413 of the adopted Model Traffic Code, respectively concerning parking, reckless driving, careless driving, compulsory insurance and eluding a police officer, shall apply not only to public places and ways but also throughout private property within the corporate limits of the Town.”

**Section 3.** Section 10.04.030 of the Castle Rock Municipal Code is hereby repealed and reenacted to read as follows:

**“10.04.030 Amendments.**

The Model Traffic Code is hereby amended as follows:

**A.** Any reference to “local authority” or “local government,” whether singular or plural, shall be revised to instead reference “the Town,” which shall mean “the Town of Castle Rock.”

**B.** Any reference to “court,” “county court,” or “district court” shall be revised to instead reference “the municipal court,” which shall mean “the Town of Castle Rock Municipal Court.” Any reference to “court clerk” shall be revised to instead reference “the municipal court clerk.”

C. All provisions containing enumerated penalties for violations are deleted, including Section 1701 and Section 1702 in their entirety. All provisions containing surcharges or fees not due the Town are deleted.

D. Subsections 1707(7) and 1709(6) are deleted in their entirety.

E. There shall be no division into classes of traffic infractions, traffic offenses or misdemeanor traffic offenses. Any reference to “class A” or “class B” traffic infraction is deleted and replaced by “traffic infraction.” Any reference to a “class 1” or “class 2” traffic offense or misdemeanor traffic offense is deleted and replaced by “traffic offense.”

F. Section 106 is hereby amended to read as follows:

**‘106. Who may restrict right to use highways.**

(1) The Public Works Director or its designee may prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway whenever the Public Works Director finds that any said highway by reason of deterioration, rain, snow, or other climatic conditions may be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. Such restrictions shall be effective when signs giving notice thereof are erected upon the highways or portion of any such highway, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

(2) The Public Works Director may prohibit the operation of trucks and commercial vehicles or construction vehicles on designated highways or may impose limitations as to the weight, size or type thereof, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. Such restrictions shall be effective when signs giving notice thereof are erected upon the highways or portion of any highway, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

(3) The Public Works Director for the purpose of general construction which may impact a roadway to the extent that closure is reasonably necessary to avoid creation of a public safety hazard, or for the purpose of road construction and maintenance, temporarily may close to all vehicular traffic any highway or portion thereof, and shall in conjunction with any such road closure, establish appropriate detours or provide for an alternative routing of the traffic affected. Such temporary closing of the highway or portion thereof and the routing of traffic along other roads shall not become effective until official traffic control devices are erected giving notice of the restrictions, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

(4) The Public Works Director may provide for the temporary closing to vehicular traffic of any portion of a highway during a specified period of the day for the purpose of celebrations, parades and special local events or civic functions for which a valid permit has been issued by the

Town allowing the event to occupy the public way, and when in the opinion of the Public Works Director such temporary closing is necessary for the safety and protection of persons who are to use that portion of the highway during the temporary closing. Such temporary closing of the highway or portion thereof shall not become effective until official traffic control devices are erected giving notice of the restrictions, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

(5) The Public Works Director may prohibit the operation of all vehicles, except authorized emergency and maintenance vehicles, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. Such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.’

**G.** Section 109.5 is hereby amended to read as follows:

**‘109.5. Low-speed electric vehicles.**

(1) As used in this Section, “low-speed electric vehicle” means a vehicle that:

- (a) is self-propelled utilizing electricity as its primary propulsion method;
- (b) has at least three wheels in contact with the ground;
- (c) does not use handlebars to steer; and

(d) exhibits the manufacturer’s compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

(2) Golf cars do not qualify as low-speed electric vehicles.

(3) A low-speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than thirty miles per hour, except that it may be operated to directly cross a roadway that has a speed limit greater than thirty miles per hour at an at-grade crossing to continue travelling upon a roadway with a speed limit equal to or less than thirty miles per hour.’

**H.** The Model Traffic Code is hereby amended by the addition of a new Section 109.7: Off-highway vehicles, as follows:

**‘109.7. Off-highway vehicles.**

(1) As used in this Section, “Off-highway vehicle” means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, designed primarily for use off of the public highways, and generally and commonly used to transport persons for recreational purposes. Except as described in subsection (2)(h) of this section, “off-highway vehicle” includes surplus military vehicles as defined in section 42-6-102, C.R.S. “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) Golf cars;
- (d) Vehicles designed and used to carry individuals with disabilities;
- (e) Vehicles designed and used specifically for agricultural, logging, or mining purposes;
- (f) Vehicles registered pursuant to article 3 of title 42, C.R.S.; or
- (g) A surplus military vehicle, as defined in section 42-6-102 (20.5), C.R.S., that is owned or leased by a municipality, county, or fire protection district, as defined in section 32-1-103 (7), for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

(2) It is unlawful to operate an off-highway vehicle on the public streets, roads, or highways within the Town, regardless of the state or other jurisdiction in which the off-highway vehicle is registered or titled, except in the following cases:

- (a) When a street, road, or highway is designated open by the state or any agency of the state;
- (b) When crossing streets or when crossing roads, highways, or railroad tracks in accordance with section 33-14.5-108.5, C.R.S.;
- (c) When traversing a bridge or culvert;
- (d) During special off-highway vehicle events lawfully conducted pursuant to the authority granted to the Town;
- (e) During emergency conditions declared by the state or the Town;
- (f) When the Town has authorized by resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on Town streets or roads, but no street or road which is part of the state highway system may be so designated;
- (g) When using an off-highway vehicle for agricultural purposes;
- (h) When authorized under section 33-14.5-108(3), C.R.S.; and
- (i) When the Town, a public utility, as defined in section 40-1-103 (1), C.R.S., or a cooperative electric association, as defined in section 40-9.5-102, C.R.S., or any agent thereof

designated specifically for the purpose of meter reading or repair, is using an off-highway vehicle for business purposes.

(3) No parent or legal guardian shall cause or knowingly permit their child or ward under the age of eighteen years to drive or ride an off-highway vehicle in the Town. Any person who enters a plea of guilty, no contest or is convicted at trial of violating any provision of this section shall be punished by a minimum mandatory fine of not less than two hundred fifty dollars (\$250.00).'

**I.** The Model Traffic Code is hereby amended by the addition of a new section 109.8: Vehicles prohibited on sidewalk and other pedestrian paths prohibited, as follows:

**‘109.8. Motor Vehicles prohibited on sidewalk and other pedestrian paths; golf cars.**

(1) No motor vehicles, autocycles, motorcycles, electrical assisted bicycles, low-powered scooters, or off-highway vehicles may be operated on paths, trails, sidewalks, along greenbelts and drainage ways, or beyond designated roadways or parking areas.

(2) Except when the Town is using a golf car for business purposes, golf cars may be operated only within golf courses in compliance with any rules or regulations established by the golf course. Golf cars are not to be operated on paths, trails, sidewalks, along greenbelts and drainage ways, or on any public street, road or highway.’

**J.** Subsection 110(1)(d) is hereby amended to read as follows:

**‘110. Provisions uniform throughout jurisdiction.**

(1) The provisions of this Code shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein. Local governments shall regulate and enforce all traffic and parking restrictions on streets which are state highways as provided in section 43-2-135(1)(g), C.R.S. All local authorities may enact and enforce traffic regulations on other roads and streets within their respective jurisdictions. All such regulations are shall be subject to the following conditions and limitations:

(d) In no event shall local authorities have the power to enact regulations governing the driving of vehicles by persons under the influence of alcohol or of a controlled substance, as defined in section 18-18-102(5), C.R.S., or under the influence of any other drug to a degree that renders any such person incapable of safely operating a vehicle, or whose ability to operate a vehicle is impaired by the consumption of alcohol or by the use of a controlled substance as defined in section 18-18-102(5), C.R.S., or any other drug, the licensing of drivers, the duties and obligations of persons involved in traffic accidents, and vehicle equipment requirements in conflict with the provisions of Article 4 of Title 42, C.R.S.; but said local authorities within their respective jurisdictions shall enforce the state laws pertaining to these subjects, and in every charge of violation the complaint shall specify the section of state law under which the charge is made and the state court having jurisdiction.’

**K.** Section 111 is hereby amended as follows, and by the addition of the following Subsection (1)(gg):

**‘111. Powers of local authorities.**

(1) Except as otherwise provided in subsection (2) of this section, Article 4 of Title 42, C.R.S., does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of police power, from:

(gg) Enforcing the requirement that a vehicle, trailer, semitrailer, or motor vehicle be registered as required in Article 3 of Title 42, C.R.S. This subsection (gg) does not authorize a local authority to enact an ordinance that requires the owner of a motor vehicle, trailer, semitrailer, or vehicle to register the motor vehicle, trailer, semitrailer, or vehicle with the local authority.’

**L.** Subsections 236(2) and (3) are amended to read as follows:

**‘236. Child restraint systems required – definitions – exemptions.**

(2) (a) (I) Unless exempted pursuant to subsection (3) of this section and except as otherwise provided in subsections (2)(a)(II), (2)(a)(III), and (2)(a)(IV) of this section, every child who is under nine years of age and who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center shall be properly restrained in a child restraint system according to the manufacturer’s instructions.

(II) If the child is less than two years of age, the child shall be properly restrained in a rear seat of the vehicle, if a rear seat is available, and:

(A) In a rear-facing child restraint system if the child weighs under forty pounds; or

(B) In a rear-facing or forward-facing child restraint system if the child weighs forty pounds or more.

(III) If the child is two years of age or older, but less than four years of age, and weighs at least twenty pounds, the child shall be properly restrained:

(A) In a rear-facing or forward-facing child restraint system; and

(B) In the rear seat of a vehicle, if a rear seat is available.

(IV) If the child is four years of age or older, but less than nine years of age, and weighs at least forty pounds, the child shall be properly restrained:

(A) In a child restraint system or booster seat; and

(B) In the rear seat of a vehicle, if a rear seat is available.

(b) Unless excepted pursuant to subsection (3) of this section, every child who is at least nine years of age but less than eighteen years of age who is being transported in this state in

a motor vehicle or in a vehicle operated by a child care center shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.

(c) If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with and that they properly use a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.

(3) Except as provided in 42-2-105.5 (4) C.R.S., subsection (2) of this section does not apply to a child who:

(a) Is less than nine years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available;

(b) Is being transported in a commercial motor vehicle, as defined in section 42-2-402 (4)(a), C.R.S., that is operated by a child care center;

(c) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in section 42-4-237, C.R.S.;

(d) Is being transported in a motor vehicle that is operated in the business of transporting persons for compensation or hire by or on behalf of a common carrier or a contract carrier as those terms are defined in section 40-10.1-101, C.R.S., or an operator of a luxury limousine service as defined in section 40-10.1-301, C.R.S.?

**M.** Section 239 is hereby amended to read as follows:

**‘239. Use of a mobile electronic device.**

(1) As used in this section, unless the context otherwise requires:

(a) "Emergency" means a circumstance in which an individual:

(I) has reason to fear for the individual's life or safety or believes that a criminal act may be perpetrated against the individual or another individual, requiring the use of a mobile electronic device when the individual is driving a motor vehicle; or

(II) reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or an individual who is driving in a reckless, careless, or unsafe manner.

(b) "First responder" means:

(I) a peace officer, as described in section 16-2.5-101, C.R.S.;

(II) a firefighter, as defined in section 29-5-203(10), C.R.S.;

(III) a volunteer firefighter, as defined in section 31-30-1102 (9)(a), C.R.S.;

(IV) an emergency medical service provider, as defined in section 25-3.5-103(8), C.R.S.; or

(V) any other individual who responds in a professional capacity to a public safety emergency.

(c) "Hands-free accessory" means an accessory with a feature or function that enables an individual to use a mobile electronic device without using either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(d) (I) "Mobile electronic device" means a handheld or portable electronic device capable of providing voice communication between two or more persons, amusement, or the wireless transfer of data.

(II) "Mobile electronic device" does not include:

(A) a radio, citizens band radio, or citizens band radio hybrid;

(B) a commercial two-way radio communication device or its functional equivalent;

(C) a subscription-based emergency communication device;

(D) a prescribed medical device;

(E) an amateur or ham radio device; or

(F) systems that are designed for and installed within the vehicle's electronics, such as an in-vehicle security, navigation, communications, or remote diagnostics system.

(e) "Operating a motor vehicle" means driving a motor vehicle on a public highway. "Operating a motor vehicle" does not include maintaining the instruments of control of a motor vehicle while the motor vehicle is at rest in a shoulder lane or lawfully parked.

(f) "Use" or "using" means:

(I) physically holding a mobile electronic device in the driver's hand or pinning a mobile electronic device to a driver's ear to conduct voice-based communication; except that an individual may use a speaker or other listening device that is built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone as provided in section 42-4-1411, C.R.S.;

(II) watching a video or movie on a mobile electronic device, other than watching data related to the navigation of the motor vehicle; or

(III) writing, sending, or reading text-based communication, including a text message, instant message, e-mail, or internet data, on a mobile electronic device; except that text-based communication does not include:

(A) a voice-based communication that is automatically converted by the mobile electronic device to be sent as a message in written form; or

(B) communication concerning the navigation of a motor vehicle.

(2) Except as specified in subsection (3) of this section, an individual shall not use a mobile electronic device while operating a motor vehicle.

(3) It is not a violation of subsection (2) of this section to use a mobile electronic device:

(a) to contact a public safety entity;

(b) during an emergency;

(c) when an employee or contractor of a utility is acting within the scope of the employee's or contractor's duties when responding to a utility emergency;

(d) when an employee or contractor of a city or county is acting within the scope of the employee's or contractor's duties as a code enforcement officer or animal protection officer; or

(e) during the performance of a first responder's official duties.

(4) (a) Except as provided in subsection (4)(b) of this section, an individual who violates this section commits a traffic infraction, and the court shall assess a penalty as follows:

(I) A fine of seventy-five dollars (\$75.00) for the first offense within the immediately preceding twenty-four months;

(II) A fine of one hundred fifty dollars (\$150.00) for the second offense within the immediately preceding twenty-four months; or

(III) A fine of two hundred fifty dollars (\$250.00) for the third or subsequent offense within the immediately preceding twenty-four months.

(b) (I) An individual charged with violating subsection (2) of this section shall not be convicted if the individual:

(A) produces a hands-free accessory or proof of purchase of a hands-free accessory; and

(B) affirms under penalty of perjury that the individual has not previously had a charge dismissed under this subsection (4)(b).

(II) The court may dismiss the charge if the clerk verifies that the individual has complied with both subsections (4)(b)(I)(A) and (4)(b)(I)(B) of this Section.

(5) This Section does not apply to an individual with a commercial driver's license who is operating a commercial vehicle.

(6) An individual operating a motor vehicle shall not be cited for a violation of subsection (2) of this section unless a law enforcement officer saw the individual use a mobile electronic device in a manner that caused the individual to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by section 1402.

(7) This section does not authorize the seizure and forfeiture of a mobile electronic device, unless otherwise provided by law.'

N. Subsection 511(1)(a) is hereby amended to read as follows:

**'511. Permit standards – state and local.**

(1) (a) Any permits which may be required by the Town shall be issued in accordance with an ordinance adopted by Town Council after a public hearing. Notice of such public hearing shall be published on the Town's website. Such notice shall not be less than five calendar days prior to the date of hearing. Such notice shall state the purpose of the hearing, the time and place of the hearing, and that the general public, including motor vehicle owners and operators to be affected, may attend and make oral or written comments regarding the proposed ordinance or resolution. Notice of any subsequent hearing shall be published in the same manner as for the original hearing.'

O. Subsection 1101(2)(c) is hereby amended to read as follows:

**'1101. Speed limits.**

(c) Twenty-five miles per hour in any residence district, as defined in section 42-1-102(80);'

P. Section 1204 is amended by the addition of the following Subsection 3.5:

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

(3.5) Posted Parking Restrictions; Violation. At any place within the Town where authorized signs are posted giving notice of parking limitations, regulations, restrictions or prohibitions, it shall be unlawful for any person to park a vehicle in any manner in violation of, or contrary to, the provisions contained on such signs except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer, or traffic-control signal, sign or device, except momentarily for the purpose of loading or unloading passengers when such parking does not obstruct, impede or endanger any traffic; except as otherwise provided in this article.’

**Q.** Subsection 1208(4) is hereby amended to read as follows:

**‘1208. Reserve parking for persons with disabilities – applicability – rules.**

(4) Blocking access.

(a) Regardless of whether a person displays an identifying plate or placard, a person shall not park a vehicle so as to block reasonable access to curb ramps, passenger loading zones, access aisles, or accessible routes, as those terms are defined in the 2010 ADA Standards for Accessible Design identified in 28 CFR 36 appendix A, that are clearly identified unless the person is actively loading or unloading a person with a disability.

(a.5) A person shall not block reasonable access to reserved parking, curb ramps, access aisles, or accessible routes by any means.’

**R.** The Model Traffic Code is hereby amended by adding a new Section 1214, to read as follows:

**‘1214. Presumption in reference to illegal parking.**

In any prosecution charging a violation of any provision of this Code governing the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such provision, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.’

**S.** Subsection 1402.5(2) is hereby amended to read as follows:

**‘1402.5. Vulnerable road user – prohibition – violations and penalties – definition.**

(2) Prohibition. A person who drives a motor vehicle in violation of section 1402 and whose actions are the proximate cause of serious bodily injury, as defined in section 42-4-1601(4)(b), C.R.S., to a vulnerable road user commits infliction of serious bodily injury to a vulnerable road user.’

T. Subsection 1412(14) is hereby amended to read as follows:

**‘1412. Operation of bicycles and other human-powered vehicles.**

(14) (a) (I) A person may ride a class 1 or class 2 electrical assisted bicycle on a bike or pedestrian path where bicycles are authorized to travel.

(II) The Town may prohibit the operation of a class 1 or class 2 electrical assisted bicycle on a bike or a pedestrian path under its jurisdiction.

(b) Under no circumstances shall a person operate or ride a class 3 electrical assisted bicycle on a bike or pedestrian path.’

U. The Model Traffic Code is hereby amended by adding a new Section 1416, to read as follows:

**‘1416. Registration required.**

(1) (a) Within sixty days after purchase, every owner of a motor vehicle, trailer, semitrailer, or vehicle that is primarily designed to be operated or drawn upon any highway of this state or any owner of a trailer coach or of special mobile machinery whether or not it is operated on the highways, shall register such vehicle with the Colorado Department of Revenue.

(b) This subsection (1) does not apply to the following:

(I) A bicycle, electrical assisted bicycle, electric scooter, or other human-powered vehicle;

(II) Vehicles specifically exempted by section 42-3-104 of the Colorado Revised Statutes; and

(III) Any vehicle whose owner is permitted to operate it under provisions of this article concerning lienholders, manufacturers, dealers, nonresidents, and fleet owners.

(2) An owner of a foreign vehicle operated within the State of Colorado for the transportation of persons or property for compensation or for the transportation of merchandise shall register such vehicle and pay the same fees and tax required by the Colorado Revised Statutes with reference to like vehicles. This provision shall not be construed to require registration or reregistration in this state of any motor vehicle, truck, bus, trailer, semitrailer, or trailer coach that is used in interstate commerce, but registration or reregistration shall be required in accordance with or to the extent that reciprocity exists between the state of Colorado and a foreign country or another state, territory, or possession of the United States.

(3) Every nonresident person who operates a business within the State of Colorado and owns and operates in such business any motor vehicle, trailer, semitrailer, or trailer coach within the state shall be required to register each such vehicle and pay the same fees and tax therefor as

are required with reference to like vehicles owned by residents of the state. This provision shall not be construed to require registration or reregistration in this state of any motor vehicle, trailer, or trailer coach that is used in interstate commerce, but registration or reregistration shall be required in accordance with or to the extent that reciprocity exists between the state of Colorado and a foreign country or another state, territory, or possession of the United States.

(4) (a) Within ninety days after becoming a resident of Colorado, an owner of a vehicle required to be registered by subsection (1) of this section shall register the vehicle with the Colorado Department of Revenue, irrespective of the vehicle being registered within another state or country.

(b) Within forty-five days after the owner has returned to the United States, the provisions of this title relative to the registration of motor vehicles and the display of number plates shall not apply to motor vehicles registered with and displaying plates issued by the armed forces of the United States in foreign countries for vehicles owned by military personnel.

(c) (I) Notwithstanding paragraph (a) of this subsection (4) and section 42-1-102 (62) and (81) of the Colorado Revised Statutes, a nonresident shall be exempt from registering a motor vehicle owned by such person if the motor vehicle is a private passenger vehicle weighing less than sixty-five hundred pounds and the person is:

(A) A nonresident, gainfully employed within the boundaries of the State of Colorado, who uses a motor vehicle in commuting daily from such person's home in another state to and from such person's place of employment within this state; or

(B) A nonresident student who is enrolled in a full-time course of study at an institution of higher education located within the State of Colorado, if the motor vehicle owned by such person displays a valid nonresident student identification tag issued by the institution where the student is enrolled.

(II) Any person who is exempt from the provisions of this Section concerning the registration of a motor vehicle pursuant to this paragraph (c) shall comply with the applicable provisions of the motor vehicle registration laws of such person's state of residence.

(III) This paragraph (c) shall apply only if the state in which the owner resides extends the same privileges to Colorado residents gainfully employed or enrolled in an institution of higher education within the boundaries of that state.

(5) The provisions of this title 42 concerning the registration of vehicles and the display of number plates or of other identification do not apply to manufactured homes.'

V. Section 1503 is hereby amended to read as follows:

**'1503. Operating motorcycles and autocycles on roadways laned for traffic.**

(1) All motorcycles are entitled to full use of a traffic lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a traffic lane. This subsection (1) shall not apply to motorcycles operated two abreast in a single lane.

(2) The driver of a motorcycle or autocycle shall not overtake or pass in the same lane occupied by the vehicle being overtaken.

(3) (a) A person shall not drive a motorcycle or autocycle between lanes of traffic or between adjacent lines or rows of vehicles.

(b) (I) Notwithstanding subsections (2) and (3)(a) of this section, the driver of a two-wheeled motorcycle may overtake or pass another motor vehicle in the same lane as the motorcycle if:

(A) The overtaken or passed motor vehicle is stopped;

(B) The motor vehicles in the adjacent lanes, if the lanes are for the same direction of travel as the lane occupied by the two-wheeled motorcycle, are stopped;

(C) The driver of the two-wheeled motorcycle is on a road with lanes wide enough to pass safely;

(D) The passing motorcycle is driving at fifteen miles per hour or less; and

(E) Conditions permit prudent operation of the motorcycle while overtaking or passing.

(II) When the motor vehicles that are being overtaken or passed by the two-wheeled motorcycle begin moving, the driver of the motorcycle shall cease overtaking or passing a motor vehicle pursuant to subsection (3)(b)(I) of this section.

(III) A person overtaking or passing pursuant to this subsection (3)(b) shall not overtake or pass:

(A) On the right shoulder;

(B) To the right of a vehicle in the farthest right-hand lane if the highway is not limited access; or

(C) In a lane of traffic moving in the opposite direction.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.'

W. Subsections 1709(1), (1.5), and (3) of the Model Traffic Code are hereby amended to read as follows:

**‘1709. Penalty assessment notice for traffic offenses – violations of provisions by officer – driver’s license.**

(1) Whenever a penalty assessment notice for a traffic infraction is issued pursuant to this Code, the penalty assessment notice which shall be served upon the defendant by the peace officer 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 ordinance alleged to have been violated; a brief description of the traffic infraction and the date and approximate location thereof; the amount of the penalty prescribed for such traffic infraction and the amount of any applicable surcharge thereon; the number of points, if any, prescribed for such traffic infraction pursuant to section 42-2-127, C.R.S.; and the date the penalty assessment notice is served on the defendant. The penalty assessment notice shall further direct the defendant to appear in the municipal court at a specified time and place in the event such penalty and surcharge thereon is not paid; shall be signed by the peace officer; and shall include such other information as may be required by law for such penalty assessment notice to constitute a municipal summons and complaint, should the prescribed penalty and surcharge thereon not be paid on or before the court date. Notwithstanding anything above to the contrary, where an officer comes upon an unattended vehicle that is in apparent violation of this Code, which violation constitutes a traffic infraction, the penalty assessment notice may be served by placing such notice upon the vehicle.

(1.5) A penalty assessment notice issued and served pursuant to subsection (1) of this section on a minor under the age of eighteen years shall require the minor and the minor’s parent or legal guardian to appear in the municipal court at a specified time and place. In addition, a letter notifying such parent or legal guardian of the penalty assessment notice shall be sent by first class mail to the defendant’s address.

(3) The time specified in the summons portion of said penalty assessment notice must be at least fourteen days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.’

X. Subsection 1903(4) of the Model Traffic Code is hereby amended to read as follows:

**‘1903. School buses - stops - signs - passing.**

(4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus that is on a different roadway. As used in this section, “highway with separate roadways” means a highway that is divided into two or more roadways by a depressed or raised median, physical barriers, or other intervening space serving as a clearly indicated section or island that physically divides the roadways.”

**Section 4.** Section 10.04.040 of the Castle Rock Municipal Code is hereby repealed and reenacted to read as follows:

**“10.04.040. Penalties; penalty assessment procedure and penalty schedule.**

A. It is unlawful for any person to violate any provisions of the Model Traffic Code as adopted in this Chapter 10.04 for which no specific penalty has been provided or for which the sole penalty provided is a fine, which violations are hereby deemed traffic infractions. A traffic infraction shall be a civil matter for which punishment by imprisonment shall not be available, and for which a penalty assessment shall be issued. Every person who is convicted of a traffic infraction, or against whom a judgment is entered for a traffic infraction, is subject to a fine not exceeding two-thousand, six-hundred fifty dollars (\$2,650.00) for such traffic infraction.

B. It is unlawful for any person to violate any of the following provisions of the Model Traffic Code as adopted in this Chapter 10.04, which violations are hereby deemed criminal offenses. Every person convicted of a violation of the following provisions shall be punished by a fine not to exceed two thousand, six-hundred fifty dollars (\$2,650.00), or by imprisonment not to exceed three hundred sixty-four (364) days, or by both such fine and imprisonment for such traffic offense.

1. Section 239(2), Use of a mobile electronic device, if the individual's actions are the proximate cause of bodily injury or death to another.

2. Section 1101(12)(b), Speed limits, twenty-five or more miles per hour over the lawful speed limit.

3. Section 1105, Speed contests - speed exhibitions - aiding and facilitating.

4. Section 1208(5), Parking privileges for persons with disabilities – Fraud and trafficking.

5. Section 1401, Reckless driving.

6. Section 1409, Compulsory insurance.

7. Section 1413, Eluding or attempting to elude police officer.

C. Registration violations – dismissal upon compliance – notice required.

1. The municipal court may dismiss a violation for failing to register a vehicle, trailer, semitrailer, or motor vehicle in violation of the Town Code if:

a. the vehicle, trailer, semitrailer, or motor vehicle was unregistered for no more than four months at the time of violation;

b. the owner registered the vehicle, trailer, semitrailer, or motor vehicle before the owner’s first court date as listed on the citation or summons; and

c. the owner pays to the municipal court a thirty-dollar administrative dismissal fee.

2. A peace officer who charges a person for failing to register a vehicle, trailer, semitrailer, or motor vehicle in violation of the Town Code must notify the defendant of the opportunity to have the charge dismissed by the municipal court, if the registration that led to the citation or summons is expired for four months or less at the time of the violation and if registration is renewed prior to the first court date listed on the citation or summons, by either:

a. oral means if notification by electronic means on the citation is not implemented; or

b. electronic means on the citation if implemented.

D. The Town hereby elects to have the provisions of Section 42-2-127(5.5), C.R.S., apply to penalty assessment notices issued by the Town pursuant to this Chapter 10.04. If a violator receives a penalty assessment notice for a violation of this Chapter 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:

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

2. For a violation having an assessment of two (2) points, the points are reduced by one (1) point.

E. The minimum mandatory fines set forth below shall apply whether the alleged violator acknowledges guilt or liability, is found guilty by the Municipal Court or has judgment entered against him or her.

1. For a violation of Section 1208, reserve parking for persons with disabilities, three hundred fifty dollars (\$350.00) for the first offense, six hundred dollars (\$600.00) for a second offense, and one thousand dollars (\$1,000.00) for a third or subsequent offense.

2. For violation of Section 507, wheel and axle loads, or 508, gross weight of vehicles and loads:

<i>Excess Weight, in Pounds</i>	<i>Penalty</i>
1 – 1,000	\$20.00
1,001 – 3,000	\$25.00
3,001 – 5,000	\$0.03 per pound overweight

<i>Excess Weight, in Pounds</i>	<i>Penalty</i>
5,001 – 7,000	\$0.05 per pound overweight rounded to the nearest dollar
7,001 – 10,000	\$0.07 per pound overweight rounded to the nearest dollar
10,001 – 15,000	\$0.10 per pound overweight rounded to the nearest dollar
15,001 – 19,750	\$0.15 per pound overweight rounded to the nearest dollar
Over 19,750	\$0.25 per pound overweight rounded to the nearest dollar

3. For a violation of Section 1409(1), (2) or (3), compulsory insurance, in addition to any imprisonment imposed pursuant to Section 10.04.040.B of this Code, the defendant shall be punished by a minimum mandatory fine of not less than five hundred dollars (\$500.00). The court may suspend up to one-half of the fine upon a showing that appropriate insurance as required by law has been obtained. Nothing in this Section 10.04.040.E.3 shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine. Upon a second or subsequent conviction under Section 1409(1), (2) or (3) within a period of five (5) years following a prior conviction, in addition to any imprisonment imposed pursuant to Section 10.04.040.B of this Code, the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars (\$1,000.00). The court may suspend up to one-half of the fine upon a showing that appropriate insurance as required by law has been obtained.

F. Pursuant to Colorado Municipal Court Rule of Procedure 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.

G. 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. Such fines will be within the limits set by ordinance.

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

I. In addition to any penalty and other surcharge imposed for any traffic violation from the fine schedule adopted by the court, if the traffic violation occurs within a speed safety sensitive zone designated by the Town, a maintenance, repair or construction zone designated by the Town or a school zone, the court shall double the customary fine for the violation had it not occurred in such zone.

J. For all parking violations: fines shall be doubled if not paid within fifteen (15) days of the issuance of the citation.”

**Section 5.** The Castle Rock Municipal Code is hereby amended by the addition of a new Section 10.04.060, which section reads as follows:

**“10.04.060. – Authority to Impound.**

Absent emergency or exigent circumstances, a police officer shall impound any vehicle lawfully stopped by the police officer if:

A. The police officer has probable cause to believe that the operator of the vehicle is in violation of any section of Title 42, Article 3, Part 1, C.R.S., (vehicle registration requirements) or Section 1416 of the Model Traffic Code as adopted pursuant to Section 10.04.010 of this Code (registration required); and

B. The police officer has probable cause to believe that the operator is violating any section of Title 42, Article 2, Part 1, C.R.S., (driver’s license requirements); and

C. The police officer has probable cause to believe the operator is violating Section 42-7-510, C.R.S. (insurance or bond required) or section 1409 of the Model Traffic Code as adopted pursuant to Section 10.04.010 of this Code (compulsory insurance).”

**Section 6.** Section 10.20.040.B of the Castle Rock Municipal Code is hereby amended to read as follows:

**“10.20.040 – Removal – public tow.**

B. In removing or causing to be removed from public property a vehicle deemed abandoned, wrecked or junked, the police department shall use and employ those procedures for removal, notification and disposition of such vehicles as set forth in ~~the Colorado Abandoned Vehicle Act, Title 42, Article 4, PART 18 C.R.S., as said Act now exists or may be hereafter~~ FROM TIME TO TIME amended.”

**Section 7.** Section 10.20.050 of the Castle Rock Municipal Code is hereby amended to read as follows:

**“10.20.050 – Removal – private tow.**

In removing or causing to be removed from private property a vehicle deemed abandoned, wrecked or junked, the operator shall use and employ those procedures for removal, notification and sale of such vehicles as set forth in ~~the Colorado Abandoned Vehicle Act, Title 42, Article 4, PART 18 C.R.S., as said Act now exists or may be hereafter~~ FROM TIME TO TIME amended.”

**Section 8. Severability.** If any clause, sentence, paragraph or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

**Section 9. Safety Clause.** The Town Council finds and declares this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 21st day of October, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100(C) of the Castle Rock Municipal Code; and

**PASSED, APPROVED, AND ADOPTED ON SECOND AND FINAL READING** this 4th day of November, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of \_\_\_ for and \_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Michael J. Hyman, Town Attorney

\_\_\_\_\_  
David L. Corliss, Town Manager