

CHAPTER 8

Vehicles and Traffic

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ARTICLE 1

Model Traffic Code

Sec. 8-1-10. Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the *Model Traffic Code for Colorado*, promulgated and published by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado. The subject matter of the Model Traffic Code relates primarily to comprehensive, uniform traffic control regulations for the City. The purpose of this Article and the code adopted herein is to provide a system of traffic regulation consistent with state law and generally conforming to similar regulations throughout the State and the Nation. (Ord. 770-06 §1; Ord. 774-06 §1)

Sec. 8-1-20. Copy on file.

The City Clerk shall certify to the passage of this Article. One (1) copy of the Model Traffic Code adopted herein is now filed in the office of the City Clerk and may be inspected during regular business hours. The 2003 edition of the Model Traffic Code is adopted as if set out at length. (Ord. 770-06 §9; Ord. 774-06 §1)

Sec. 8-1-30. Amendments.

The Model Traffic Code is subject to the following amendments: Section 1203 is added to the Model Traffic Code, to read as follows:

- (1) Section 236 of the code is repealed and re-enacted to read as follows:

"236. Child restraint systems required - definitions - exemptions.

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

"(a) 'Child care center' means a facility required to be licensed under the 'Child Care Licensing Act,' Article 6 of Title 26, C.R.S.

"(a.3) 'Child booster seat' means a child passenger restraint system that meets the federal motor vehicle safety standards set forth in 49 C.F.R. § 571.213, as amended, that is designed. to elevate a child to properly sit in a federally approved safety belt system.

"(a.5) 'Child restraint system' means a specially designed seating system that is designed to protect, hold or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident, that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety standards set forth in section 49 C.F.R. § 571.213, as amended.

"(a.7) 'Child safety belt-positioning device' means a device that positions a safety belt around a child in a manner that safely restrains such child in a seating position that conforms to all applicable federal motor vehicle safety standards.

"(b) 'Safety belt' means a lap belt, a shoulder belt or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt that is physically a part of a child restraint system. 'Safety belt' includes the anchorages, the buckles and all other equipment directly related to the operation of safety belts.

"(c) 'Seating position' means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

(2)(a) Unless exempted pursuant to subsection (3) of this section, every child, who is under four years of age and weighs under forty pounds, being transported in this state in a privately owned noncommercial passenger vehicle or in a vehicle operated by a child care center, shall be provided with one of the following child restraint systems suitable for the child's size, and shall be properly fastened into such child restraint system which is in a seating position which is equipped with a safety belt or other means to secure the system according to the manufacturer's instructions:

"(I) If the child is less than one year of age and weighs less than twenty pounds, the child shall be properly restrained in a rear-facing child restraint system.

"(II) If the child is one year of age or older, but less than four years of age, and weighs less than forty pounds, but at least twenty pounds, the child shall be properly restrained in a forward-facing child restraint system.

"(b) Unless excepted pursuant to Subsection (3) of this section, every child, who is at least four years of age or weighs forty pounds or more, being transported in this state in a privately owned noncommercial vehicle or in a vehicle operated by a child care center, shall be properly secured by one of the following safety devices approved for a child of such age or weight by the United States Department of Transportation, or in a safety belt, whichever is appropriate for the child:

"(I) Except as otherwise provided in subparagraph (1.5) of this paragraph (b), if the child is at least four years of age but less than six years of age and is less than fifty-five inches tall, the child shall be properly restrained in a child booster seat or with a child safety belt-positioning device.

"(1.5) If the child is at least four years of age but less than six years of age and is less than fifty-five inches tall, and if the child is being transported in a vehicle equipped with only a two-point-lap-belt-only system available for the child, the child shall be properly restrained with a lap belt.

"(II) If the child is six years of age or older or is fifty-five inches tall or more, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body.

"(c) It is the responsibility of the driver transporting 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 section 42-2-105.5 (4), C.R.S., the requirements of subsection (2) of this section shall not apply to a child who:

"(a) [Repealed.]

"(b) Is being transported in a motor vehicle as a result of a medical emergency;

"(c) Is being transported in a commercial motor vehicle, as defined in section 42-2402(4)(a), C.R.S., that is operated by a child care center; or

"(d) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in section 237.

"(4) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under sixteen years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

"(5) The fine may be waived if the driver presents the court with satisfactory evidence of the acquisition, purchase or rental of an approved child restraint system by the time of the court appearance.

"(6) No driver in a motor vehicle shall be cited for a violation of subparagraph (I) of paragraph (b) of subsection (2) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of this code other than a violation of this section or section 237."

(2) Section 508 of the code is modified by the addition of the following Subsection (2), to read in its entirety as follows:

"508. Gross Weight of Vehicles and Loads.

"(2) With respect to all streets and highways under the jurisdiction of the City of Brush, pursuant to the authority provided by Section 42-4-111, C.R.S., no vehicle or combination of vehicles shall be moved or operated on any highway or bridge when the gross weight thereof exceeds 6,000 pounds; provided however that provisions of this subsection (2) shall not be construed to prohibit the driver of any excluded vehicle or combination of vehicles from traveling over such streets and highways, other than controlled-access roadways, for the purpose of delivering or picking up materials or

merchandise or reaching a destination which occurs on such streets if such excluded vehicle enters such streets at the intersection nearest the destination of the vehicle and proceeds thereon no farther than the nearest intersection thereafter."

(3) Part 12 of the Code is amended by the addition of a new section 1203 to read as follows:

"1203. Obedience to Parking Regulations.

"(1) The provisions of this section imposing a time limit on parking shall not relieve any person from the duty to observe other and more restricted provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places, at specified times or in a specified manner.

"(2) On any street or at any place within this municipality where official signs are posted giving notice of stopping, standing or parking restrictions or prohibitions as authorized in section 1212 of this code, no person shall stop, stand or park a vehicle in any manner in violation of the provisions contained on such sign or signs except when necessary to avoid conflict with other traffic, or in compliance with the directions of the police officer or official traffic control device, or except for the purpose of loading or unloading passengers when such standing does not obstruct, impede or endanger any traffic.

"(3) No person, except physicians or other persons on emergency calls, shall park a vehicle on any street signed to prohibit all-night parking, for a period of time longer than thirty minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day.

"(4) When official signs are erected giving notice thereof, no person shall stop, stand or park his or her vehicle on the shoulder of any highway or any other facility so marked, except in case of emergency involving the vehicle or its occupants."

"(5) (a) No person shall park, cause to be parked, or permit to be parked a trailer, camper trailer, camper coach, motor home, or the like, on any street, alley, city-owned parking lot or other public property within the City of Brush for a period in excess of 72 hours within any seven (7) consecutive days.

(b) For purposes of this subsection (5), "trailer" shall mean any wheeled vehicle without motive power which is designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport property over the public highways and shall include, without limitation a semi-trailer and utility trailer." (Ord.779-07)

(4) Part 12 of the Code is amended by the addition of a new section 1212 to read as follows:

"1212. Duties and powers of traffic engineer.

"(1) It shall be the general duty of the traffic engineer or other official vested with the responsibility for traffic as provided in this section to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of

traffic accidents and devise remedial or corrective measures, to conduct investigation of traffic conditions, to plan the operation of traffic on the streets and highways of this municipality, to cooperate with other municipal officials in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as are imposed by this code.

"(2) By way of example but not by way of limitation, the traffic engineer or other official vested with the responsibility for traffic is hereby authorized and empowered, consistent with the provisions of this code, to act as follows:

- "(a) Install, maintain and remove traffic control devices;
- "(b) Designate and mark medians and traffic islands;
- "(c) Conduct speed zoning studies and post speed limits as permitted by law;
- "(d) Designate minimum speed as provided by law;
- "(e) Regulate speed and traffic movement by traffic signals and provide for the synchronization of such signals wherever practicable;
- "(f) Designate one-way streets and roadways;
- "(g) Designate through streets or roadways and control entrances thereto;
- "(h) Designate stop or yield intersections and erect stop or yield signs thereat;
- "(i) Establish restrictions, prohibitions and regulations for the parking, standing or stopping of vehicles;
- "(j) Designate special parking zones for taxi cabs, press, television, radio vehicles and the like as appropriate;
- "(k) Designate parking meter zones and establish time limitations thereon based on engineering and traffic investigation;
- "(l) Establish tow-away zones;
- "(m) Designate upon which streets, if any, angle parking shall be permitted;
- "(n) Designate and sign intersections at which drivers shall not make a right or left turn, a U-turn or any turn at all times or during certain times;
- "(o) Designate and sign intersections where multiple, turns may be allowed;
- "(p) Mark center lines and lane lines and place other pavement markings necessary for the regulation and control of traffic;
- "(q) Install and maintain crosswalks at intersections or other places where there is particular danger to pedestrians crossing the roadway;

"(r) Establish safety zones at such places where necessary for pedestrian protection;

"(s) Install pedestrian control signals and designate those crossings where angle crossing by pedestrians may be permitted;

"(t) Establish play streets;

"(u) Establish truck routes and truck loading zones, bus stops and taxi stands;

"(v) Designate and sign those streets and roadways where pedestrians, bicyclists or other non-motorized traffic or persons operating a motor-driven cycle shall be excluded as provided by law;

"(w) Designate and sign those streets upon which vehicles or loads of a certain weight or size shall be prohibited;

"(x) Provide for temporary street or alley closures by the erection of barricades; and

"(y) Establish special permits for curb loading operations, for the movement of vehicles having excess size or weight, for parades or processions, and the like.

"(3) All traffic and parking restrictions on streets which are a part of the state highway system shall be regulated and enforced by this municipality, except that such regulations on such streets shall be subject to the approval of the Colorado Department of Transportation before becoming effective.

"(4) No stop sign or traffic control signal shall be erected or maintained in any location within this municipality so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Colorado Department of Transportation.

"(5) The traffic engineer or other official vested with responsibility for traffic is authorized to accept, upon the basis of a traffic investigation or survey, or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof, recommendations of the Colorado Department of Transportation for speed limits upon any state highway or federal-aid highway within this municipality, and such speed limits shall be effective when appropriate signs giving notice thereof are erected along said highways, regardless of whether said signs are placed by the Colorado Department of Transportation or by the traffic authority of this municipality.

"(6) It shall be the duty of the traffic engineer or other official charged with responsibility for traffic in this municipality to require that all traffic control devices are uniform as to type and location as required by state law.

"(7) The traffic engineer or other official vested with responsibility for traffic in this municipality shall cause records to be kept of all the streets or parts of streets where traffic regulations have been authorized and posted with signs pursuant to the provisions

of this code. Said records shall include schedules of streets and parts of streets where the following regulations and controls have been authorized and made effective:

- "(a) Through streets;
- "(b) Speed limits modified pursuant to Section 1102 of this code;
- "(c) Minimum speed limits established pursuant to Section 1103 of this code;
- "(d) One-way streets;
- "(e) Pedestrians, bicycles or other non-motorized traffic exclusions;
- "(f) Stopping, standing or parking restrictions or prohibitions;
- "(g) Parking meter zones;
- "(h) Turn restrictions and prohibitions;
- "(i) Weight limitations and size restrictions; and
- "(j) Traffic signals.

"Said records shall be open to public inspection during business hours and copies thereof made available to courts and other concerned agencies and officials requesting such records."

(5) Section 1402 of the Code is amended to read as follows:

"1402. Careless Driving - Penalty. Any person who drives any motor vehicle, bicycle or motorized bicycle anywhere in this municipality 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, is guilty of careless driving. A person convicted of careless driving of a bicycle or motorized bicycle shall not be subject to the provisions of Section 42-2-127, C.R.S."

(6) Part 19, related to School Buses, is hereby deleted, except Section 1903 thereof.

(7) Section 102 of Part II of the Code is amended by the addition of the following subsections to read as follows:

"(43.5) 'Neighborhood electric vehicle' means a self-propelled, electrically powered motor vehicle that: (a) meets the equipment standards set forth in part 2 of this Code; and (b) has a speed attainable in one mile that does not exceed twenty-five miles per hour.

"(80.5) 'Toy vehicle' means any vehicle, whether or not home-built by the user, that has wheels with an outside diameter of not more than fourteen inches and is not designed, approved or intended for use on public roadways or highways. 'Toy vehicle' includes, but

is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, pocket bikes, kamikaze boards, go-peds and stand-up scooters."

(Ord. 770-06 §§2, 3; Ord. 774-06 §1)

Sec. 8-1-40. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way, place or parking area, either within or outside the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402 and 1413 of the adopted code, respectively concerning reckless driving, careless driving and eluding a police officer, shall apply not only to public places and ways but also throughout the City. (Ord. 770-06 §5)

Sec. 8-1-50. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and the adopted code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. (Ord. 770-06 §8)

Sec. 8-1-60. Penalties for violations.

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

(1)(a) Notwithstanding anything in this Code to the contrary, it shall be a traffic offense or a traffic infraction, as specified in the City of Brush Common Code of Traffic Violations, 2006, which is incorporated herein by reference as if set forth in full, for any person to violate any provision of this Code.

(b) A traffic infraction shall constitute a civil matter. In all cases involving solely a traffic infraction, all questions of fact and law shall be heard and decided by the Municipal Judge without a jury and there shall be no trial by jury.

(2)(a)(I) Except as provided in this Section, traffic infractions are divided into two (2) classes, which shall be subject to the following penalties which are authorized upon entry of judgment against the violator:

<i>Class</i>	<i>Minimum Penalty</i>	<i>Maximum Penalty</i>
A	\$15.00	\$100.00
B	15.00	100.00

(II)(A) Except as provided in this Section, traffic offenses are divided into two (2) classes which are distinguished from one another by the following penalties which are authorized upon conviction:

<i>Class</i>	<i>Minimum Sentence</i>	<i>Maximum Sentence</i>
1	Ten days imprisonment or \$100 fine, or both	Ninety days imprisonment or \$300 fine, or both
2	Five days imprisonment or \$10 fine, or both	Forty-five days imprisonment or \$200 fine, or both

(B) Any person convicted of a Class 1 or Class 2 traffic offense may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by Subparagraph (A) of this Subparagraph (II), subject to the conditions and restrictions of Section 18-1.3-507, C.R.S.

(3)(a)(I) Except as provided in Paragraph (c) of Subsection (4) of this Section, every person who is convicted of, who admits liability for or against whom a judgment is entered for a violation of any provision of this Code to which the provisions of Paragraph (a) or (b) of Subsection (4) of this Section shall apply, shall be fined or penalized in accordance with the penalty schedule set out in the Common Code; or, if no penalty is specified in the schedule, the penalty for Class A and Class B traffic infractions shall be fifteen dollars (\$15.00). These penalties shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth in Paragraph (a) of Subsection (4) of this Section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant.

(II) Any person convicted of violating Section 507 or 508 shall be fined pursuant to Table 1, Penalty for Overweight Violations (507 and 508), set out in the Common Code, whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in Paragraph (a) of Subsection (4) of this Section or is found guilty by a court of competent jurisdiction.

(III) Any person convicted of violating any of the provisions of Section 510 shall be fined in accordance with Table 2, Penalty Chart for Weight in Excess of Weight Authorized by Special Permit (510), set out in the Common Code, whether the violator acknowledges the violator's guilt pursuant to the procedures set forth in Paragraph (a) of Subsection (4) of this Section or is found guilty by a court of competent jurisdiction.

(b)(I) The schedule in Subparagraph (I) of Paragraph (a) of this Subsection (3) shall not apply when the provisions of Paragraph (c) of Subsection (4) of this Section prohibit the issuance of a penalty assessment notice for a violation of the aforesaid traffic violation.

(II) The schedules in Subparagraphs (II) and (III) of Paragraph (a) of Subsection (3) shall apply whether the violator is issued a penalty assessment notice or a summons and complaint.

(4)(a) At the time that any person is arrested for commission of any traffic offenses set forth in this Code, the arresting officer may, except when the provisions of Paragraph (c) of this Subsection (4) prohibit it, offer to give a penalty assessment notice to the

defendant. At any time that a person is charged with a commission of any traffic infraction, the officer shall, except when the provisions of Paragraph (c) of this Subsection (4) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by Section 1707(3) or Section 1709, whichever is applicable. The fine or penalty specified in the Common Code for the violation charged may be paid at the office of the Clerk of the Municipal Court, either in person or by postmarking such payment within twenty (20) days from the date the penalty assessment notice is served upon the defendant. The Clerk shall accept late payment of any penalty assessment up to twenty (20) days after such payment becomes due. In the case of an offense other than a traffic infraction, a defendant who otherwise would be eligible to be issued a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the arresting officer has reasonable and probable grounds to believe will disregard the summons portion of any such notice may be issued a penalty assessment notice if the defendant consents to be taken by the officer to the nearest mailbox and to mail the amount of the fine or penalty thereon to the Clerk. The officer shall advise the person arrested or cited of the points to be assessed in accordance with Section 42-2-127, C.R.S. Acceptance of a penalty assessment notice and payment of the prescribed fine or penalty thereon to the Clerk shall be deemed a complete satisfaction for the violation, and the defendant shall be given a receipt which so states when such fine or penalty thereon is paid in currency or other form of legal tender. A check tendered by the defendant to and accepted by the Clerk and on which payment is received by the City shall be deemed sufficient receipt.

(b) In the case of an offense other than a traffic infraction, should the defendant refuse to accept service of the penalty assessment notice when such notice is tendered, the officer shall proceed in accordance with Section 1705 or Section 1707. Should the defendant charged with an offense other than a traffic infraction accept service of the penalty assessment notice but fail to post the prescribed penalty thereon within twenty (20) days thereafter, the notice shall be construed to be a summons and complaint unless payment for such penalty assessment has been accepted by the Clerk as evidenced by receipt. Should the defendant charged with a traffic infraction accept the notice but fail to post the prescribed penalty thereon within twenty (20) days thereafter and should the Clerk not accept payment for such penalty as evidenced by receipt, the defendant shall be allowed to pay such penalty thereon and the docket fee to the Clerk of the court referred to in the summons portion of the penalty assessment notice during the two (2) business days prior to the time for appearance as specified in the notice. If the penalty for a traffic offense is not timely paid, the case shall thereafter be heard in the Municipal Court. In either case, the maximum penalty which may be imposed shall not exceed the penalty set forth in the applicable penalty schedule of the Common Code.

(c)(I) The penalty schedules of Subsection (3) of this Section and the penalty assessment notice provisions of Paragraphs (a) and (b) of this Subsection (4) shall not apply to violations constituting traffic offenses not specified in Section 42-4-1701(4), C.R.S., nor shall they apply to the violations constituting traffic offenses or traffic infractions as specified in said Subsection (4) when it appears that:

(A) In a violation of Section 1101, the defendant exceeded the lawful speed limit by more than twenty-four (24) miles per hour;

(B) The alleged violation has caused or contributed to the cause of an accident resulting in appreciable damage to property of another or in injury or death to any person; or

(C) The defendant has, in the course of the same transaction, violated one of the provisions specified in said Subsection (4) and has also violated one (1) or more provisions of this Code not so specified, and the officer charges such defendant with two (2) or more violations, any one (1) of which is not specified in said Subsection (4).

(II) In all cases where this Subparagraph (c) prohibits the issuance of a penalty assessment notice, the penalty schedule contained in the Common Code shall be inapplicable. In all cases where the penalty schedule is inapplicable, the provisions of Subsection (2) of this Section shall apply.

(III) The penalties imposed for speeding violations in this Section shall be doubled if a speeding violation occurs within a maintenance, repair or construction zone, on a state highway or local street that is designated by the City under the provisions of Section 614 of this Code.

(d) In addition to any other cases governed by this Section, the penalty schedule contained in the Common Code shall apply in the following cases:

(I) In all cases in which an officer was authorized by the provisions of this Subsection (4) to offer a penalty assessment notice for the commission of a traffic offense but such officer chose not to offer such penalty assessment notice; and

(II) In all cases involving the commission of a traffic offense in which a penalty assessment notice was offered by the officer but such penalty assessment notice was refused by the defendant.

(4.5) If a person received a penalty assessment notice for a violation under Subsection (4) of this Section and such person pays the fine and surcharge, if any, for the violation on or before the date the payment is due, the points assessed for the violation are reduced as follows:

(a) For a violation having an assessment of three (3) or more points under the state point system schedule, the points are reduced by two (2) points.

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

(5) An officer coming upon an unattended vehicle which is in apparent violation of any provision of this Code may place upon the vehicle a penalty assessment notice indicating the offense or infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for in the penalty schedule of the Common Code to the Clerk of the Municipal Court within twenty (20) days. If the penalty assessment is not paid within twenty (20) days of the issuance of such notice, the Clerk shall mail a notice to the registered owner of the vehicle, setting forth the offense or infraction and the time and place where it occurred and directing the payment of the penalty assessment within twenty (20) days from the issuance of the notice. If the penalty assessment is not paid within such twenty (20) days from the date of

mailing of such notice and the violator fails to appear on the return date on the penalty assessment notice, judgment shall be entered against the violator.

(6) Notwithstanding the provisions of Paragraph (b) of Subsection (4) of this Section, receipt of payment by mail by the Clerk or postmarking such payment on or prior to the twentieth day after the receipt of the penalty assessment notice by the defendant shall be deemed to constitute receipt on or before the payment was due. (Ord. 770-06 §4; Ord. 774-06 §1

Article 2 Parades

Sec. 8-2-10. Definition.

As used in this Chapter, *parade* means any march or procession consisting of people, animals or vehicles, or any combination thereof, except funeral processions and motorcades of the forces of the United States Armed Services, the military forces of the State, and the forces of the Police and Fire Department of the City, upon any public street, highway, sidewalk or alley. (Prior code §15-7; Ord. 774-06 §1)

Sec. 8-2-20. Permits.

It is unlawful for any person to conduct a parade in or upon any public street, highway, sidewalk or alley in the City or knowingly participate in any such parade unless and until a permit to conduct such parade has been obtained from the Chief of Police or, as hereinafter provided, from the City Council. (Prior code §15-8)

Sec. 8-2-30. Parade for commercial purposes prohibited.

No permit shall be issued authorizing the conduct of a parade which the Chief of Police finds is proposed to be held for the sole purpose of advertising any product, goods, wares, merchandise or event, and is designed to be held purely for private profit. (Prior code §15-9)

Sec. 8-2-40. Interference with parade.

No person shall knowingly join or participate in any parade conducted under a permit from the Chief of Police in violation of any of the terms of said permit, or knowingly join or participate in any permitted parade without the consent or over the objection of the permittee, nor in any manner interfere with the progress or conduct of the parade. (Prior code §15-10)

Sec. 8-2-50. Application for permit.

Any person who wants to conduct a parade shall apply to the Chief of Police for a permit at least fifteen (15) days in advance of the date of the proposed parade. The Chief of Police may in his or her discretion, upon a showing of good cause or excusable neglect, consider any application which is filed less than fifteen (15) days prior to the date such parade is to be conducted. The application for such permit shall be made in writing on a form approved by the Chief of Police. The application shall contain the following information:

(1) The name of the applicant, the sponsoring organization, the parade chairman and the addresses and telephone numbers of each.

(2) The purpose of the parade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, the route to be traveled and the approximate times when the parade will assemble, start and terminate.

(3) An estimate of the number of floats, marching units, vehicles and bands, and a description of any sound amplification equipment to be used.

(4) Such other information as the Chief of Police may deem reasonable and necessary to evaluate the safety, comfort and convenience of persons using the streets, to preserve public order, and to protect the marchers and the spectators. (Prior code §15-11)

Sec. 8-2-60. Issuance or denial of permit.

(a) Standards for issuance. The Chief of Police shall issue a parade permit conditioned upon the applicant's written agreement to comply with the terms of such permit, unless the Chief of Police finds that:

(1) The time, route or size of the parade will disrupt to an unreasonable extent the movement of other traffic.

(2) The parade is of a size or nature that requires the diversion of so great a number of police officers of the City to properly police the line of movement and the area contiguous thereto that allowing the parade would deny reasonable police protection to the City.

(3) Such parade will interfere with another parade for which a permit has previously been issued.

(b) Standards for Denial. The Chief of Police shall deny an application for a parade permit and notify the applicant of such denial where:

(1) The Chief of Police makes any finding contrary to the findings required to be made for the issuance of a permit set out in Subsection (a) above.

(2) Information contained in the application is found to be false or nonexistent in any material detail.

(3) The applicant refuses to agree to abide by or comply with all conditions of the permit.

(4) The safety and convenience of the public in the use of the streets at the time and place set out in the application would be unduly disturbed.

(5) The time of the parade set out in the application falls between the hours of 8:00 a.m. and 12:00 noon on Sunday. (Prior code §15-12)

Sec. 8-2-70. Contents of permit.

In each permit, the Chief of Police shall specify:

- (1) The assembly area and time therefor;
- (2) The starting time;
- (3) The route of the parade;
- (4) The disbanding area and time therefor;
- (5) That the applicant and all participants in the parade and all parade floats comply with the provisions of the Uniform Fire Code related to fire restive/flame retardant decorative materials and access to a fire extinguisher.
- (6) That the permittee advise all participants in the parade orally or by written notice of terms and conditions of the permit prior to the commencement of the parade; and
- (7) Such other requirements as are found by the Chief of Police to be reasonably necessary for the protection of persons or property. (Prior code §15-13)

Sec. 8-2-80. Appeal procedure.

Upon denial by the Chief of Police of an application made pursuant to Section 8-2-50 above, the applicant may appeal from the determination of the Chief of Police within five (5) days thereafter to the City Council by filing a written notice of appeal for hearing by the City Council at its next meeting. Upon such appeal, the City Council may reverse, affirm or modify in any regard the determination of the Chief of Police. (Prior code §15-14)

Sec. 8-2-90. Notification to City Clerk.

Immediately upon the granting of a permit for a parade, the Chief of Police shall send a copy thereof to the City Clerk. (Prior code §15-15; Ord. 774-06)

Sec. 8-2-100. Revocation of permit.

Any permit for a parade issued pursuant to this Article may be summarily revoked by the Chief of Police at any time when, by reason of disaster, public calamity, riot or other emergency, the Chief of Police determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee personally or by certified mail, return receipt requested. (Prior code §15-16)

Sec. 8-2-110. Penalties.

Any person violating any provision of this Article shall upon conviction be punished in accordance with the provisions of Section 1-4-20 of this Code. (Prior code §15-17; Ord. 774-06 §1)

ARTICLE 3

Railroads

Sec. 8-3-10. Rights-of-way, culverts, ditches, etc., to be maintained by railroads.

(a) Every railroad company operating a railroad through or within the City shall make and keep open and in repair all ditches, drains, sewers and culverts along and under its railroad tracks, shall keep all filthy or stagnant water from standing upon its ground or right-of-way, and shall keep the natural drainage of adjacent property from being impeded by its road beds.

(b) No such railroad company shall fail to comply with the provisions of this Section within ten (10) days after written notice and demand. (Prior code §19-1)

Sec. 8-3-20. Bell to be sounded upon approach to crossing.

Every engineer or other person in charge of any locomotive engine within the City, on approaching any public crossing, street or highway, shall ring or cause an audible signal to be sounded to warn all persons of the approach of such locomotive engine and shall continue such signal until such locomotive engine or train car has cleared such crossing. (Prior code §19-3)

