

**TOWN OF ERIE**  
**ORDINANCE NO. \_\_\_\_-2020**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE ADOPTING BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES AND PROVIDING PENALTIES FOR VIOLATION THEREOF**

**NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:**

Section 1. Section 6-11-1 of the Erie Municipal Code is hereby repealed and re-enacted to read as follows:

**6-11-1: MODEL TRAFFIC CODE:**

A. Adoption. Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference the 2020 edition of the Model Traffic Code promulgated and published as such by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 W. Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of the Model Traffic Code is to provide a system of traffic regulation 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 now filed with the office of the Town Clerk and may be inspected during regular business hours.

B. Deletions. The 2020 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

507 Wheel and axle loads

508 Gross weight of vehicles and loads

1409(4), (9) Compulsory insurance – penalty – legislative intent.

1410.5 Providing false evidence of proof of motor vehicle insurance – penalty

Part 17 Penalties and procedures

Part 18 Vehicles abandoned on public property

The subsection of any specific section of the Code which classifies the section as a petty offense.

The subsection of any specific section of the Code which classifies the section as a class A or class B traffic infraction.

The subsection of any specific section of the Code which classifies the section as a class 1 or class 2 misdemeanor traffic offense.

The subsection of any specific section of the Code which establishes a penalty upon conviction. Penalties for violation of any provision of the Model Traffic Code are as designated in this Ordinance.

C. Additions and Modifications. The Model Traffic Code is subject to the following additions and modifications:

**103. Scope and effect of Code – exceptions to provisions.**

(b) For provisions of sections 1401, 1402, 1413 and 1211, which shall apply upon streets and highways and elsewhere throughout the jurisdiction.

**107. Obedience to police officers.**

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic. Any person who violates any provision of this section commits a criminal violation and is subject to penalties set forth in Erie Municipal Code § 1-4-4.

**109. Low-power scooters, animals, skis, skates, and toy vehicle on highways.**

(7) For the sake of uniformity and bicycle, electrical assisted bicycle, electric scooter, and low-power scooter safety throughout the state, the department in cooperation with the department of transportation shall prepare and make available to all local jurisdictions for distribution to bicycle, electric assisted bicycle, electric scooter, and low-power scooter riders a digest of state regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to the riders and the bicycles, electrical assisted bicycles, electric scooters, or low-power scooters. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that apply within their respective jurisdictions.

(11) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the department of transportation may, subject to the provisions of C.R.S. § 43-2-135, by resolution or order entered within its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, electrical assisted bicycle, electric scooter, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic that is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the department of transportation or local authority shall erect appropriate official signs giving notice of the prohibition; except that, with respect to controlled access highways, C.R.S. § 42-4-1010(3) applies. When official signs are erected, a person shall not violate any of the instructions contained on the official signs.

**119. Driving under restraint.**

(1) Any person who drives a motor vehicle or off-highway vehicle upon any street or highway with knowledge that the person's license or privilege to drive, either as a resident or nonresident, is under restraint for an outstanding judgement is in violation of this section, which is designated a traffic infraction.

(2)(a) In a prosecution for a violation of this section, the fact of the restraint may be established by certification that a notice was mailed by first class mail pursuant to C.R.S. § 42-2-119(2) to the last known address of the defendant, or by the delivery of such notice to the last known address of the defendant, or by personal service of such notice upon the defendant.

(b) In a prosecution for a violation of this section, the fact of restraint in another state may be established by certification that notice was given in compliance with such state's laws.

## **221. Bicycle, electric scooter and personal mobility equipment.**

(1) No other provision of this Part 2 and no provision of Part 3 of this Code applies to a bicycle, electrical assisted bicycle, electric scooter, or EPAMD or to equipment for use on a bicycle, electric assisted bicycle, electric scooter, or EPAMD except those provisions in this Code made specifically applicable to such vehicle.

(2) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD in use at the times described in section 204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred (500) feet to the front.

(3) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD shall be equipped with a red reflector of a type approved by the department, which shall be visible for six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD when in use at the times described in section 204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred (600) feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred (500) feet.

(5) A bicycle, electrical assisted bicycle, electric scooter, or EPAMD or its rider may be equipped with lights or reflectors in addition to those required by subsections (2)-(4) of this section.

(6) A bicycle, electrical assisted bicycle, or electric scooter shall not be equipped with, nor shall any person use a bicycle, electrical assisted bicycle, or electric scooter, any siren or whistle.

(7) Every bicycle, electric assisted bicycle, or electric scooter shall be equipped with a brake or brakes that will enable its rider to stop the bicycle, electric assisted bicycle, or electric scooter within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

(8) A person engaged in the business of selling bicycle, electrical assisted bicycle, or electric scooters at retail shall not sell any bicycle, electric assisted bicycle or electric scooter unless the bicycle, electrical assisted bicycle, or electric scooter has an identifying number permanently stamped or cast on its frame.

(8.5) A local government may regulate the operation of an electric scooter in a manner that is no more restrictive than the manner in which the local government may regulate the operation of a Class 1 electric assisted bicycle.

**234. Slow-moving vehicles – display of emblem.**

(1)(a) All machinery, equipment, and vehicles, except bicycles, electrical assisted bicycles, electric scooters, and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five (25) miles per hour on a public highway must display a triangular slow-moving vehicle emblem on the rear.

(c) Bicycles, electric assisted bicycles, electric scooters, and other human-powered vehicles may, but need not, display the emblem specified in this subsection (1).

**503. Projecting loads on passenger vehicles.**

Except with regard to the operation of a motorcycle, a bicycle, electrical assisted bicycle, or electric scooter, a person shall not operate a passenger-type vehicle on any highway with any load carried on the vehicle extended beyond the line of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side of the vehicle.

**508. Gross weight of vehicles and loads.**

(1)(a)(I) It is unlawful to drive any motor vehicle having a gross vehicle weight in excess of twenty-six thousand (26,000) pounds, on any public street, road, highway or alley within the Town.

(II) Exceptions.

(A) It shall be an affirmative defense to a violation of subsection (1)(a)(I) that the driver was in the immediate process of delivering or picking up materials or merchandise, providing services, or for reaching the final business destination in the Town.

(B) Motor homes, recreational trailers shall be excepted from the restrictions set forth in subsection (a)(I) above.

(C) Emergency service vehicles shall be excepted from the restrictions set forth in subsection (a)(I) above.

**612. When signals are inoperative or malfunctioning.**

(1)(a) When a driver approaches an intersection and faces a traffic control signal that is inoperative, that remains on steady red or steady yellow during several time cycles, or that does not recognize a motorcycle that is operated by the driver, the provisions controlling entrance to a through street or highway from a stop sign or highway, as provided under section 703, apply until a police officer assumes control of traffic or until the traffic control signal resumes normal operation.

(b) If a traffic control signal at a place other than an intersection ceases to operate or malfunctions as specified in subsection (1)(a) of this section, drivers may proceed past the signal only with caution, as if the signal were flashing yellow.

**614. Designation of highway maintenance, repair, or construction zones – signs – increase in penalties.**

(1)(a) If maintenance, repair, or construction activities are occurring or will occur within four (4) hours on a portion a state highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair or construction zone. Any person who commits any traffic infraction or traffic offense in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to increased penalties as set forth in Erie Municipal Code § 1-4-7.

(b) If maintenance, repair, or construction activities are occurring or will occur within four (4) hours on a portion a roadway that is not a state highway, the public entity conducting the activities may designate such portion of the highway as a highway maintenance, repair or construction zone. Any person who commits any traffic infraction or traffic offense in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to increased penalties as set forth in Erie Municipal Code § 1-4-7.

**615. School zones – increase in penalties.**

(1) Any person who commits a traffic infraction or a traffic offense in a school zone is subject to increased penalties as set forth in Erie Municipal Code § 1-4-7.

**616. Wildlife crossing zones – increase in penalties.**

(1) Except as described by subsection (4) of this section, a person who commits a traffic infraction or a traffic offense in a wildlife crossing zone is subject to increased penalties as set forth in Erie Municipal Code § 1-4-7.

**802. Pedestrians' right-of-way in crosswalks.**

(3) A pedestrian shall not suddenly leave a curb or other place of safety and ride a bicycle, electric assisted bicycle, or electric scooter, or walk or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.

**1101. Speed limits.**

(2) Where speed limits are posted by an official traffic control device, it shall be unlawful for any person to drive any vehicle in excess of the posted speed limit. Except when a special hazard exists that requires a lower speed limit, or where no speed limit sign is posted, the following speeds shall be lawful:

(a) Twenty-five (25) miles per hour in any residential district, as defined at C.R.S. § 42-1-102(80), as amended;

(b) Thirty (30) miles per hour in any business district, as defined at C.R.S. § 42-1-102(11), as amended;

(c) Fifteen (15) miles per hour in any alley;

[subsections 2(d) through 2(h) shall remain unmodified]

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

(1)(l) At any other place where yellow or red curb markings prohibit stopping.

- (2)(g) At any other place where yellow or red curb markings prohibit standing.
- (3)(c) At any other place where yellow or red curb markings prohibit parking.
- (4)(a) Subsection (1)(a) of this section does not prohibit a person from parking a bicycle, electrical assisted bicycle or electric scooter on a sidewalk in accordance with the provisions of section 1412(11)(a) and (11)(b).
- (b) Subsection (1)(f) of this section does not prohibit any persons from parking two or more bicycles, electrical assisted bicycles or electric scooters abreast in accordance with the provisions of section 1412(11)(d).
- (c) Subsections (2)(a), (2)(c), and (2)(d) of this section do not apply to a bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk in accordance with section 1412(11)(a) and (11)(b).

#### **1211. Limitations on backing.**

- (1) The driver of a vehicle, whether on public or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other vehicles or traffic.
- (2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

#### **1401. Reckless driving.**

- (1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or a low-power scooter in such a manner as to indicate either a wonton or a willful disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle, electrical assisted bicycle or electric scooter is not subject to C.R.S. § 42-2-127.

#### **1402. Careless driving.**

- (1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or a low-power scooter 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, electrical assisted bicycle or electric scooter is not subject to C.R.S. § 42-2-127.

#### **1407.5. Splash guards – when required.**

- (3) This section does not apply to:
- (g) Bicycles, electrical assisted bicycles or electric scooters.

#### **1412. Operation of bicycles, electric scooters and other human-powered vehicles.**

- (1) A person riding a bicycle, electrical assisted bicycle, or electric scooter has all the right and duties applicable to the driver of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions that by their nature can have no application. Bicycle, electrical assisted bicycle, and

electric scooter riders shall comply with the rules set forth in this section and section 221, and, when using streets and highways within the Town, are subject to local ordinances regulating the operation of bicycles, electrical assisted bicycles, and electric scooters as provided in C.R.S. § 42-2-111. Notwithstanding any contrary provision in this Code, when the Town has adopted an ordinance or resolution pursuant to C.R.S. § 42-2-1412.5, riders are subject to the local ordinance or resolution.

(3) A bicycle, electrical assisted bicycle, or electric scooter shall not be used to carry more persons at one time than the number for which it is designed or equipped.

(4) A person riding upon any bicycle, electrical assisted bicycle, or electric scooter shall not attach the vehicle or the rider to any motor vehicle upon a roadway.

(5)(a) A person operating a bicycle, electrical assisted bicycle or electric scooter upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

(c) A person riding a bicycle, electrical assisted bicycle, or electric scooter upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of the roadway as judged safe by the rider, subject to the following conditions:

(6)(a) Persons riding bicycles, electrical assisted bicycles, or electric scooters upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles and electric scooters.

(b) Persons riding bicycle, electrical assisted bicycle, or electric scooter two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(7) A person operating a bicycle, electrical assisted bicycle, or electric scooter shall keep at least one hand on the handlebars at all times.

(8)(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall follow a course described in sections 901(1), 903, and 1007 or make a left turn in the manner prescribed in subsection (8)(b) of this section.

(b) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the rider shall stop, as much as practicable, out of the way of traffic. After stopping, the rider shall yield to any traffic proceeding in either direction along the roadway that the rider has been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the rider intends to proceed, the rider may proceed in the new direction.

(9)(a) Except as otherwise provided in this subsection (9), every person riding a bicycle, electrical assisted bicycle, or electric scooter shall signal the intention to turn or stop in accordance with section 903; except that a person riding a bicycle,

electrical assisted bicycle, or electric scooter may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the bicycle, electrical assisted bicycle, or electric scooter before turning and shall be given while the bicycle, electrical assisted bicycle, or electric scooter is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control of operation of the bicycle, electrical assisted bicycle, or electric scooter.

(10)(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing the pedestrian. A person riding a bicycle, electrical assisted bicycle, or electric scooter in a crosswalk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where the use of bicycles, electrical assisted bicycles, or electric scooters is prohibited by official traffic control devices or local ordinances. A person riding a bicycle, electrical assisted bicycle, or electric scooter shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(c) A person riding or walking a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, including the rights and duties granted as required by section 802.

(11)(a) A person may park a bicycle, electrical assisted bicycle, or electric scooter on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(b) A bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk must not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road abreast of one or more bicycles or electric scooters near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of pedestrians and traffic.

(e) In all other respects, bicycle, electrical assisted bicycle, or electric scooter parked anywhere on a highway must conform to the provisions of Part 12 or this Article 4 regulating the parking of vehicles.



(12)(b) If any person riding a bicycle, electrical assisted bicycle, or electric scooter violates any provision of this Article 4 other than this section that is applicable to such a vehicle and for which a penalty is specified, the person is subject to the same specified penalty as any other vehicle; except that C.R.S. § 42-2-127 does not apply.

(13) Upon request, the law enforcement agency having jurisdiction shall complete a report concerning an injury or death incident that involves a bicycle, electrical assisted bicycle, or electric scooter on the roadways of the state, even if the accident does not involve a motor vehicle.

[subsection (14) shall remain unchanged]

#### **1413. Eluding or attempting to elude a police officer.**

It is unlawful for any operator of a motor vehicle who a police officer has reasonable grounds to believe has violated state law or municipal ordinance, who has received a visual or audible signal such as a red light or a siren from a police officer driving a marked vehicle showing the same to be an official police, sheriff, or Colorado State Patrol car directing the operator to bring the operator's vehicle to a stop, and who willfully increases his or her speed or extinguishes his or her lights in an attempt to elude such police officer, or will fully attempt in any other manner to elude the police officer, or does elude such police officer.

#### **1703. Parties to a crime.**

Every person who commits, conspires to commit, or aids or abets in the commission of any act declared in this Code to be a traffic infraction or traffic offense, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, is guilty of such offense or liable for such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this Code is likewise guilty of such offense or liable for such offense.

#### **1704. Offenses by persons controlling vehicles.**

It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly permit the operation of such vehicle upon a highway in any manner contrary to law or this Code.

### **APPENDIX – DEFINITIONS**

(28.8)(a) "Electric scooter" means a device: (I) Weighing less than one hundred (100) pounds; (II) With handlebars and an electric motor; (III) That is powered by an electric motor; and (IV) That has a maximum speed of twenty (20) miles per hour on a paved level surface when powered solely by the electric motor.

(b) "Electric scooter" does not include an electrical assisted bicycle, EPAMD, motorcycle or low-power scooter.

(28.5) "Electrical assisted bicycle" means a vehicle having two or three wheels and fully operable pedals, and an electric motor not exceeding seven hundred fifty (750) watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:

(48.5) “Low-power scooter” does not include a toy vehicle, bicycle, electric assisted bicycle, electric scooter, wheelchair, or any device designed to assist people with mobility impairments who use pedestrian rights-of-way.

(58) “Motor vehicle” means any self-propelled vehicle that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, electric scooters, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of reckless driving, section 1401, farm tractors and off-highway vehicles, as defined in C.R.S. § 33-14.5-101(3), operated on streets and highways, “motor vehicle” includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle. For purposes of section 118, driving under restraint, “motor vehicle” includes a low-power scooter.

(112) “Vehicle” means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. “Vehicle” includes a bicycle, electrical assisted bicycle, electric scooter, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

D. Application. This ordinance shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public place or public parking area, either within or outside the corporate limits of the Town, the use of which the Town has the authority to regulate. The provisions of sections 1401, 1402, 1413 and 1211, respectively reckless driving, careless driving, eluding a police officer and limitations on backing shall apply not only to public places and ways but also throughout the Town.

Section 2. Section 1-4-7 of the Erie Municipal Code is hereby repealed and re-enacted to read as follows:

**1-4-7. PENALTIES FOR VIOLATIONS OF THE MODEL TRAFFIC CODE ENUMERATED:**

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

A. It is unlawful for any person to violate any of the provisions adopted in this Code.

B. Penalties for Civil Traffic Infractions: Upon conviction, or entry of guilty plea of plea of nolo contendere, to a civil traffic infraction a fine not to exceed one thousand dollars (\$1,000.00) may be imposed. As guidance, penalties for civil traffic infractions may be imposed at thirty dollars (\$30.00) for each point assessed (based on the original charge) as set forth below:

<u>Points assessed</u>	<u>Penalty</u>
0 point violation	\$30.00
1 point violation	\$30.00
2 point violation	\$60.00
3 point violation	\$90.00
4 point violation	\$120.00
6 point violation	\$180.00
8 point violation	\$240.00
12 point violation	\$360.00

C. Penalties for Noncivil Traffic Offenses:

1. Any person eighteen (18) years of age or older, convicted of a traffic offense, as set forth in subsection C.2. of this section, may be incarcerated for a period not to exceed three hundred sixty-four (364) days or fined by an amount not to exceed two thousand six hundred fifty dollars (\$2,650.00), or both. Any juvenile under the age of eighteen (18) years at the time of the offense may be fined by an amount not to exceed one thousand dollars (\$1,000.00).

2. Noncivil traffic offenses subject to penalties as set forth in subsection C.1. of this section are as follows:

<u>Model Traffic Code Section</u>	<u>Description of Offense</u>	<u>Points</u>
1101	Speeding (25-39 mph over speed limit)	6
1101	Speeding (40+ mph over speed limit)	12
1105	Speed contest	12
1401	Reckless driving	8
1409	Compulsory insurance	4
1413	Eluding or attempting to elude police	12
1903	Fail to stop for school bus	6

3. Penalties for traffic infractions or offenses in a designated maintenance, repair or construction zone pursuant to section 614, or a designated school zone pursuant to section 615, or a designated wildlife crossing zone pursuant to section 616 of the Model Traffic Code shall be double the penalty for such violation as set forth above.

4. Overweight Vehicles: Upon conviction, entry of guilty plea of a plea of *nolo contendere* to a violation related to the size, weight or load of a vehicle or truck, the court may impose a fine not to exceed two thousand six hundred fifty dollars (\$2,650.00) per count. As a guide, penalties may be imposed at one hundred dollars (\$100.00) for every one thousand (1,000) pounds overweight.

Section 3. Any reference in the Erie Municipal Code to the 2010 edition of the Model Traffic Code, as adopted by the Town in Ordinance 21-2010, shall be revised to reference the 2020 edition of the Model Traffic Code.

Section 4. Erie Municipal Code Section 6-11-3.A. and D. are hereby amended to read as follows:

**6-11-3: MOTORIZED TOY VEHICLES PROHIBITED; EXCEPTIONS:**

A. Definition: The term “motorized toy vehicle” shall include, but not be limited to, motorized toy vehicles capable of carrying a person, motorized skateboards, motorized roller skis, motorized roller skates and motorized in-line skates.

D. Exemptions: This Section shall not apply to:

1. Motorized toy vehicles operated on private property by the owner of such private property or persons operating such devices with the permission of the owner of the private property.
2. Operation of motorized toy vehicles in areas specifically designated and posted by the Town for use and operation of motorized toy vehicles.
3. Operation of electric scooters, electric bicycles, low-power scooters, and personal mobility devices, which are defined by and governed by the Model Traffic Code.

Section 5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 6. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 7. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

**INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 25<sup>th</sup> day of February, 2020.**

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Jennifer Carroll, Mayor

**ATTEST:**

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Joanne Salser, Deputy Town Clerk