DATE OF COUNCIL MEETING: FEBRUARY 10, 2020 / AGENDA ITEM NO. 7
FEBRUARY 24, 2020 / AGENDA ITEM NO. 11

To: Mayor and City Council

From: Erin Nordmann, Interim Finance Director, 303-987-7631

Subject: INCREASING BID REQUIREMENTS SECTION OF PURCHASING POLICIES

This ordinance was approved on 1st Reading by a vote of 10 ayes 0 nays.

SUMMARY STATEMENT: An Ordinance to amend section 3.04.090.A of the Lakewood Municipal Code (Code) to allow construction projects to be awarded up to $10,000 without competitive quotes.

BACKGROUND INFORMATION: The current Purchasing Policies (chapter 3.04 of the Code) were last updated in May of 2012. At that time, a $5,000 minimum was set, requiring three competitive quotes in order to ensure that the City receives the best possible value with its procurements. Though overall inflation has been rather modest over these past 7.5 years, construction costs have increased by 42.5% nationally (Turner Building Cost Index). More focused indexes show that the Denver metropolitan area has seen an even higher increase than the national average, as evidenced by the numerous construction projects visible in and around Lakewood.

Construction projects are unique when compared to most other services and commodities in that they are very site/project specific. Quotes can be obtained for most other purchases via quick phone or email exchanges. Construction requires a contractor to come out to the site and inspect existing conditions in order to properly assess the nature and cost of the work. Additionally, due to high demand for their services, fewer contractors are willing to invest the upfront time and effort to make site visits and submit quotes for relatively small dollar projects. Finding three contractors to provide the necessary quotes has become more and more difficult, thus resulting in less competition and therefore, higher costs.

Staff is requesting to increase the minimum requirement for quotes from $5,000 to $10,000 for construction services only. The proposed Code change is noted in red as follows:

3.04.090 Bid requirements.
A. Whenever possible, the Purchasing Manager or designee shall solicit a minimum of three noted informal written or electronically transmitted quotes on any purchase costing at least five thousand dollars ($5,000) but less than fifty thousand dollars ($50,000); provided, however, that construction services shall require such quotes only if costing at least ten thousand dollars ($10,000). Purchases costing at least five thousand dollars ($5,000) but less than twenty-five thousand dollars ($25,000) may be administered by Department Buyers. Purchases costing at least twenty-five thousand ($25,000) but less than fifty thousand dollars ($50,000) shall be administered by Purchasing personnel.

FINANCIAL IMPACTS: There would not be a significant financial impact from this change, though it may result in some reduction in project costs.
STAFF RECOMMENDATIONS: Staff recommends that City Council review and approve this item.

ALTERNATIVES: If this Ordinance is not approved, construction projects will continue to require 3 quotes when costing a minimum of $5,000.

PUBLIC OUTREACH: This item was promoted through the regular communication channel for an item coming before City Council.

NEXT STEPS: There would be no future action need from City Council.

ATTACHMENTS: Ordinance O-2020-4

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Timothy P. Cox, City Attorney
AN ORDINANCE

AMENDING SECTION 3.04.090(A) OF THE LAKEWOOD MUNICIPAL CODE TO ALLOW CONSTRUCTION PROJECTS TO BE AWARDED UP TO $10,000 WITHOUT COMPETITIVE QUOTES

WHEREAS, the City of Lakewood’s (the “City’s”) current purchasing policies, set forth in chapter 3.04 of the Lakewood Municipal Code (“LMC”), require three (3) competitive quotes for procurements of $5,000 or more to ensure the City receives the best value;

WHEREAS, since the aforementioned $5,000 threshold was established in 2012, average construction costs have increased by more than 42%;

WHEREAS, the demand for construction contractors has similarly increased, which has made obtaining three (3) quotes for construction projects valued at less than $10,000 more difficult and, at times, impossible because construction contractors are unwilling to invest the time, effort and expense to make site visits and submit quotes for such “small-dollar” construction projects;

WHEREAS, obtaining only one or two quotes for “small-dollar” construction projects has the effect of reducing competition, thereby increasing the cost to the City of such projects;

WHEREAS, the City Council, finding it to be in the best interests of the residents of the City, desires to raise the threshold requiring three (3) quotes for procurements of $5,000 or more, as set forth in LMC § 3.04.090(A), to $10,000 for construction projects only;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Section 3.04.090(A) of the Lakewood Municipal Code is hereby amended to read in its entirety as follows:

A. Whenever possible, the Purchasing Manager or designee shall solicit a minimum of three noted informal written or electronically transmitted quotes on any purchase costing at least
five thousand dollars ($5,000) but less than fifty thousand dollars ($50,000); provided, however, that construction services shall require such quotes only if costing at least ten thousand dollars ($10,000). Purchases costing at least five thousand dollars ($5,000) but less than twenty-five thousand dollars ($25,000) may be administered by Department Buyers. Purchases costing at least twenty-five thousand ($25,000) but less than fifty thousand dollars ($50,000) shall be administered by Purchasing personnel.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 10th day of February, 2020; published by title in the Denver Post and in full on the City of Lakewood’s website, www.lakewood.org, on the 13th day of February, 2020; set for public hearing to be held on the 24th day of February, 2020; read, finally passed and adopted by the City Council on the _____ day of February, 2020; and signed and approved by the Mayor on the _____ day of February, 2020.

________________________________________
Adam Paul, Mayor

ATTEST:

________________________________________
Michele Millard, City Clerk

APPROVED AS TO FORM:

________________________________________
Timothy P. Cox, City Attorney
AN ORDINANCE

AMENDING TITLE 10 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO VEHICLES AND TRAFFIC

WHEREAS, the traffic provisions contained in Title 10 of the Lakewood Municipal Code ("LMC") are periodically updated to reflect legislative changes to state traffic laws;

WHEREAS, the City Council therefore finds it necessary and prudent to adopt the changes set forth in Exhibit A attached hereto;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the LMC by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Title 10 of the Lakewood Municipal Code is hereby amended to read as set forth in Exhibit A attached hereto.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.
I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 10\textsuperscript{th} day of February, 2020; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 13\textsuperscript{th} day of February, 2020; set for public hearing to be held on the 24\textsuperscript{th} day of February, 2020; read, finally passed and adopted by the City Council on the _____ day of February, 2020; and signed and approved by the Mayor on the _____ day of February, 2020.

______________________________

Adam Paul, Mayor

ATTEST:

______________________________

Michele Millard, City Clerk

APPROVED AS TO FORM:

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Timothy P. Cox, City Attorney
DATE OF COUNCIL MEETING: FEBRUARY 10, 2020 / AGENDA ITEM NO. 8
FEBRUARY 24, 2020 / AGENDA ITEM NO. 12

To: Mayor and City Council
From: Daniel McCasky, Police Chief, 303-987-7171
Subject: AMENDING TITLE 10 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO
VEHICLES AND TRAFFIC

This ordinance was approved on 1st Reading by a vote of 10 ayes 0 nays.

SUMMARY STATEMENT: The traffic provisions contained in Title 10 of the Lakewood Municipal Code are periodically updated in order to reflect the legislative changes to the state traffic laws. The proposed ordinance would make numerous minor changes to Title 10, as well as the following significant changes outlined under the background information section.

BACKGROUND INFORMATION: Addition of new traffic provisions. The proposed ordinance adds the following new traffic violations to the Lakewood Municipal Code to mirror new state legislation that passed since the last Title 10 update.

- Section 10.33.020 Parking at electric motor vehicle parking stations
- Section 10.50.015 Nuisance exhibition of motor vehicle exhaust—prohibition
- Section 10.60.260 Driving Under Restraint—penalty

- New definitions. This update would add the definition of “autocycle” and amend the definition of “motorcycle.” The proposed ordinance would add both of these terms along with corresponding regulations.

- Food trucks. The proposed amendment to § 10.33.065 includes a penalty provision and moves the section within the Title so that it is in numerical order.

- Parking for certain types of vehicles prohibited. The proposed amendment to § 10.33.070 mirrors language in § 10.33.075.

- Permits for parking of recreational vehicles or travel trailers. The proposed amendment to § 10.33.076 mirrors language in § 10.33.075.
• **Parking in bicycle lanes or pedestrian walkways.** The proposed amendment to § 10.36.070 removes some of the language because of its apparent subjectivity making it difficult to enforce. What constituted a “sufficient width” and “not interfering with passing bicyclists” was open to interpretation.

• **Unattended motor vehicles.** The proposed amendment to § 10.39.120 mirrors recent changes made to its state counterpart. Specifically, subsection B thereof includes an exception for “adequate security measures.”

• **Parking on a grade.** The proposed amendment to § 10.39.130 removes one word, “perceptible,” to remove the possible subjectivity surrounding the offense. The intent of the provision is that no person driving or in charge of a motor vehicle shall permit it to stand on any grade without taking appropriate measures to ensure it does not roll or move into the traveled portion of the roadway.

• **When signals are inoperative or malfunctioning.** The proposed amendment to § 10.45.090 mirrors recent changes made to its state counterpart.

• **Number plates to be attached.** The proposed amendment to § 10.57.090 mirrors recent changes made to its state counterpart.

• **Foreign matter on street or highway prohibited.** The proposed amendment to § 10.60.100 would expand what would be considered “foreign matter.” Specifically, this section was renumbered and adds a subsection for throwing or depositing junk, rubbish, trash or debris. Cases involving individuals throwing trash or debris onto the streets or highway are difficult to prosecute because such action did not fall neatly under the items listed in the definition of “foreign matter.”

• **Riding on motorcycles.** The proposed amendment to § 10.60.130 mirrors recent changes made to its state counterpart.

• **Mandatory safety belt system.** The proposed amendment to § 10.60.180 mirrors recent changes made to its state counterpart. The proposed amendment would also specify that any drivers under the age of 18 years old would be subject to penalties under § 10.60.195 (seat belt restrictions on minor drivers under 18 years of age).

• **Child restraint system required.** The proposed amendment to § 10.60.190 excludes the term “autocycle” from what is considered a “motor vehicle.”

• **Misuse of a wireless telephone.** The proposed amendment to § 10.60.240 mirrors changes made to its state counterpart and includes a new penalty provision for certain conduct under subsection D.

• **Operation of vehicles approaching an emergency vehicle, stationary towing carrier, or stationary public utility service vehicle.** The proposed amendment to § 10.63.080 mirrors changes made to its state counterpart (a/k/a “Move Over for Cody Act”). This proposed change would also add an additional penalty provision under subsection G.
BUDGETARY IMPACTS: There are no budgetary impacts to the City of Lakewood.

STAFF RECOMMENDATIONS: Staff recommends that the Mayor and City Council approve the proposed amendments to Title 10.

ALTERNATIVES: There are no alternatives being suggested.

PUBLIC OUTREACH: This agenda item was properly noticed and there has been no additional public outreach on this agenda item.

ATTACHMENTS: Ordinance O-2020-5
Redlined Amendments to Title 10

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Timothy P. Cox, City Attorney
Title 10 - Vehicles and Traffic

I. General Provisions

10.03.010 Short title.
This title may be known and cited as the "Lakewood traffic code" or the "traffic code." (Ord. O-74-44 § 1 (part), 1974).

10.03.020 Uniform standards applicable
The uniform standards for traffic regulation, as required by the laws of the state, shall apply to this title. (Ord. O-74-44 § 1 (part), 1974).

10.03.030 Interpretation
This title shall be so interpreted and construed as to effectuate its general purpose to make uniform the local traffic regulations contained herein. Article and section headings of this title 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. O-74-44 § 1 (part), 1974).

10.03.040 Application
This title shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 10.18.010; 10.18.020; 10.33.040; 10.36.020; as it applies to fire lanes, emergency access lanes and handicap parking restrictions or prohibitions; 10.36.030; 10.45.120; 10.57.080; 10.60.180; 10.50.200; and 10.69.030, shall apply not only to public places and ways, but also throughout this municipality. Additionally, the provisions of the sections regarding stopping, standing and parking, except those specifically mentioned above, where official signs are posted giving notice of stopping or standing, parking or other restrictions or prohibitions as authorized in Section 10.69.080, shall only apply to public streets, ways and places within this municipality. For the purposes of this application, whenever official traffic-control devices are placed in position approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary shall be established by competent evidence. (Ord. O-81-86 § 1, 1981; Ord. O-77-86 § 1, 1977; Ord. O-74-44 § 1 (part), 1974).

II. Rules of the Road and Required Vehicle Equipment

10.06.010 Vehicle approaching or entering intersection not controlled by signs or signals
A. When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
B. The foregoing rule is modified at through highways and otherwise as stated in the Lakewood Traffic Code.
C. Any person who violates any provision of this section commits a Class 3 traffic

10.06.020 Vehicle turning left
Subject to the provisions of Section 10.45.050(A)(1)(b), the driver of a vehicle intending to turn to the left within an intersection, whether or not such intersection is controlled by official traffic-control devices, or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, or so close to the left-turning vehicle as to constitute an immediate hazard. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-77-86 § 3, 1977; Ord. O-75-96 § 2, 1975; Ord. O-74-44 § 1 (part), 1974).

10.06.030 Yielding right-of-way to transit buses
A. As used in this section, unless the context otherwise requires:
   1. “Public mass transit operator” has the same meaning as in Section 43-1-102(5), C.R.S.
B. Drivers of vehicles in the same lane of traffic and behind a transit bus shall yield the right-of-way to the bus if:
   1. The driver of the transit bus, after stopping to allow passengers to board or exit, is signaling an intention to enter a traffic lane; and
   2. A yield sign is displayed and illuminated on the back of the transit bus.
C. The yield sign referred to in subsection (2) of this section shall:
   1. Warn a driver of a vehicle behind the transit bus that the driver is required to yield when the bus is entering a traffic lane; and
   2. Be illuminated when the driver of the transit bus is attempting to enter a traffic lane.
D. This section does not require a public mass transit operator to install yield signs as described in subsection (C) of this section on transit buses operated by the public mass transit operator.
E. This section does not relieve a driver of a transit bus from the duty to drive with due regard for the safety of all persons using the roadway.
F. Any person who violates any provision of the section commits a class 3 traffic offense. (Ord O-2012-9 § 1, 2012)

10.09.010 Through streets designated and entrances thereto controlled
A. Those streets and parts of streets so designated by state law and described in traffic control schedules or official Lakewood street maps are declared to be through streets.
B. Whenever a through street is designated and described as provided in this title, it shall be the duty of the Traffic Engineer and other officials vested with responsibility for traffic control to place and maintain a stop sign or yield sign on each and every street intersecting through street unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavily traveled street not so designated, stop signs shall be erected at the approaches of either of said streets as
determined upon the basis of a traffic investigation. (Ord. O-94-34 § 2, 1994; Ord. O-74-44 § 1 (part), 1974).

10.09.020 Entering stop or yield intersection
A. The driver of a vehicle which is required by subsections (B) and (C) of this section to stop in obedience to a stop sign or to yield or to stop in compliance with a yield sign shall proceed cautiously yielding to vehicles not so obligated to stop or yield and which are within the intersection or approaching so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided, that if such driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.
B. Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it.
C. The driver of a vehicle approaching a yield sign in obedience to such sign, shall slow to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it.

10.12.020 Obedience to railroad signal
A. Any driver of a motor vehicle approaching a railroad crossing sign shall slow down to a speed that is reasonable and safe for the existing conditions. If required to stop for a traffic control device, flag person, or safety before crossing the railroad grade crossing, the driver shall stop at the marked stop line, if any. If no such stop line exists, the driver shall:
1. Stop not less than fifty feet from the nearest rail of the railroad grade crossing and shall not proceed until the railroad grade can be crossed safely; or
2. In the event the driver would not have a reasonable view of approaching trains when stopped pursuant to paragraph (1) of this subsection (A), stop before proceeding across the railroad grade crossing at the point nearest such crossing where the driver has a reasonable view of approaching trains and not proceed until the railroad grade can be crossed safely.
3. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed, nor shall any pedestrian pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.
4. Any person who violates any provision of this section commits a class 3 traffic
10.12.030 Certain vehicles to stop at railroad grade crossings

A. Except as otherwise provided in this section, the driver of a school bus carrying any school child, the driver of a vehicle carrying hazardous materials that is required to be placarded in accordance with the regulations issued pursuant to Section 42-20-108, C.R.S., or the driver of a commercial vehicle, as defined in Section 42-4-235, C.R.S., that is transporting passengers, before crossing at grade any tracks of a railroad shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until he can do so safely.

B. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not manually shift gears while crossing the tracks.

C. When stopping is required at such railroad crossing the driver shall keep as far to the right of the roadway as possible and shall not form two lanes of traffic unless the street or roadway is marked for four or more lanes of traffic.

D. Subsections (A) and (B) of this section shall not apply at:
   1. Any railroad grade crossing at which traffic is regulated by a traffic-control signal;
   2. Any railroad grade crossing at which traffic is controlled by a law enforcement officer or human flagman;
   3. Any railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt crossing," which shall give notice when so posted that such crossing is exempt from the stopping requirement provided for in this section;
   4. Street railway grade crossing within a business district.

E. For the purposes of this section “school bus” means a school bus that is required to bear on the front and rear of such school bus the words “SCHOOL BUS” and display visual signal lights pursuant to Section 42-4-1903(2)(a), C.R.S.

F. Any person who violates any provision of this section commits a class 3 traffic offense.

10.12.040 Moving heavy equipment at railroad crossing

A. No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

B. Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time shall be given to such railroad to provide proper protection.
at such crossing.
C. Before making any such crossing the person operating or moving any such vehicle or
equipment shall first stop the same not less than fifteen feet nor more than fifty feet from
the nearest rail of such railroad and while so stopped shall listen and look in both
directions along such track for any approaching train and for signals indicating the
approach of a train, and shall not proceed until the crossing can be made safely.
D. No such crossing shall be made when warning is given by automatic signal or crossing
gates or a flagman or otherwise of the immediate approach of a railroad train or car.
E. Subsection (C) of this section shall not apply where it has been determined by this
municipality or the state that trains are not operating during certain periods or seasons of
the year and an official sign carrying the legend "exempt crossing" has been erected
giving notice when so posted that such crossing is exempt from the stopping requirement.
F. Any person who violates any provision of this section commits a Class 3 traffic

10.12.050 Emerging from or entering alley, driveway or building
A. The driver of a vehicle emerging from an alley, driveway, building, parking lot, or
other place, immediately prior to driving onto a sidewalk or into the sidewalk area
extending across any such alleyway, or entranceway, shall yield the right-of-way to a
pedestrian upon or about to enter such sidewalk or sidewalk area extending across such
alleyway, driveway, or entranceway, as may be necessary to avoid collision, and when
entering the roadway shall yield the right-of-way to all vehicles approaching on said
roadway, which are close enough to constitute an immediate hazard.
B. The driver of a vehicle entering an alley, driveway or entranceway shall yield the
right-of-way to any pedestrian within or about to enter the sidewalk or sidewalk area
extending across such alleyway, driveway or entranceway.
C. No person shall drive any vehicle, other than a bicycle, electrical assisted bicycle,
EPAMD, electric mobility device or any other human-powered vehicle, upon a sidewalk
or sidewalk area, except upon the permanent or duly authorized temporary driveway.
D. Any person who violates any provision of this section commits a Class 3 traffic
O-74-44 § 1 (part), 1974).

10.12.060 Stopping for school buses
A. The driver of a motor vehicle upon any street, road, or highway, upon meeting or
overtaking from either direction any school bus that has stopped, shall stop his vehicle at
least twenty feet before reaching the school bus if visual signal lights as specified in
Section 10.57.060 of this title have been actuated on the school bus. The driver shall not
proceed until the visual signal lights are no longer being actuated. The driver of a motor
vehicle shall stop when a school bus that is not required to be equipped with visual signal
lights by subsection (B) of this section stops to receive or discharge school children.
B. The driver of a vehicle upon a highway with separate roadways need not stop upon
meeting or passing a school bus which is on a different roadway. For the purposes of this
section, "highway with separate roadways" means a highway which is divided into two or
more roadways by a depressed, raised, or painted median or other intervening space
serving as a clearly indicated dividing section or island.
C. A driver of any school bus who observes a violation of subsection (A) of this section
shall notify his school district transportation dispatcher. The school bus driver shall provide the school district transportation dispatcher with the color, basic description, and license plate number of the vehicle involved in the violation, information pertaining to the identity of the alleged violator, and the time and the approximate location at which the violation occurred. Any school district transportation dispatcher who has received information by a school bus driver concerning a violation of subsection (A) of this section shall provide such information to the appropriate law enforcement agency or agencies. A Lakewood police agent or officer may issue a citation on the basis of such information to the driver of the vehicle involved in the violation.

D. Every school bus shall stop as far to the right of the roadway as possible before discharging or loading passengers and, when possible, shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus. The driver of a school bus which has stopped shall allow time for any vehicles which have stopped behind the school bus to pass the school bus, if such passing is legally permissible where the school bus is stopped, after the visual signal lights, if any, are no longer being displayed or actuated and after all children who have embarked or disembarked from the bus are safe from traffic.


10.12.070 Stop when traffic obstructed
No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on either side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding the indication of any traffic-control indication to proceed. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-77-86 § 10, 1977; Ord. O-75-96 § 11, 1975; Ord. O-74-44 § 1 (part), 1974).

10.12.080 Driving in a road or highway work area
A. The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian engaged in work upon a road or highway within any road or highway construction or maintenance work area indicated by official traffic-control devices.
B. The driver of a vehicle shall yield the right-of-way to any authorized vehicle engaged in work upon a road or highway whenever such vehicle displays flashing lights meeting the requirements of Section 42-4-214, C.R.S., as amended.

10.15.010 Speed limits
A. No person shall drive a vehicle on a street or highway within this municipality at a speed greater than is reasonable and prudent under the conditions then existing.
B. Except when a special hazard exists that requires lower speed, the following speeds shall be lawful:
1. Twenty-five miles per hour in any business district;
2. Thirty miles per hour in any residence district;
3. Fifteen miles per hour on any alley or alleyway;
4. Forty-five miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to Section 42-4-507(3)(a), C.R.S.;
5. Any speed not in excess of a speed limit designated by an official traffic control device.

C. Notwithstanding any other provision of this section, no person shall drive a vehicle on a street or highway within this municipality in excess of a maximum lawful speed of sixty-five miles per hour. No speed limit shall be authorized above sixty-five miles per hour, and all sixty-five mile per hour speed limits shall be considered maximum lawful speed limits and not prima facie speed limits.

D. Except as otherwise provided in subsection (C) of this section, any speed in excess of the lawful speeds set forth in subsection (B) of this section shall be prima facie evidence that such speed was not reasonable or prudent under the conditions then existing.

E. The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
   1. It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or
   2. With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in Section 10.63.070, exist.

F. The minimum requirement for the commission of a violation of this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.

G. It shall not be a defense to prosecution for a violation of this section that:
   1. The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or
   2. The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or
   3. The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit.

H. A violation of driving one to twenty-four miles per hour in excess of reasonable and prudent speed or in excess of the maximum lawful speed limit of fifty-five miles per hour is a Class 3 traffic offense; a violation of driving twenty-five or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of fifty-five miles per hour is a Class 2 traffic offense.

I. A violation of driving in excess of the speed limit set forth in a maintenance, repair, or construction zone shall be subject to the increased penalties and surcharges as set forth in Section 10.15.015.

10.15.015 Designation of highway maintenance, repair, or construction zones—signs—increase in penalties for certain violations

A. If maintenance, repair, or construction activities are occurring or will occur within four hours on a state highway or municipal street, the department of transportation or the City of Lakewood may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits a violation of any provision of Chapters 10.06, 10.09, 10.15, 10.18, 10.24, 10.27, 10.30, 10.45, 10.54, or 10.57 or Section 10.60.100 or Section 10.60.130 of the Lakewood Municipal Code in a maintenance, repair, or construction zone that is designated pursuant to the provisions of this section is subject to increased penalties and surcharges.

B. If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a state highway, the City of Lakewood may designate such portion of the roadway as a maintenance, repair, or construction zone. A person who commits certain violations listed in any provision of Chapters 10.06, 10.09, 10.15, 10.18, 10.21, 10.24, 10.27, 10.30, 10.45, 10.54, or 10.57 or Section 10.60.100 or Section 10.60.130 of the Lakewood Municipal Code in a maintenance, repair, or construction zone that is designated pursuant to this Section is subject to the increased penalties and surcharges.

C. The department of transportation or the City of Lakewood shall designate a maintenance, repair, or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for certain traffic violations are in effect in such zone. The department of transportation or the City of Lakewood shall erect or place a second sign after such zone indicating that the increased penalties for certain traffic violations are no longer in effect. A maintenance, repair, or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

D. Signs used for designating the beginning and end of a maintenance, construction, or repair zone shall conform to the department of transportation requirements. The department of transportation or the City of Lakewood may display such signs on any fixed, variable, or moveable stand. The department of transportation or the City of Lakewood may place such a sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work.

E. The penalties and surcharges imposed for traffic violations set forth in subsection (A) or (B) of this section are doubled if said traffic violation occurs within a maintenance, repair, or construction zone that is designated pursuant to the requirements of this section; except that the penalty for speeding twenty to twenty-four miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of seventy-five miles per hour shall be five hundred forty dollars. (Ord. O-2012-9 § 5, 2012; Ord. O-2006-30 § 3, 2006; Ord. O-97-62 § 10, 1997).
10.15.020 Decrease of speed limits in certain zones
Whenever it is determined by the Traffic Engineer, after a traffic survey, that the speed heretofore set as the prima facie speed limit on any portion of any street within the city is greater than that speed which is reasonable and prudent under the conditions shown by the traffic survey, the Traffic Engineer shall be empowered to declare a lower prima facie speed limit which will take effect upon posting of official signs giving notice of the new speed limit; provided, however, that decreased speed limits on streets which are part of the state highway system shall be subject to approval by the State Highway Department as specified in Section 10.69.090. (Ord. O-94-34 § 4, 1994; Ord. O-77-86 § 13, 1977; Ord. O-75-96 § 13, 1975; Ord. O-74-44 § 1 (part), 1974).

10.15.030 Increase of speed limits in certain zones
Whenever it is determined by the Traffic Engineer, after a traffic survey, that the speed heretofore set as the prima facie speed limit on any portion of any street within the city is less than necessary for the safe operation of vehicles, the Traffic Engineer shall be empowered to declare a higher prima facie speed limit which will take effect upon posting of official signs giving notice of the new speed limit; provided, however, that increased speed limits on streets which are part of the state highway system shall be subject to approval by the State Highway Department as specified in Section 10.69.090. (Ord. O-94-34 § 4, 1994; Ord. O-77-86 § 14, 1977; Ord. O-74-44 § 1 (part), 1974).

10.15.040 Special hazards
A. The driver of a motor vehicle shall decrease his or her speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions, and such speed shall be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance, or object on or entering the street in compliance with legal requirements and with the duty of all persons to use due care.
B. It is no defense to subsection (A) of this section that the driver's speed was lower than the speed limit established by law.

10.15.050 Minimum speed regulation
A. No person shall drive a motor vehicle on any street at such a slow speed as to impede or block the normal and reasonable forward movement of traffic, except when a reduced speed is necessary for safe operation of such vehicle or in compliance with law.
B. Whenever it is determined upon the basis of an engineering and traffic investigation that slow speeds on certain streets consistently impede the normal and reasonable movement of traffic on such facilities, the Traffic Engineer may establish minimum speeds on such streets and those speeds so established shall be effective when signs are erected giving notice thereof; provided, however, that the minimum speed limits on streets or expressways which are a part of the state highway system shall be subject to the approval of the State Department of Highways.
C. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 15, 1975; Ord. O-74-44 § 1 (part), 1974).
10.15.060 Speed contests-speed exhibitions-aiding and facilitating

A. 1. Except as otherwise provided in subsection (D) of this section, it is unlawful for any person to engage in a speed contest on a highway.
2. For the purposes of this section, "speed contest" means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding reasonable and prudent speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other race participants.
B. 1. Except as otherwise provided in subsection (D) of this section, it is unlawful for a person to knowingly engage in a speed exhibition on a highway.
2. For the purpose of this section, "speed exhibition" means the operation of a motor vehicle to present a display of speed or power. "Speed exhibition" includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.
C. 1. Except as otherwise provided in subsection (D) of this section, a person shall not, for the purpose of facilitating or aiding or an as incident to any speed contest or speed exhibition upon a highway, in any manner obstruct or place a barricade or obstruction, or assist or participate in placing any such barricade or obstruction, upon a highway.
2. A person who violates any provision of this subsection (C) commits, the offense that the person aided in or facilitated the commission of. Nothing in this subsection (C) shall be construed to preclude charging a person for otherwise being a party to the crime of engaging in a speed contest or engaging in a speed exhibition.
D. The provisions of this section shall not apply to the operation of a motor vehicle in an organized competition according to accepted rules on a designated and duly authorized racetrack, racecourse, or drag strip.

10.15.070 Regulation of speed by traffic signals

Traffic signals may be timed, as authorized in Section 10.69.080 of this title, so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the prima facie speed limit otherwise applicable to the street or area. (Ord. O-74-44 § 1 (part), 1974).

10.15.080 Emergency vehicles not subject to speed limits

A. The speed limitations set forth in this title shall not apply to an authorized emergency vehicle when the driver is responding to an emergency call and is making use of visual and audible signals as prescribed by law, nor shall said speed limits apply to a police vehicle while in actual pursuit of a suspected violator of any law so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator.
B. The provisions of subsection (A) of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all
persons using the street, nor shall said provisions protect the driver of any such vehicle from the consequences of a reckless disregard for the safety of others. (Ord. O-94-34 § 5, 1994; Ord. O-74-44 § 1 (part), 1974).

10.15.016 Designation of School Zones
A. Any person who commits a moving traffic violation in violation of any of the provisions of Chapters 10.06, 10.09, 10.15, 10.18, 10.21, 10.24, 10.27, 10.30, 10.45, 10.54, or 10.57 or Section 10.60.100 or Section 10.60.130 of the Lakewood Municipal Code in a school zone is subject to the increased penalties and surcharges.
B. For the purposes of this section, “school zone” means an area that is designated as a school zone and has appropriate signs posted indicating that the penalties and surcharges will be doubled. The state or local government having jurisdiction over the placement of traffic signs and traffic control devices in the school zone area shall designate when the area will be deemed to be a school zone for the purposes of this section. In making such designation, the state or local government shall consider when increased penalties are necessary to protect the safety of school children.
C. This section does not apply if the penalty and surcharge for a violation has been doubled pursuant to Section 10.15.015 because such violation also occurred within a highway maintenance, repair, or construction zone.
D. The penalties and surcharges imposed for traffic violations set forth in subsection (A) of this section are doubled if said traffic violation occurs in a school zone. (Ord. O-2012-9 § 6, 2012)

10.18.010 Reckless driving
Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, EPAMD, electric mobility device or low-power scooter anywhere within this municipality in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Any person who violates this section commits a Class 2 traffic offense. A person convicted of reckless driving of a bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall not be subject to the provisions of Section 42-2-127, C.R.S. (Ord. O-2012-9 § 7, 2012; Ord. O-2006-30 § 5, 2006; Ord. O-97-62 § 11, 1997; Ord. O-75-96 § 17, 1975; Ord. O-74-44 § 1 (part), 1974).

10.18.020 Careless driving
Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, EPAMD, electric mobility device or low-power scooter anywhere within 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. Any person who violates any provision of this section commits a Class 2 traffic offense. A person convicted of careless driving of a bicycle, electrical assisted bicycle, EPAMD, or electric mobility device shall not be subject to the provisions of Section 42-2-127, C.R.S. (Ord. O-2012-9 § 8, 2012; Ord. O-2006-30 § 6, 2006; O-97-62 § 12, 1997; Ord. O-75-96 § 18, 1975; Ord. O-74-44 § 1 (part), 1974).

10.21.010 Starting parked vehicle
No person shall start or move a vehicle which is stopped, standing, or parked unless such movement can be made with reasonable safety. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 19, 1975; Ord. O-74-44 § 1 (part), 1974).

10.21.020 When signal required
A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 10.21.030, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in Sections 10.21.040 and 10.21.050.
B. A signal of intention to turn right or left when required shall be given continuously during at least the last one hundred feet traveled by the vehicle before turning, except that such signal shall be given continuously for at least two hundred feet on all highways where the prima facie speed limit is more than forty miles per hour. Such signals shall be given regardless of existing weather conditions.
C. No person shall stop or suddenly decrease the speed of a vehicle without first giving a signal in the manner provided in Sections 10.21.040 and 10.21.050 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
D. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 20, 1975; Ord. O-74-44 § 1 (part), 1974).

10.21.030 Position and method of turning at intersections
A. Except where official markers, buttons, or signs direct a different course, the driver of a vehicle intending to turn at an intersection shall do as follows:
1. Both the approach for a right turn and the right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
2. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.
3. Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices in the manner prescribed in the State Traffic Control Manual, a left turn shall not be made from any other lane, and the vehicle shall not be driven in said special lane except when preparing for and making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

10.21.040 Signals by hand and arm or signal device
A. Any stop or turn signal required by Section 10.21.020 shall be given either by means of the hand and arm or by a signal light or signal device of a type approved by the State
Department of Revenue, except as otherwise provided in subsection (B) of this section. B. Any motor vehicle in use on a street in this municipality shall be equipped with, and required signals shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles. C. The signals provided for in subsection (B) of this section shall be used to indicate an intention to turn, change lanes or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. D. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 22, 1975; Ord. O-74-44 § 1 (part), 1974).

10.21.050 Method of giving hand and arm signals
A. All signals herein required to be given by hand and arm shall be given by the driver from the left side of the vehicle in the following manner, and such signals shall indicate as follows:
1. Left turn: hand and arm fully extended horizontally;
2. Right turn: hand and arm fully extended upward;
3. Stop or decrease of speed: hand and arm fully extended downward.
B. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 23, 1975; Ord. O-74-44 § 1 (part), 1974).

10.21.060 Limitations on turning around
A. The driver of a vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street or highway within this municipality, i.e., make a "U-turn," under any of the following conditions:
1. Upon any curve or upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within such distance as is necessary to avoid interfering with or endangering approaching traffic;
2. At any place where official signs are erected prohibiting such movement.
B. The driver of a vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street or highway within this municipality, i.e., make a "U-turn," unless such movement can be made in safety and without interfering with other traffic.
C. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-77-86 § 17, 1977; Ord. O-75-96 § 24, 1975; Ord. O-74-44 § 1 (part), 1974)

10.21.070 Obedience to turn prohibition signs
Whenever official signs are erected prohibiting or restricting a right or left turn, a "U-turn," or all turns, as authorized in Section 10.69.080 of this title, no driver shall disobey the directions of any such signs. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 25, 1975; Ord. O-74-44 § 1 (part), 1974).

10.21.080 Driving through private property or driveways
A. It is unlawful for any person to drive from a public street or public way of this city over, across or through any private property or driveway to avoid traffic-control signals, stop signs, or other traffic-control devices or as a route or shortcut from one public street or public way to another. Any person who violates any provision of this section commits a Class 4 traffic offense.

B. As used in subsection (A) of this section, "private property" includes but is not limited to any property not dedicated as a public street or public way, alley, right-of-way or easement.

C. It shall be an affirmative defense to a charge of violation of subsection (A) of this section that the person charged is the owner of the property or driveway through or across which the motor vehicle is driven or of leasehold or easement rights therein, or of the right to the possession or use thereof. (Ord. O-75-96 § 26, 1975; Ord. O-74-44 § 1 (part), 1974).

10.24.010 Drive on right side-Exceptions

A. Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
2. When an obstruction exists making it necessary to drive to the left of the center of the street or highway; provided, that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the street or highway within such distance as to constitute an immediate hazard;
3. Upon a roadway divided into three lanes for traffic under the rules applicable thereon; or
4. Upon a roadway restricted to one-way traffic as indicated by official traffic-control devices.

B. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

C. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subdivision (2) of subsection (A) of this section. However, this subsection does not prohibit the crossing of the centerline in making a left-turn into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding or endangering other traffic lawfully using the highway.


10.24.020 Passing oncoming vehicles
A. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

B. A driver shall not pass a bicyclist, EPAMD or electric mobility device rider moving in the same direction and in the same lane when there is oncoming traffic unless the driver can simultaneously:
1. Allow oncoming vehicles at least one half of the main-traveled portion of the roadway in accordance with Subsection (A) of this Section; and,
2. Allow the bicyclist, EPAMD or electric mobility device rider at least a three-foot (3’) separation between the right side of the driver’s vehicle, including all mirrors or other projections, and the left side of the bicyclist, EPAMD or electric mobility device rider at all times.

C. Any person who violates any provision of this section commits a Class 3 traffic infraction.


10.24.030 Overtaking a vehicle on the left
A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction subject to the limitations, exceptions, and special rules stated in this Section and Sections 10.24.040, 10.24.050, 10.27.010, and 10.27.020:
1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
2. The driver of a motor vehicle overtaking a bicyclist, EPAMD or electric mobility device rider proceeding in the same direction shall allow the bicyclist, EPAMD or electric mobility device rider at least a three-foot (3’) separation between the right side of the driver’s vehicle, including all mirrors or other projections, and the left side of the bicyclist, EPAMD or electric mobility device rider at all times.
3. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

B. Any person who violates any provision of this section commits a Class 3 traffic offense.


10.24.040 When overtaking on the right is permitted
A. A driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
1. When the vehicle overtaken is making or giving indication of the making a left turn;
2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked for two or more lanes of moving vehicles in each direction; or,
3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and marked for two or more lanes of moving vehicles.
B. The driver of a motor vehicle upon a one-way roadway with two or more marked traffic lanes, when overtaking a bicyclist, EPAMD or electric mobility device rider proceeding in the same direction and riding on the left-hand side of the road, shall allow the bicyclist, EPAMD, or electric mobility device at least a separation of three-feet (3’) between the left side of the driver’s vehicle, including all mirrors or other projections, and the right side of the bicyclist, EPAMD or electric mobility device rider at all times.

C. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main traveled portion of the roadway.

D. Any person who violates any provision of this section commits a Class 3 traffic offense.

10.24.050 Limitations on overtaking on the left

A. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this section and unless such left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction of any vehicle overtaken.

B. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement is made on highways outside a business or residence district and involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

C. No vehicle shall be driven to the left side of the roadway under the following conditions:
   1. When approaching or upon the crest of a grade or a curve in the highway where the driver’s view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
   2. When approaching within one hundred feet of or traversing any intersection or railroad crossing;
   3. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

D. Where signs or markings are in place to define a no-passing zone, and such signs or markings are clearly visible to an ordinarily observant person, no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

E. The provisions of this section shall not apply:
   1. Upon a one-way roadway;
   2. Under the conditions described in Section 10.24.010 (A)(2);
   3. To the driver of a vehicle turning left into or from an alley private road or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway; or,
   4. To the driver of a vehicle passing a bicyclist, EPAMD or electric mobility device rider moving the same direction and in the same lane when such movement can be made in
safety and without interfering with, impeding or endangering other traffic lawfully using the highway.


10.24.060 Following too closely
A. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and condition of the street or highway.
B. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.
C. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

10.24.070 Crowding or threatening bicyclist, EPAMD or electric mobility device rider
A. The driver of a motor vehicle shall not, in a careless and imprudent manner, drive the vehicle unnecessarily close to, toward or near a bicyclist, EPAMD or electric mobility device rider.
B. Any person who violates Subsection (A) of this section commits careless driving as described in Section 10.18.020. (Ord O-2012-9 § 13, 2012)

10.27.010 One-way roadways and rotary traffic islands
A. Upon a roadway restricted to one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.
B. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

10.27.020 Driving on roadways laned for traffic
A. Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all other consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until such movement can be made with safety.

2. Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such device.

3. Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

B. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 34, 1975; Ord. O-74-44 § 1 (part), 1974).

10.30.010 Driving on divided streets
A. Whenever any street or highway has been divided into separate roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, unless directed or permitted by official traffic-control devices to use another roadway.

B. No vehicle shall be driven over, across or within any dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by official signs and markings, or by the provisions of Section 10.21.060. However, this subsection does not prohibit a left-turn across a median island formed by standard pavement markings or other mountable or traversable devices as prescribed in State Traffic Control Manual when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.


10.30.020 Controlled-access roads and use thereof
A. No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

B. Whenever an acceleration lane has been provided in conjunction with a ramp entering a controlled-access highway, and the ramp intersection is not designated or signed as a stop or yield intersection as provided in Section 10.09.020 of this title, drivers may use the acceleration lanes to attain a safe speed for merging with through traffic when conditions permit such acceleration with safety; provided that traffic so merging shall be obligated to signal its intention to change lanes and to make such lane changes only when the driver has ascertained that such lane changes can be made with safety.

C. Whenever a deceleration lane has been provided in conjunction with a ramp leaving a controlled-access highway, drivers shall use such lane to slow to a safe speed for making an exit turn after leaving the main stream of traffic.

D. Pedestrians, bicyclists, EPAMD, electric mobility device riders or other nonmotorized traffic, or any person operating a motor-driven cycle, shall not use any controlled-access
roadway described in traffic-control schedules when official signs are erected on or at entrances to any such roadway giving notice thereof.
E. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

10.30.030 Illegal use of the passing lane-Definitions-Penalty
A. A person shall not drive a motor vehicle in the passing lane of a highway if the speed limit is sixty-five miles per hour or more unless such person is passing other motor vehicles that are in a nonpassing lane or turning left, or unless the volume of traffic does not permit the motor vehicle to safely merge into a nonpassing lane.
B. For the purposes of this section:
1. "Nonpassing lane" means any lane that is to the right of the passing lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway.
2. "Passing lane" means the farthest to the left lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway, except that if such left lane is restricted to high occupancy vehicle use or is designed for left turns only, the passing lane shall be the lane immediately to the right of such high occupancy lane or left-turn lane.
C. A person who violates this section commits a Class 3 traffic offense. (Ord. O-2005-11 § 2, 2005).

10.33.010 Stopping, standing or parking in specified places
A. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic-control device, in any of the following places:
1. On a sidewalk;
2. Within an intersection;
3. On a crosswalk;
4. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of the safety zone, unless the Traffic Engineer indicates a different length by signs or markings;
5. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
6. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
7. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
8. On any railroad tracks;
9. On any controlled-access highway;
10. In the area between roadways of a divided highway, including crossovers.
B. In addition to the restrictions specified in subsection A of this section, no person shall stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device, in any of the following places:
1. Within five feet of a public or private driveway;
2. Within fifteen feet of a fire hydrant;
3. Within twenty feet of a crosswalk at an intersection;
4. Within thirty feet upon the approach to any flashing beacon or signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
5. Within twenty feet of the driveway entrance to any fire station or, on the side of the street opposite the entrance of any fire station, within seventy-five feet of said entrance when properly sign posted.
C. In addition to the restrictions specified in subsections A and B of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device, within fifty feet of a railroad crossing.
D. 1. Paragraph (1) of subsection A of this section shall not prohibit persons from parking bicycles electrical assisted bicycles, EPAMD or electric mobility devices on sidewalks in accordance with the provisions of C.R.S. Section 42-4-1412(11)(a) and (11)(b).
2. Paragraph (6) of subsection A of this section shall not prohibit persons from parking two or more bicycles, or electrical assisted bicycles, EPAMD or electric mobility devices abreast in accordance with the provisions of C.R.S. Section 42-4-1412(11)(d).
3. Paragraphs (1), (3), (4) of subsection B of this section shall not apply to bicycles, or electrical assisted bicycles, EPAMD or electric mobility devices parked on sidewalks in accordance with C.R.S. Sections 42-4-1412(11)(a) and (11)(b).

10.33.020 Parking at Electric Motor Vehicle Charging Stations
A. A person shall not park a motor vehicle within a parking space designated for charging a plug-in electric motor vehicle unless the motor vehicle is a plug-in electric motor vehicle and the person is parked in the charging station for the purpose of charging the plug-in electric motor vehicle.
B. For purposes of this section:
1. “Official Sign” means a sign identifying a parking space for electric motor vehicle charging that cites 42-4-1213 or this section and that clearly displays the penalties for violating 42-4-1213 or this section.
2. “Plug-in Electric Motor Vehicle” means any motor vehicle that can be recharged from an external source of electricity and that uses electricity stored in a rechargeable battery pack to propel or contribute to the propulsion of the vehicle’s drive wheels.
C. There is a rebuttable presumption that the parking space is not being used for the purpose of charging a plug-in electric motor vehicle if:
1. The vehicle is parked in a charging station parking space with a dedicated charging connector for the space; and
2. The vehicle is not continuously and electrically connected to the charger for longer than thirty minutes.
D. A person may park a plug-in electric motor vehicle at a charging station after the motor vehicle is fully charged in a parking lot:
1. That serves a lodging business if the person is a client of the lodging business and has parked the plug-in electric motor vehicle in the lot to charge overnight;
2. That serves an airport if the person is a client of the airport and has parked the plug-in electric motor vehicle in the lot to charge when traveling; or
3. Between the hours of 11 p.m. and 5 a.m.
E. A peace officer may enforce this section on private property.
F. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.33.030 Parking for certain purposes prohibited
A. No person shall park a vehicle upon a roadway or the right-of-way for the principal purpose of:
   1. Displaying such vehicle for sale;
   2. Painting or repairing such vehicle;
   3. Stripping or salvaging any part of or all of such vehicle; or
   4. Displaying advertising.
B. No person shall park or leave unattended an inoperable vehicle upon a street or right-of-way.
C. The following definitions shall apply to this section:
   1. "Driven under its own power" means any motor vehicle that is able to be started, stopped, driven forward, or driven backward.
   2. "Inoperable vehicle" means one that is not capable of being promptly started and driven under its own power, does not have a current license plate, or which lacks one or more of the following items which are otherwise standard factory equipment on any particular vehicle model: windshield, side or rear window, door, fender, headlamp, muffler, wheel, properly inflated tire.
D. When any vehicle is parked in violation of subsection (A) of this section for a period of twenty-four hours or more, a police agent may require the vehicle to be towed to an impound lot. Any vehicle parked in violation of subsection (B) of this section may be required by a police agent to be immediately towed to an impound lot.
E. Any person who violates any provision of this section commits a Class 4 traffic offense.
F. Nothing in this section shall apply to the driver of any vehicle which is disabled while on the paved, improved, or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, subject, when applicable, to the emergency lighting requirements set forth in Section 10.39.080. (Ord. O-97-62 § 16, 1997; Ord. O-93-1 § 3, 1993; Ord. O-89-32 § 3, 1989; Ord. O-84-60 § 2, 1984; Ord. O-75-96 § 39, 1975; Ord. O-75-21 § 1 (part), 1975).

10.33.040 Stopping, standing or parking on highway
No person shall stop, stand or park a vehicle on any highway, ramp or any other portion of the main-traveled way of such highway. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 40, 1975; Ord. O-75-21 § 1 (part), 1975).

10.33.050 Parking not to obstruct traffic or maintenance
No person shall stand or park any vehicle upon a street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance. Any person who violates any provision of this section
commits a Class 4 traffic offense. (Ord. O-75-96 § 41, 1975; Ord. O-75-21 § 1 (part), 1975).

10.33.060 Parking in alleys
A. No person shall stand or park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise or freight.
B. No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.
C. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 42, 1975; Ord. O-75-21 § 1 (part), 1975).

10.33.065 Parking of Food Trucks Permitted in Certain Locations
A. A Food Truck may be parked on private property in mixed-use, commercial or industrial zone districts only with the written consent of the property owner.
B. A Food Truck may be parked on the public right-of-way in mixed-use, commercial or industrial zone districts provided it is:
1. Located at least 50 feet from any intersection, alley or driveway;
2. Located at least 100 feet from any restaurant use as measured parallel to a public street;
3. Located at least 100 feet from any residential zone district, as measured parallel to a public street;
4. Parked parallel to a public street when serving customers.
5. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-2016-17 § 4, 2016)

10.33.070 Parking of certain types of vehicles prohibited
A. It is unlawful for any person to park any of the following vehicles on the public right-of-way, except when the vehicle is being used to render services to a property located within two hundred feet of where the prohibited vehicle is parked:
1. Any commercial vehicle or commercial trailer,
2. Any truck exceeding six thousand pounds empty weight,
3. Any motor vehicle exceeding twenty-five feet in length except as set forth in section 10.33.075,
4. A combination of a trailer and motor vehicle exceeding twenty-five feet in length or eight feet in width.
B. It is unlawful for any person to park the following vehicles for a period of time longer than six (6) hours during any day on the public right-of-way, except when the vehicle is being used to render services to a property located within two hundred feet of where the prohibited vehicle is parked:
1. Any vessel.
2. Any trailer or other vehicle which is not self-propelled excluding travel trailers.
C. This section is enforceable by code enforcement officers, community service officers or police agents.
D. For the purposes of this section, the measured length of any vehicle shall exclude towing gear, bumpers, and attached cargo racks or similar items.
E. It shall not be a defense to this section that the vehicle, trailer, or vessel has been
moved to a different location within the public right-of-way. To be in compliance with this section, the vehicle, trailer, or vessel must be removed from the public right-of-way.

F. A Food Truck may not be parked in a parking space designated for ADA access.


10.33.075 Parking of recreational vehicles or travel trailers on public right-of-way prohibited
A. It is unlawful for any person to park a recreational vehicle or travel trailer on the public right-of-way except as follows:
1. Directly in front of the frontage of the single-family or multi-family dwelling of the vehicle’s registered owner for a period of forty-eight (48) hours or less when being loaded or unloaded; or
2. In compliance with the terms and conditions of a permit issued pursuant to Section 10.33.076.
B. This section is enforceable by code enforcement officers, community service officers and police agents.
C. It shall not be a defense to this section that the recreational vehicle or travel trailer has been moved to a different location within the public right-of-way. To be in compliance with this section, the recreational vehicle or travel trailer must be removed from the public right-of-way.
D. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.33.076 Permits for parking of recreational vehicles or travel trailers on the public right-of-way
A. The Chief of Police or designee may issue a permit to park certain vehicles on the public right-of-way subject to the following restrictions:
1. A permit may only be issued for a recreational vehicle or travel trailer;
2. Only one such permit may be issued per calendar year to a resident of any dwelling for a period not to exceed two weeks; and
3. The permit shall only allow the vehicle to be parked on the public right-of-way that is directly in front of the frontage of the applicant’s single-family or multi-family dwelling.
B. The Chief of Police or his/her designee shall have the authority to grant additional permits when reasonably warranted or when extraordinary circumstances exist. An applicant who is denied a permit may appeal the denial to the City Clerk. A hearing shall be conducted in accordance with rules and regulations promulgated by the City Clerk.
C. Any person who violates the terms of the permit commits a Class 4 traffic offense.
(Ord. O-2010-9 § 3, 2010)

10.33.078 Impoundment of prohibited vehicles
When any vehicle is parked in violation of Section 10.33.070 or Section 10.33.075 of this Chapter, a code enforcement officer, a community service officer, or a police agent may require the vehicle to be towed to an impound lot. (Ord. O-2010-9 § 4, 2010)
10.33.080 Abandonment of vehicles prohibited
A. No person shall abandon a vehicle upon a roadway or the right-of-way. Any vehicle left unattended within any portion of a roadway or the right-of-way for a period of twenty-four hours or more shall be presumed abandoned under the conditions prescribed by Section 42-4-1202, C.R.S., as amended. An agent of the Lakewood Police Department may require the towing of the vehicle to an impound lot.

10.33.085 Definitions
The following definitions shall apply to this Chapter:
A. “Commercial trailer” means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways in furtherance of any commercial activity or used “for hire.”
B. “Commercial vehicle” means any truck tractor, dump truck, semi-trailer, commercial trailer, tow truck or vehicle equipped to provide towing services, bus or vehicle with an empty weight of six thousand pounds or greater or any vehicle, regardless of weight, which is used, or normally associated with, the transportation of materials, products, freight, other vehicles, or equipment in furtherance of any commercial activity or is used "for hire" except that any passenger vehicle designed to transport no more than nine persons or any pickup truck or van not exceeding twenty-five feet in length shall not be considered commercial vehicles.
C. “Food Truck” means a motorized or towed, self-contained, readily movable vehicle, that is designed and equipped to sell to the general public beverages and/or food that is prepared or stored on the premises.
D. “Recreational vehicle” means a motor vehicle designed or used as a conveyance upon streets and highways, and constructed so as to provide temporary occupancy as a dwelling or sleeping place for one or more persons. A recreational vehicle does not include a pick-up truck with an attached camper shell.
E. “Trailer” means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways.
F. “Travel trailer” means a portable structure, mounted on wheels, designed to be towed by a motorized vehicle and containing cooking or sleeping facilities to provide temporary living quarters for recreational camping or travel use. Such structures may be constructed with rigid sides or may have collapsible side walls of fabric, plastic or other pliable material.
G. “Vessel” means every description of watercraft used or capable of being used as a means of transportation of person and property on water, other than single-chambered air-inflated devices or seaplanes. (Ord. O-2016-17 § 4, 2016; Ord. O-2012-9 § 17, 2012; Ord. O-2010-9 § 4, 2010)
10.36.010 Regulations not exclusive
The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places, at specified times, or in a specified manner. (Ord. O-75-21 § 1 (part), 1975).

10.36.020 Obedience to stopping, standing or parking regulations
Upon any public street or at any public place within this municipality where official signs are posted giving notice of stopping, standing, or parking restrictions or prohibitions, including fire lane, emergency access lane and restrictions or prohibitions for individuals with disabilities, 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 direction of a police agent or except for the purpose of loading or unloading passengers when such stopping does not obstruct, impede or endanger any traffic; provided that in school zones no person shall stop on the roadway to load or unload passengers where prohibited by signs. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-94-34 § 10, 1994; Ord. O-81-86 § 2, 1981; Ord. O-75-96 § 43, 1975; Ord. O-75-21 § 1 (part), 1975).

10.36.030 Parking privileges for persons with disabilities
A. Only a vehicle with distinguishing license plates or an identifying placard issued by the Department of Motor Vehicles or otherwise authorized by subsection (D) of this section, which indicates that the occupant of said vehicle is a person with disability, may be parked in any parking space identified as being reserved for use by persons with disabilities whether on public property or private property available for public use, or along any public street regardless of any time limitations imposed by official signs upon parking in such area; except that a time limitation to park on any public street shall not be limited to less four hours. The time limits in such area shall be clearly posted. Such privilege shall not apply to zones in which:
1. Stopping, standing or parking of all vehicles is prohibited at all times;
2. Only special vehicles may be parked; or
3. Parking is not allowed during special periods of the day in order to accommodate heavy traffic.
B. The owner of private property available for public use may install signs which clearly identify certain parking spaces as reserved for use by persons with disabilities. The installation of such signs shall be a waiver of any objection the owner of private property may assert concerning enforcement of this section by peace officers or authorized parking enforcement volunteers.
C. It is unlawful for any person other than a person with a disability to park in a parking space on public or private property which is clearly identified as being reserved for use by persons with disabilities unless such person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the space reserved for use by persons with disabilities and the vehicle displays a placard or a license plate issued to a person with a disability. Such placard or license plate shall be displayed at all times on the vehicle while parked in such space.
D. Any person who is not a person with a disability and who uses a license plate or
placard issued by the Department of Motor Vehicles in order to receive the benefits or privileges available to a person with disability commits a Class 4 traffic offense and shall be subject to a fine of up to twice the maximum penalty identified for a Class 4 traffic offense.

E. It is unlawful for any person to park a vehicle as to block reasonable access to curb ramps or passenger loading zones that are clearly identified and are adjacent to a parking space reserved for use by persons with disabilities unless such person is loading or unloading a person with a disability.

F. Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state.

G. Each parking space reserved for use by persons with disabilities whether on public property or private property shall be marked with an upright sign, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

H. For the purposes of this section, a parking enforcement volunteer is defined as any person designated by the chief of police, who is not a police agent, as having the authority to enforce the provisions of this section. A parking enforcement volunteer shall have the power and authority to issue and serve summonses and complaints in the municipal court for violations of this section. Nothing contained in this subsection shall vest or be taken to vest in parking enforcement volunteers other powers, duties, rights, and emoluments of sworn police agents of the City of Lakewood.


10.36.040 All-night parking
A. No person 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 two a.m. and five a.m. of any day.

B. The provisions of subsection (A) of this section shall not apply to physicians or other persons on emergency calls.

C. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 45, 1975; Ord. O-75-21 § 1 (part), 1975).

10.36.060 Parking in fire lanes or emergency access lanes
No person shall stop, stand or park any vehicle in an area designated by official signs and/or official pavement or curb markings as a fire lane or emergency access lane. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 47, 1975; Ord. O-75-21 § 1 (part), 1975).

10.36.070 Parking in bicycle lanes or pedestrian walkways
No person shall stop, stand or park any motor vehicle in any area designated by official signs and/or pavement or curb markings as a bikeway, bicycle lane, bicycle path or pedestrian walkway or crosswalk. Any person who violates any provision of this section
commits a Class 4 traffic offense. (Ord. O-75-96 § 48, 1975; Ord. O-75-21 § 1 (part), 1975).

10.37.010 Purpose
A. This ordinance will create an on-street paid parking program at only the Belmar Site to advance the public health, safety and welfare as it relates to traffic control and traffic safety. Specifically, the goals of the program are to ensure the availability and turnover of convenient on-street parking spaces in the commercial core of the Belmar Site to serve the needs of customers, visitors and merchants. The City is a home-rule city with full authority to regulate traffic and vehicle parking within its public right-of-way.
B. The City possesses the authority to contract with other cities and governmental entities to provide any function, service or facility lawfully authorized to each of the contracting entities. The City possesses the authority to contract with and delegate to political subdivisions of the state the City's authority to operate and maintain an on-street paid parking system.
C. Any delegation of authority to, or contracting with, a political subdivision of the State for the operation, maintenance and management of an on-street paid parking program shall comport with the provisions of this Chapter.

10.37.020 Definitions
For the purposes of this Chapter, the words and phrases used herein, unless the context indicates otherwise, shall have the following meaning:
"Belmar Site" consists of the Service Areas of The Plaza Metropolitan District No. 1, The Plaza Metropolitan District No. 2, and The Plaza Metropolitan District No. 3 as legally described more specifically in an Exhibit on file in the City Clerk's Office as may be amended from time to time. The Belmar Site is generally described as being bounded on the north by West Alameda Avenue, on the west by South Wadsworth Boulevard, on the south by Center Avenue, and on the east by Quay Street.
"District" means The Plaza Metropolitan District No. 1, a Metropolitan District organized under Title 32 of the Colorado Revised Statutes located within the City.
"Parking kiosk zone" means an area designated by official traffic control devices in which a vehicle may be lawfully parked after proper payment is made at a parking kiosk.

10.37.030 City delegation of authority to the Plaza Metropolitan District No. 1 located at the Belmar site
A. It is the intent of this Section for the City to delegate the authority to operate, maintain and manage an on-street paid parking program within the Belmar Site to The Plaza Metropolitan District No. 1. The City is a home-rule city with full authority to regulate traffic and vehicle parking within its public rights-of-way and the District possesses the authority as set forth in C.R.S. 32-1-1004(1)(b) to erect and maintain traffic and safety controls and devices on streets and highways. Both the City and the District are governmental entities and are authorized to enter into Intergovernmental Agreements as set forth in C.R.S. 29-1-201, et. seq. The authority delegated in relation to on-street paid parking shall be only that authority specifically set forth herein.
B. This delegation of authority set forth in this Section applies only to the Belmar Site.
10.37.040 Designation of paid parking

The District is hereby authorized to purchase, lease, or otherwise acquire and install, as many parking kiosks as may be necessary to install along the block faces within the designated parking kiosk zones to serve the paid parking spaces provided under this Chapter. The District, in consultation with the City Traffic Engineer, shall designate the public streets or public ways, or portions thereof, upon which parking kiosks shall be located and installed, and shall install the parking kiosks in accordance therewith. The District, in consultation with the City Traffic Engineer, shall determine for the purpose of ensuring the availability of convenient, short-term parking on the street and relieving traffic congestion within the Belmar Site, how many parking kiosks shall be placed in any area designated as a parking kiosk zone.

10.37.050 Design of parking kiosks

Parking kiosks installed as provided in this chapter shall be so designed, constructed, installed and set as to meet the following conditions:

A. The parking kiosks shall be capable of being operated upon the deposit of one or more coins of United States currency or authorized tokens, or the making of payment by the use of credit card, banking card, debit card, electronic fund transfer card, or guaranteed check card that can legally be used to pay for the full period of time for which parking is lawfully permitted in any parking kiosk zone or for an appropriate fractional period of time.

B. Upon payment, a parking kiosk shall issue a printed parking receipt indicating the date of issuance, and expiration time of the interval of authorized parking at which time the payee may no longer remain lawfully parked within the parking kiosk zone. The parking receipt shall authorize parking for the full period of time for which parking is lawfully permitted in any parking kiosk zone, or for an appropriate fractional period of time.

C. Each parking kiosk shall bear an authorized sign or message clearly legible indicating the days and hours when the requirement to deposit coins or tokens or to otherwise make payment shall apply, the value of the payment required to be deposited or made, and the limited period of time for which parking is lawfully permitted in the parking kiosk zone in which the kiosk is located.

10.37.060 Payment of parking fee required

A. No person shall park a vehicle in any parking kiosk zone on a public street, as indicated by official signs, during the restricted and regulated time applicable to the parking kiosk zone, unless a valid parking receipt is displayed on the dashboard of the parked vehicle. The parking receipt must be displayed on the dashboard so as to be clearly legible from outside of the parked vehicle and must indicate an unexpired interval of time. No person shall display more than one parking receipt on the dashboard of any vehicle at one time.

B. Any vehicle parked in a parking kiosk zone on a public street shall be parked either parallel or diagonal to the curb, as may be indicated by official signs. Vehicles parked in a manner so that any portion of the vehicle is within the parking kiosk zone shall be required to pay the amount indicated by the parking kiosks and associated signage for parking in that zone.

C. If a vehicle remains parked in the parking kiosk zone on a public street beyond the authorized interval of time stated on the parking receipt, such vehicle shall be in violation
of this section. Every additional period of parking beyond the maximum period of parking time allowed shall constitute a separate offense.
D. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.37.070 Extending time prohibited
It shall be unlawful for any person to permit a vehicle to remain parked in a parking kiosk zone on a public street for longer than the maximum time that can be purchased from a parking kiosk at any one time, except during those times and dates indicated on the parking kiosk when no payment for parking need be made. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.37.080 Use of slugs or tampering with parking kiosks prohibited
A. It shall be unlawful for any person to deposit or cause to be deposited in any parking kiosk any slug or metallic substitute for any coin of the United States, or to deposit therein any lawful coin that is bent, cut, torn, battered or otherwise misshapen or to otherwise use any device in a parking kiosk which is not permitted herein or which is not lawful payment.
B. It shall be unlawful for any person to deface, injure, tamper with, willfully break, destroy or impair the usefulness of any parking kiosk or sign installed under the terms of this chapter.
C. It shall be unlawful for any person to place any sack or covering over, upon or around any parking kiosk or otherwise indicate or show that the parking kiosk is inoperative or inapplicable without proper authority to do so.

10.37.090 Parking in space required
A vehicle parked in a parking kiosk zone on a public street shall be parked entirely within one individual parking space if such space is indicated by traffic control markings. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.37.100 Regulations not exclusive
The provisions of this Chapter shall not relieve any person from the duty to observe other and more restrictive provisions contained in Title 10 of the Lakewood Municipal Code which prohibit or limit the stopping, standing, or parking of vehicles in specified places, at specified times, or in a specified manner.

10.37.110 Applicability
The provisions of this chapter are only applicable to violations occurring within the Belmar Site.

10.37.120 Authority of parking control attendants
A parking control attendant is defined as any person designated by the District who shall have the nonexclusive power and authority to issue municipal parking summonses and complaints for violations of the Lakewood Traffic Code pertaining to parking on the public right-of-ways within said districts and for violations of Section 10.36.030 Parking Privileges for Persons with Disabilities which occur on public property or on private property available for public use within the boundaries of said districts. Parking control
attendants shall not have the authority to order the towing or impoundment of any vehicle located on the public right-of-ways. Nothing contained in this subsection shall vest or be taken to vest in parking control attendants other powers, duties, rights, and emoluments of sworn police agents of the City of Lakewood.

10.37.130 Fund created
There is established a fund of the City of Lakewood to be known as the Belmar Parking Fund. All fines collected for a violation of this Chapter resulting in a conviction, a judgment of liability by default, or a plea of guilty or nolo contendere shall be paid to the clerk of the court, who shall deposit same in the Belmar Parking Fund as established by this Section. (Ord. O-2004-10 § 1, 2004).

10.39.010 Standing in passenger loading zone
No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, in any place officially marked as a passenger loading zone during hours when the regulations applicable to such loading zone are effective, and then only for a period not to exceed five minutes. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 49, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.020 Standing in freight loading zone
A. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place officially marked as a freight loading zone during hours when the provisions applicable to such zones are in effect.
B. In no case shall the stop for loading and unloading of materials exceed thirty minutes.
C. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 50, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.030 Permits for loading zones
Whenever special permits are issued to establish or control the use of loading zones or to allow the backing of a vehicle for the purpose of loading or unloading merchandise or materials subject to certain conditions, no permittee or other person shall violate any of the special terms of such permit. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 51, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.040 Bus stops regulated
The operator of a bus shall enter a bus stop on a public street in such a manner that the bus, once stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle as close to the curb as practicable and approximately parallel to the curb so as not to impede the movement of other vehicular traffic. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 52, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.050 Standing in restricted parking zone
No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose specified on official signs marking such restricted zone and during the period of time the restriction is effective, except that the driver of a passenger vehicle may stop momentarily therein for the purpose of and while actually engaged in loading or unloading passengers when said stopping does not interfere with the kind of traffic for which the zone is reserved. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 53, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.060 Parking at curb or edge of roadway
A. Except where angle parking is permitted by this title and, in the case of state highways, is approved by the State Department of Highways, and except as otherwise provided by this title, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
B. Except where angle parking is permitted by this title and, in the case of state highways, is approved by the State Department of Highways, and except as otherwise provided by this title, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

10.39.070 Obedience to angle-parking signs or markings
On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such official signs or markings. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-84-60 § 4, 1984; Ord. O-75-96 § 54, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.080 Lamps on parked vehicles
A. Whenever a vehicle is lawfully parked upon a highway other than a local roadway during the hours between sunset and sunrise, and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, no lights need be displayed upon such parked vehicle.
B. Whenever a vehicle is parked or stopped upon a roadway other than a local roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise, and there is not sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more operating lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the
location of said lamp or lamps shall always be such that at least one lamp or a
combination of lamps meeting the requirements of this section is installed as near as
practicable to the side of the vehicle which is closest to passing traffic. The foregoing
provisions shall not apply to a motor-driven cycle.
C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.
D. Any person who violates any provision of this section commits a Class 4 traffic

10.39.090 Moving unattended vehicle
No person shall move a vehicle, which he does not own or have lawful control over, into
any prohibited area or away from a curb such distance as is unlawful. Any person who
violates any provision of this section commits a Class 4 traffic offense. (Ord. O-84-60 §

10.39.100 Clearance between vehicles
No person shall stand or park a vehicle in such a manner as to leave available less
clearance between vehicles than is required to allow free movement of other vehicles in
and out of parking spaces. Any person who violates any provision of this section commits
a Class 4 traffic offense. (Ord. O-75-96 § 58, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.110 Waiting for parking space being cleared
The driver of a vehicle, while waiting for a parking space to be cleared by another vehicle
which is in the actual process of leaving such parking space, shall stop on the roadway
side of and immediately to the rear of such leaving vehicle and shall remain in such
position until the parking space has been cleared. Any person who violates any provision
of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 59, 1975; Ord. O-75-21
§ 1 (part), 1975).

10.39.120 Unattended motor vehicle
A. No person driving or in charge of an unlocked motor vehicle shall permit it to stand
unattended without first stopping the engine, locking the ignition, and removing the key
from the ignition.
B. The use or operation of a remote starter system or adequate security measures is
sufficient to comply with subsection (A) of this section. For purposes of this section,
“adequate security measures” includes, but is not limited to: using a vehicle that requires
a key to put the vehicle into gear and move the vehicle; keeping a keyless start fob out of
proximity of the vehicle; or employing steering wheel security devices.
C. Any person who violates any provision of this section commits a Class 4 traffic

10.39.130 Parking on a grade
No person driving or in charge of a motor vehicle shall permit it to stand on any grade
without effectively setting the brake thereon and turning the front wheels in such
direction as will prevent the vehicle from rolling into the traveled portion of any roadway
or damaging the property of another. Any person who violates any provision of this
section commits a Class 4 traffic offense." (Ord. O-75-96 § 61, 1975; Ord. O-75-21 § 1 (part), 1975).

10.42.010 Parking on private property-Consent of person in legal control of property required
A. It is unlawful for any person to park or stand a vehicle, whether such vehicle is occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading the vehicle, when the vehicle limits the normal access to use of private property without the express consent of the owner or person in lawful control of such property. Whenever the attention of any agent of the Lakewood Police Department is brought by the owner or person in lawful control of such property to a vehicle parked in such a manner, the agent may order the vehicle towed to an impound lot.
B. No person shall abandon any vehicle upon property other than his own without the express consent of the owner or person in lawful control of such property. Any vehicle left on said property for a period longer than twenty-four hours shall be presumed to be abandoned unless prior arrangements with the owner or lessee of said property have been made, under the conditions prescribed by Section 42-4-1202, C.R.S., as amended. An agent of the Lakewood Police Department may require the vehicle to be towed to an impound lot.

10.42.020 Parking on private property for certain purposes prohibited-Consent of person in legal control of property required
A. It is unlawful for any person to park a vehicle upon property other than his own without the express consent of the owner or person in lawful control of such property for the principal purpose of:
1. Displaying such vehicle for sale;
2. Painting or repairing such vehicle;
3. Stripping or salvaging any part or all of the vehicle;
4. Displaying advertising.
B. No person shall park a vehicle upon property other than his own without the express consent of the owner or person in lawful control of such property when such vehicle is inoperable due to the mechanical condition of the vehicle.
C. When any vehicle is parked in violation of subsections (A) or (B) of this section for a period of twenty-four hours or more, an agent of the Lakewood Police Department may require the vehicle to be towed to an impound lot.
D. Any person who violates subsections (A) or (B) of this section commits a Class 4 traffic offense.
10.45.010 Uniform specifications
A. All signs, markings and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout this municipality as required by state law.
B. All traffic-control devices so erected and not inconsistent with the provisions of state law or this title shall be official traffic-control devices. (Ord. O-74-44 § 1 (part), 1974).

10.45.020 Obedience to official devices
No driver of a vehicle shall disobey the instructions of any official traffic-control device, including any official hand-signal device placed or displayed in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exceptions in this title granted the driver of an authorized emergency vehicle. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 63, 1975; Ord. O-74-44 § 1 (part), 1974).

10.45.030 Official devices required for enforcement purposes
A. No provision of this title for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.
B. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place. (Ord. O-74-44 § 1 (part), 1974).

10.45.040 Official devices-Presumption of legality
A. Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary is established by competent evidence.
B. Any official traffic-control device placed pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary is established by competent evidence. (Ord. O-74-44 § 1 (part), 1974).

10.45.050 Traffic-control signal legend
A. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored arrows, successively one at a time or in combination, only the colors green, yellow and red shall be used, except for special pedestrian-control signals carrying a word legend as provided in Section 10.45.080, and the lights, arrows and combinations thereof shall indicate and apply to drivers of vehicles and pedestrians as follows:
  1. Green Indication.
      a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

c. Unless otherwise directed by a pedestrian-control signal as provided in Section 10.45.080, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. Steady Yellow Indication.

a. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

b. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 10.45.080, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.


a. Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except that:
   i. Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn unless an official sign has been erected prohibiting such right turn;
   ii. Such vehicular traffic, when proceeding on a one-way street, and after coming to a stop, may make a left turn onto a one-way street upon which traffic is moving to the left of the driver. Such turn shall be made only after yielding the right-of-way to pedestrians and other traffic proceeding as directed. No turn shall be made pursuant to this subparagraph at an intersection where an official sign has been erected prohibiting such left turn.

b. Pedestrians facing a steady circular red signal alone shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in Section 10.45.080.

c. Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until an indication to make the movement indicated by such arrow is shown.

d. Pedestrians facing a steady red arrow signal shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in Section 10.45.080.


a. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature have no application.

b. Any stop required at a nonintersection signal shall be made at a sign or pavement
marking indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

B. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-80-76 § 6, 1980; Ord. O-75-96 § 64, 1975; Ord. O-74-44 § 1 (part), 1974).

10.45.060 Flashing signals
A. Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic sign or a traffic signal or as a traffic beacon, it shall require obedience by vehicular traffic as follows:
1. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
2. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed past such signal and through the intersection or other hazardous location only with caution.
B. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad crossings shall be governed by provisions of Sections 10.12.010 through 10.12.040 of this title.
C. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 65, 1975; Ord. O-74-44 § 1 (part), 1974).

10.45.070 Lane-use-control signals
A. Whenever lane-use-control signals are placed over the individual lanes of a street or highway, such signals shall indicate and apply to drivers of vehicles as follows:
1. Downward-pointing Green Arrow (Steady). A driver facing such signal may drive in any lane over which the green arrow signal is located.
2. Yellow "X" (Steady). A driver facing such signal is warned that the related green arrow movement is being terminated and shall vacate in a safe manner the lane over which the steady yellow signal is located to avoid, if possible, occupying that lane when the steady red "X" signal is exhibited.
3. Yellow "X" (Flashing). A driver facing such signal may use the lane over which the flashing yellow signal is located for the purpose of making a left turn or a passing maneuver, using proper caution, but for no other purpose.
4. Red "X" (Steady). A driver facing such signal shall not drive in any lane over which the red signal is exhibited.
B. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 66, 1975; Ord. O-74-44 § 1 (part), 1974).

10.45.080 Pedestrian-control signals
Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals shall indicate as follows:
A. "Walk": While the "Walk" indication is illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication.
B. "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed his crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.

C. "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.

D. Whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" signal indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection while the "Walk" indication is exhibited, if signals and other official devices direct pedestrian movement in such manner consistent with Section 10.45.050(A)(3)(d).


10.45.090 When signals are inoperative or malfunctioning

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 in Section 10.09.020 of this title, apply until a police agent 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 A of this section, drivers may proceed past the signal only with caution, as if the signal were flashing yellow.

C. Whenever a pedestrian faces a pedestrian-control signal, as provided in Section 10.45.080, which is inoperative or which remains on "Don't Walk" or "Wait" during several time cycles, such pedestrian shall not enter the roadway unless he can do so safely and without interfering with any vehicular traffic.


10.45.100 Traffic lanes

Where traffic lanes have been marked, as authorized in Section 10.69.080 of this title, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until such movement can be made with safety. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-94-34 § 14, 1994; Ord. O-75-96 § 68, 1975; Ord. O-74-44 § 1 (part), 1974).

10.45.110 Barricades-Driving in highway work area

A. Whenever barricades are erected to close off part or all of a street or highway, as authorized in Section 10.69.080 of this title, no person shall drive around, through, or between such barricades or into the barricaded area except as directed or permitted by official signs or in compliance with directions of a police agent or other authorized
person.
B. The driver of a vehicle shall yield the right-of-way to any authorized service vehicle engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of Section 42-4-214, C.R.S., as amended.

10.45.120 Unauthorized signs attached to traffic control devices
A. No person shall place, maintain, or display upon any official traffic control device any unauthorized sign, signal, marking, or device.
B. No person shall place or maintain, nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising.
C. This section shall not be deemed to prohibit the use of motorist services information of a general nature on official highway guide signs if such signs do not indicate the brand, trademark or name of any private business or commercial enterprise offering the service, nor shall this section be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
D. Every such prohibited sign, signal or marking is a public nuisance, and the traffic authority is empowered to remove the same or cause it to be removed without notice.

10.45.130 Interference with official devices
A. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, remove or interfere with the effective operation of any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.
B. No person shall use an electronic device, without lawful authority, that causes a traffic light to change.
C. No person shall possess or sell, without lawful authority, an electronic device that is designed to cause a traffic light to change.
D. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.48.010 Pedestrians to obey traffic-control devices
A. A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police agent.
B. Pedestrians shall be subject to traffic and pedestrian-control signals as provided in Sections 10.45.050, 10.45.080 and 10.45.090 of this title.
C. At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this title.
D. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 72, 1975; Ord. O-74-44 § 1 (part), 1974).

10.48.020 Pedestrians' right-of-way in crosswalks
A. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
B. Subsection A of this section shall not apply under the conditions stated in Section 10.48.050.
C. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.
D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
E. Whenever special pedestrian-control signals exhibiting "Walk" or "Don't Walk" word or symbol indications are in place, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and require as follows:
1. "Walk" (steady): While the "Walk" indication is steadily illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication and shall be given the right-of-way by the drivers of all vehicles.
2. "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.
3. "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of such signal indication, but any pedestrian who has partly completed crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.

10.48.030 Crossing at right angles
No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk or except where angle crossing is authorized as provided in Section 10.48.050. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 74, 1975; Ord. O-74-44 § 1 (part), 1974).

10.48.050 Crossing and yielding at other than crosswalks
A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
B. Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
C. No pedestrian shall cross a roadway intersection diagonally unless authorized by
official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

D. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 76; Ord. O-74-44 § 1 (part), 1974).

10.48.060 Pedestrian obedience to railroad signal
No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is being opened or closed, or is closed.

Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 77; Ord. O-74-44 § 1 (part), 1974).

10.48.070 Pedestrians walking or traveling in a wheelchair on highways
A. Where sidewalks are provided, it is unlawful for any pedestrian to walk or travel in a wheelchair along and upon an adjacent roadway.
B. Pedestrians walking or traveling in a wheelchair along and upon highways where sidewalks are not provided shall walk or travel only on a road shoulder, as far as practicable from the edge of the roadway. Where neither a sidewalk nor road shoulder is available, any pedestrian walking or traveling in a wheelchair along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, in the case of a two-way roadway, shall walk only on the left side of the roadway facing traffic that may approach from the opposite direction; except that any person lawfully soliciting a ride may stand on either side of such two-way roadway where there is a view of traffic approaching from both directions.
C. No person shall stand in a roadway for the purpose of soliciting a ride from a private motor vehicle. For the purpose of this subsection, "roadway" means that portion of the road normally used by motor vehicle traffic.
D. A person riding an animal shall ride such animal as far from the traveled portion of any public roadway as practicable. This section applying to pedestrians shall also be applicable to riders of animals. Nothing in this subsection shall be construed to prohibit persons riding animals from participating in any officially sanctioned parade or to prohibit any mounted police from performing any of their duties.
E. No person shall solicit a ride on any highway included in the interstate system except at an entrance to or exit from such highway or at places specifically designated by the department of transportation; or, in an emergency affecting a vehicle or its operation, a driver or passenger of a disabled vehicle may solicit a ride on any highway.
F. Pedestrians shall only be picked up where there is adequate road space for vehicles to pull off and not endanger and impede the flow of traffic.
G. It is unlawful for any person who is under the influence of alcohol or of any controlled substance, as defined in Section 12-22-303(7), C.R.S., or of any stupefying drug to walk or be upon that portion of any highway normally used by moving motor vehicle traffic.
H. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of Section 42-4-213, C.R.S., or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle and shall leave the roadway and remain off the same until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This subsection shall not
relieve the driver of an authorized emergency vehicle from the duty to use due care as provided in Sections 42-4-108(4) and 42-4-807.


10.48.080 Driving through safety zone prohibited
No vehicle shall at any time be driven through or within a pedestrian safety zone. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 79, 1975; Ord. O-74-44 § 1 (part), 1974).

10.48.090 Driving on sidewalk
The driver of a motor vehicle, other than an electrical assisted bicycle, EPAMD, or electric mobility device shall not drive within any sidewalk area within this municipality except at a permanent or temporary driveway. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 80, 1975; Ord. O-74-44 § 1 (part), 1974).

10.48.110 Drivers to exercise due care
Notwithstanding the provisions of this chapter or other chapters of this title, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-87-32 § 3, 1987; Ord. O-75-96 § 82, 1975; Ord. O-74-44 § 1 (part), 1974).

10.48.120 Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities
A. Any pedestrian, other than a person in a wheelchair, or any driver of a vehicle who approaches a person who has an obviously apparent disability of blindness, deafness, or mobility impairment shall immediately come to a full stop and take such precautions before proceeding as are necessary to avoid an accident or injury to said person. A disability shall be deemed to be obviously apparent if, by way of example and without limitation, the person is using a cane or crutches, is assisted by a guide dog, service dog, or a hearing dog, is being assisted by another person, is in a wheelchair, or is walking with an obvious physical impairment.
Any person who violates any provision of this section commits a Class 2 traffic offense.
B. The following definitions shall apply to this section:
1. "Guide dog" means a dog that has been or is being specially trained to aid a particular blind or visually impaired person.
2. "Service dog" means a dog that has been or is being specially trained to aid a particular physically disabled person with a physical disability other than sight or hearing impairment.
3. "Hearing dog" means a dog that has been or is being specially trained to aid a particular deaf or hearing impaired person. (Ord. O-97-62 § 27, 1997; Ord. O-94-34 § 15, 1994; Ord. O-87-32 § 4, 1987).
10.50.15 Nuisance exhibition of motor vehicle exhaust—prohibition.

A. A person shall not engaged in nuisance exhibition of motor vehicle exhaust, which is the knowing release of soot, smoke, or other particulate emissions from a motor vehicle with a gross vehicle weight rating of fourteen thousand pounds or less into the air and onto roadways, or other motor vehicles, bicyclists, or pedestrians, in a manner that obstructs or obscures another person’s view of the roadway, other user of the roadway, or a traffic control device or otherwise creates a hazard to a driver, bicyclist, or pedestrian.

B. The prohibition set forth in subsection (A) shall not apply to:

1. A commercial vehicle, as defined in § 42-1-102(17.5), C.R.S.;
2. A motor carrier, as defined in § 40-10.1-101(10), C.R.S.;
3. A motor carrier of passengers, as defined in § 40-10.1-101(10), C.R.S.;
5. A motor carrier of towed motor vehicles, permitted pursuant to § 40-10.1-401, C.R.S.;
6. A motor carrier of household goods, permitted pursuant to § 40-10.1-502, C.R.S.;
7. A motor vehicle used for agricultural purposes; or
8. Any other vehicle used for commercial activities.

C. Any person who violates this Section commits a Class 3 traffic offense and shall be fined one hundred dollars.

10.51.010 Effect of regulations

A. It is unlawful for any person to do any act forbidden or fail to perform any act required in this chapter.

B. The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this chapter.

C. These regulations applicable to bicycles, electric assisted bicycles, EPAMD and electric mobility devices shall apply whenever a bicycle, electric assisted bicycle, EPAMD and electric mobility device is operated upon any street or highway within the city or upon any path or trail therein set aside for the use of bicycles, electric assisted bicycles, EPAMD and electric mobility devices subject to those exceptions stated herein. (Ord. O-74-44 § 1 (part), 1974).

10.51.020 Traffic laws apply to bicyclists, electrical assisted bicyclists, EPAMD, electric mobility devices and low-power scooter riders.

Persons riding a bicycle, electrical assisted bicycle, EPAMD, electric mobility device or low-power scooter upon a roadway where bicycle, electrical assisted bicycle, EPAMD, electric mobility device or low-power scooter travel is permitted shall be granted all of the rights and shall be subject to all the duties and penalties applicable to the driver of any other vehicle as set forth in this title, except those provisions of this title which, by their very nature, can have no application. (Ord. O-2012-9 § 18, 2012; Ord. O-78-79 § 6, 1978; Ord. O-74-44 § 1 (part), 1974).

10.51.030 Obedience to traffic-control devices

A. Every bicyclist, EPAMD, electric mobility device rider and low-power scooter rider shall obey all stop signs, other traffic signs or markings and traffic lights, unless otherwise directed by a police agent.

B. Whenever authorized regulatory signs are erected, no bicyclist, EPAMD or electric
mobility device rider shall disobey the direction of any such sign, except that when such person dismounts from the bicycle, they shall then obey the regulations applicable to pedestrians.

C. Any person who violates any provision of this section commits a Class 4 traffic offense.


10.51.040 Riding on bicycles, EPAMD, electric mobility device and other human-powered vehicles.

A. A person propelling a bicycle or riding an electrical assisted bicycle shall not ride other than upon or astride a permanent or regular seat attached thereto.

B. No bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall be used to carry more persons at one time than the number for which it is designed and equipped.

C. A person propelling a bicycle, riding an electrical assisted bicycle, EPAMD, or electric mobility device shall not ride with less than one hand on the handlebars at all times.

D. Any person who violates any provision of this section commits a Class 4 traffic offense.


10.51.045 Operation of low-power scooters.

A. A person riding a low-power scooter shall not ride other than upon or astride a permanent and regular seat attached thereto.

B. No low-power scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

C. A person operating a low-power scooter upon a roadway shall ride as close to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

D. Persons riding low-power scooters upon a roadway shall not ride more than two abreast.

E. No person shall operate any low-power scooter on any street or highway within this municipality unless such person and any passenger thereon is wearing goggles or eyeglasses with lenses made of safety glass or plastic; except this Subsection (E) shall not apply to a person wearing a helmet containing eye protection made of safety glass or plastic.

F. A person shall not operate or ride as a passenger on a low-power scooter on a roadway unless each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of motorcycles.

G. 1. Except as otherwise provided in paragraph (2) of this Subsection (G), any person who violates any provision of this Section commits a Class 4 traffic offense.

2. Any person who violates Subsection (F) of this Section commits a Class 3 traffic offense. (Ord. O-2012-9 § 21, 2012)
10.51.050 Riding on roadways and bicycle paths
A. 1. Any person operating a bicycle, an electrical assisted bicycle, EPAMD or electric mobility device upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:
a. If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist, EPAMD or electric mobility device rider shall ride far enough to the right as judged safe by the bicyclist, EPAMD or electric mobility device rider to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.
b. A bicyclist, EPAMD or electric mobility device rider may use a lane other than the right-hand lane when
   i. Preparing for a left turn at an intersection or into a private roadway or driveway;
   ii. Overtaking a slower vehicle; or
   iii. Taking reasonably necessary precautions to avoid hazards or road conditions.
c. Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a bicyclist, EPAMD or electric mobility device rider may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist, EPAMD or electric mobility device rider does not intend to turn right.
2. A bicyclist, EPAMD or electric mobility device rider shall not be expected or required to:
a. Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or,
b. Ride without a reasonable safety margin on the left-hand side of the roadway.
3. A person operating a bicycle, an electrical assisted bicycle, EPAMD or electric mobility device upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist, EPAMD or electric mobility device rider subject to the following conditions:
a. If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist, EPAMD or electric mobility device rider shall ride far enough to the left as judged safe by the bicyclist, EPAMD or electric mobility device rider to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.
b. A bicyclist, EPAMD or electric mobility device rider shall not be expected or required to:
   i. Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or,
   ii. Ride without reasonable safety margin on the left-hand side of the roadway.

B. 1. Persons riding bicycles, electrical assisted bicycles, EPAMD or electric mobility devices upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles, EPAMD and electric mobility devices.
2. Persons riding bicycles, electrical assisted bicycles, EPAMD or electric mobility devices two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.
C. 1. A person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility
device intending to turn left shall follow a course described in Sections 42-4-901 (1), 42-4-903, and 42-4-1007, C.R.S. or may make a left turn in the manner prescribed in paragraph (2) of this subsection (C).

2. A person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device 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 bicyclist, EPAMD or electric mobility device rider shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist, EPAMD or electric mobility device rider shall yield to any traffic proceeding in either direction along the roadway that the bicyclist, EPAMD or electric mobility device rider had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist, EPAMD or electric mobility device rider may proceed in the new direction.

3. Notwithstanding the provisions of paragraphs (1) and (2) of this subsection (C). The City may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

D. 1. Except as otherwise provided in this subsection (D) every person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall signal the intention to turn or stop in accordance with Section 42-4-903, C.R.S.; except that a person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device may signal a right turn with the right arm extended horizontally.

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

E. 1. A person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device 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 such pedestrian. A person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device in a crosswalk shall do so in a manner that is safe for pedestrians.

2. A person shall not ride a bicycle, electrical assisted bicycle, EPAMD or electric mobility device upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles, electrical assisted bicycles, EPAMD or electric mobility device is prohibited by official traffic control devices. A person riding a bicycle, or electrical assisted bicycle, EPAMD or electric mobility device shall dismount before entering any crosswalk where required by official traffic control devices.

3. A person riding or walking a bicycle, electrical assisted bicycle, EPAMD or electric mobility device upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and required by Section 42-4-802, C.R.S.
4. Operation of electrical assisted bicycles within City of Lakewood parks is prohibited except Class 1 and Class 2 electrical bicycles may be permitted as specified in the City of Lakewood Park Regulations.

F. 1. A person may park a bicycle, electrical assisted bicycle, EPAMD or electric mobility device on a sidewalk unless prohibited or restricted by an official traffic control device or this Chapter.
2. A bicycle, electrical assisted bicycle, EPAMD or electric mobility device parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.
3. A bicycle, electrical assisted bicycle, EPAMD or electric mobility device may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.
4. A bicycle, electrical assisted bicycle, EPAMD or electric mobility device may be parked on the road abreast of another such bicycle or bicycles, EPAMD or electric mobility devices 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 traffic.
5. In all other respects, bicycles, electrical assisted bicycles, EPAMD or electric mobility devices parked anywhere on a highway shall conform to the provisions of Part 12 of Article 42, C.R.S. regulating the parking of vehicles.

G. Except as authorized by Section 42-4-111, C.R.S. the rider of an electrical assisted bicycle shall not use the electrical motor on a bike or pedestrian path where it is prohibited by official traffic control devices.
H. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.51.060 Speed
No person shall operate a bicycle, electrical assisted bicycle, EPAMD or electric mobility device at a speed greater than is reasonable and prudent under the conditions then existing. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-2012-9 § 22, 2012; Ord. O-2006-30 § 10, 2006; Ord. O-94-34 § 16, 1994; Ord. O-78-79 § 9; Ord. O-75-96 § 85, 1975; Ord. O-74-44 § 1 (part), 1974).

10.51.070 Control of bicycles
No bicyclist, EPAMD or electric mobility device rider shall ride on any roadway within this municipality in such a manner as to demonstrate a lack of control over his or her bicycle, EPAMD or electric mobility device or his or her direction and manner of travel or in any fashion that constitutes a danger to the person or property of another or himself. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 86, 1975; Ord. O-74-44 § 1 (part), 1974).

10.51.080 Entering or emerging from alley or driveway
Every bicyclist, EPAMD or electric mobility device rider emerging from an alley, driveway or building shall, upon approaching a sidewalk or sidewalk area extending across any alleyway, stop and yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway. Any person who violates any provision of this
10.51.090 Parking
Every bicycle, electrical assisted bicycle, EPAMD or electric mobility devices shall be parked in such a manner as to afford the least obstruction to pedestrian travel, and to vehicular traffic and parking. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 88, 1975; Ord. O-74-44 § 1 (part), 1974).

10.51.100 Riding on sidewalks
A. When signs are erected giving notice thereof, no person shall ride a bicycle, electrical assisted bicycle, EPAMD or electric mobility device upon a sidewalk.
B. Whenever any person is riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility devices upon a sidewalk, such person shall yield the right-of-way to any pedestrian.
C. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 89, 1975; Ord. O-74-44 § 1 (part), 1974).

10.51.110 Equipment on bicycles, Electric Assisted Bicycles and Personal Assisted Mobility Devices (“EPAMD”).
A. Every bicycle, electrical assisted bicycle, EPAMD, or electric mobility device when in use on a street or highway between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, person and vehicles on the street or highway are not clearly discernible at a distance of one thousand feet ahead, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front.
B. Every bicycle, electrical assisted bicycle, EPAMD, or electric mobility device shall be equipped with a red reflector on the rear of a type approved by the department of revenue, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of headlamps 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 feet (500').
C. No bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall be equipped with, nor shall any person use upon a bicycle, electrical assisted bicycle, EPAMD or electric mobility device any siren or whistle.
D. Every bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall be equipped with a brake or brakes that will enable its rider to stop the bicycle, electrical assisted bicycle, EPAMD or electric mobility device within twenty-five feet (25’) from a speed of ten miles per hour (10 mph) on dry, level, clean pavement.
E. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.51.115 Equipment on low-power scooters
A. Every low-power scooter when in use on a street or highway between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, person and vehicles on the street or highway are not clearly discernible at a distance of one thousand feet ahead shall be equipped with a lamp on the front, which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear, of a type approved by the department, that shall be visible from all distances from fifty to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

B. No person shall operate a low-power scooter unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet; except that a low-power scooter shall not be equipped with nor shall any person use upon a low-power scooter a siren or whistle.

C. Every low-power scooter shall be equipped with a brake that will enable the operator to make the braked wheel skid on dry, level, clean pavement.

D. Every low-power scooter, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.


10.51.120 Clinging to vehicles
No person riding upon any bicycle, electrical assisted bicycle, EPAMD or electric mobility device, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-2012-9 § 25, 2012; Ord. O-78-79 § 11, 1978; Ord. O-75-96 § 92, 1975; Ord. O-74-44 § 1 (part), 1974).

10.51.130 Bicycles, electrical assisted bicycles, EPAMD and electric mobility devices prohibited
Whenever official signs are erected giving notice that bicycles, electrical assisted bicycles, EPAMD or electric mobility devices are prohibited, as authorized in this title, no bicyclist, EPAMD or electric mobility device rider shall violate any of the instructions contained thereon. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 93, 1975; Ord. O-74-44 § 1 (part), 1974).

10.51.140 Personal mobility devices
A. A rider of an EPAMD shall have all the same rights and duties as an operator of any other vehicle under this title, except as to those provisions that by their nature have no application.

B. An EPAMD may be operated on a roadway in conformity with vehicle use.

C. An EPAMD may be operated only on a roadway that has a speed limit less than or equal to thirty-five miles per hour (35 mph), except that it may be operated to directly cross a roadway that has a speed limit greater than thirty-five miles per hour (35 mph) at
an at-grade crossing to continue traveling along a roadway with a speed limit equal to or
less than thirty-five miles per hour (35 mph).
D. An EPAMD shall not be operated:
1. On a limited-access highway;
2. At a speed greater than twenty miles per hour (20 mph);
3. On a soft surface or hard surface park path;
4. Whenever official signs are erected giving notice that EPAMD are prohibited, as
authorized in this title, no EPAMD rider shall violate any of the instructions contained
thereon.
E. A person who violates this section commits a Class 4 traffic offense.
(Ord. O-2012-9 § 26, 2012)

10.51.150 Low-speed electric vehicles
A. A low-speed electric vehicle may be operated only on a roadway that has a speed limit
equal to or less than thirty-five miles per hour; except that it may be operated to
directly cross a roadway that has a speed limit greater than thirty–five miles per hour at
an at-grade crossing to continue traveling along a roadway with a speed limit equal to or
less than thirty-five miles per hour.
B. No person shall operate a low-speed electric vehicle on a limited access highway.
C. Any person who violates any provision of this section commits a Class 4 traffic
offense.
(Ord. O-2012-9 § 27, 2012)

10.51.160 Electric Mobility Devices
A. A rider of an electric mobility device shall have all the same rights and duties as an
operator of any other vehicle under this title, except as to those provisions that by their nature
have no application.
B. An electric mobility device may be operated on a roadway in conformity with vehicle use.
C. An electric mobility device may be operated only on a roadway that has a speed limit less
than or equal to thirty-five miles per hour (35 mph), except that it may be operated to directly
cross a roadway that has a speed limit greater than thirty-five miles per hour (35 mph) at an
at-grade crossing to continue traveling along a roadway with a speed limit equal to or less
than thirty-five miles per hour (35 mph).
D. An electric mobility device shall not be operated:
1. On a limited-access highway;
2. At a speed greater than twenty miles per hour (20 mph);
3. On a soft surface or hard surface park path;
4. Whenever official signs are erected giving notice that electric mobility devices are
prohibited, as authorized in this title, no electric mobility device rider shall violate any of the
instructions contained thereon.
E. A person who violates this section commits a Class 4 traffic offense.

10.52.010 Regulations applicable to nonvehicular devices
Any device or conveyance not defined in this title as a vehicle shall be governed and
bound by the same regulations that apply to pedestrians, except that the provisions of this
chapter shall not apply to any farm tractor or any implement of husbandry designed
primarily or exclusively for use and used in agricultural operations. (Ord. O-74-44 § 1 (part), 1974).

10.54.010 Restricted use of streets
A. The use of certain streets and roadways by motor-driven cycles, trucks or other commercial vehicles, bicycles, electrical assisted bicycles, EPAMD, electric mobility devices and horse-drawn vehicles or other non-motorized traffic shall be restricted or prohibited when declared by the traffic engineer, and when official signs giving notice thereof are erected as authorized in Section 10.69.080.
B. For the purpose of road construction and maintenance any street or portion thereof may, by action of this municipality or by agreement with other concerned road agencies, be temporarily closed to through traffic or to all vehicular traffic during the work project, and the traffic affected shall be guided along appropriate detours or alternative routes by official traffic-control devices.
C. When signs are so erected giving notice of restrictions or prohibitions upon the use of streets, no person shall disobey the directions or instructions stated on such signs.
D. The provisions of subsection (A) of this section shall not be construed to prohibit the drivers of any excluded vehicles from traveling over such restricted or prohibited streets, other than controlled-access roadways, for the purpose of delivering or picking up materials or merchandise or reaching their destinations which occur on these particular streets, provided such excluded vehicles enter such streets at the intersection nearest the destination of the vehicle and proceed thereon no farther than the nearest intersection thereafter.
E. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 94, 1975; Ord. O-74-44 § 1 (part), 1974).

10.54.020 Size and weight restrictions-Applicability
A. It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or highway within this municipality any vehicle or vehicles of a size, weight and load exceeding the limitations described in this chapter and in Sections 42-4-502 through 42-4-512 of the Colorado Revised Statutes, as amended, or otherwise in violation of said sections or Section 42-4-1407 except as permitted in Section 10.54.110 of this chapter.

10.54.030 Height, width and length of vehicles and loads
A. No vehicle unladen or with load shall exceed a height of thirteen feet; except that vehicles with a height of fourteen feet six inches or less may be operated on streets which are state highways when so designated by the State Department of Highways.
B. The total outside width of any vehicle or the load thereon shall not exceed one hundred two inches, except as otherwise provided in this section.
1. The total outside width of buses and coaches used for transportation or passengers shall not exceed eight feet six inches.
2. A load of loose hay, including loosely bound, round bales, whether horse drawn or by motor, shall not exceed twelve feet in width.
3. A vehicle and trailer may transport a load of rectangular hay bales if such vehicle and load do not exceed ten feet six inches in width.
4. The total outside width of any vehicle, as required in this section, shall not be construed so as to prohibit the projection beyond such width of clearance lights, rear view mirrors or other accessories required by federal, state, or City ordinance or regulations.
5. The width requirements imposed by subsection (B) of this section shall not include appurtenances on recreational vehicles, including but not limited to motor homes, travel trailers, fifth wheel trailers, camping trailers, recreational park trailers, multipurpose trailers, and truck campers, all as defined in Section 24-32-902, C.R.S., so long as such recreational vehicle, including such appurtenances, does not exceed a total outside width of nine feet six inches.
C. No single motor vehicle shall exceed a length of forty-five feet extreme overall dimension, inclusive of front and rear bumpers. The length of vehicles used for the mass transportation of passengers wholly within the municipality or within a radius of fifteen miles thereof may extend to sixty feet. The length of school buses may also extend to forty feet.
D. Buses used for the transportation of passengers between towns, cities, and municipalities in the state of Colorado may be sixty feet extreme overall length, inclusive of front and rear bumpers but shall not exceed a height of thirteen feet six inches, if such buses are equipped to conform with the load and weight limitations set forth in Section 10.54.080; except that buses with a height of fourteen feet six inches which otherwise conform to the requirements of this subsection (D) shall be operated only on highways designated by the department of transportation.
E. No combination of vehicles coupled together shall consist of more than four units, and no such combination of vehicles shall exceed a total overall length of seventy feet. Said length limitation shall not apply to unladen truck tractor-semitrailer combinations when the semitrailer is fifty-seven feet four inches or less in length, or to unladen truck tractor-semitrailer-trailer combinations when both the semitrailer and the trailer are twenty-eight feet six inches or less in length. Said limitations shall not apply to vehicles operated by a public utility when required for emergency repair of public service facilities or properties, or when operated under special permit as provided in Section 10.54.110, but in respect to night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load. The limitations provided in this section shall be strictly construed and enforced.
F. Notwithstanding the provisions of subsection (E) of this section, the following combinations of vehicles shall not exceed seventy-five feet in total overall length:
1. Saddlemount combinations consisting of no more than four units;
2. Laden truck tractor-semitrailer combinations; and,
3. Specialized equipment used in combination for transporting automobiles or boats. The overall length of such combination shall be exclusive of:
   a. Safety devices; however, such safety devices shall not be designed or used for carrying cargo;
   b. Automobiles or boats being transported;
c. Any extension device that may be used for loading beyond the extreme front or rear ends of a vehicle or combination of vehicles; except that the projection of a load, including any extension devices loaded to the front of the vehicle, shall not extend more than four feet beyond the extreme front of the grill of such vehicle and no load or extension device may extend more than six feet to the extreme rear of the vehicle.

G. The length limitations of vehicles and combinations of vehicles provided for in this section as they apply to vehicles being operated and utilized for the transportation of steel, fabricated beams, trusses, utility poles, pipes and automobiles shall be determined without regard to the projection of said commodities beyond the extreme front or rear of the vehicle or combination of vehicles; except that the projection of a load to the front shall be governed by the provisions of Section 10.54.040(B) and no load shall project to the rear more than ten feet.

H. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.54.040 Projecting loads on vehicles

A. No passenger-type vehicle, except a motorcycle bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

10.54.050 Spilling loads on streets or highways-Prevention of spilling aggregate, trash, or recyclables

A. No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereon securely covered to prevent any of its load from blowing, dropping, sifting, leaking or otherwise escaping therefrom, except that material may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

B. 1. A vehicle shall not be driven or moved on a highway if the vehicle transporting trash or recyclables unless at least one of the following conditions is met:
   a. The load is covered by a tarp or other cover in a manner that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;
   b. The vehicle utilizes other technology that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;
   c. The load is required to be secured under and complies with 49 CPR 392 and 393;
   d. The vehicle is loaded in such a manner or the load itself has physical characteristics such that the contents will not escape from the vehicle. Such a load may include, but is not limited to, heavy scrap metal or hydraulically compressed scrap recyclables.

2. Paragraph (1) of this subsection (B) shall not apply to a motor vehicle in the process of collecting trash or recyclables within a one-mile radius of the motor vehicle's last collection point.
C. 1. No vehicle shall be driven or moved on any highway for a distance of more than two miles if the vehicle is transporting aggregate material with a diameter of one inch or less unless:
   a. The load is covered by a tarp or other cover in a manner that prevents the aggregate material from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle, or
   b. The vehicle utilizes other technology that prevents the aggregate material from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle.

2. Paragraph (1) of this subsection (C) shall not apply to a vehicle:
   a. Operating entirely within a marked construction zone;
   b. Involved in maintenance of public roads during snow or ice removal operations; or
   c. Involved in emergency operations when requested by a law enforcement agency or an emergency response authority designated in or pursuant to Section 29-22-102, C.R.S.

D. For the purposes of this Section:
   1. "Aggregate material" means any rock, clay, silts, gravel, limestone, dimension stone, marble, and shale, except that "Aggregate Material" does not include hot asphalt, including asphalt patching material, wet concrete, or other materials not susceptible to blowing.
   2. "Recyclables" means material or objects that can be reused, reprocessed, remanufactured, reclaimed, or recycled.
   3. "Trash" means material or objects that have been or are in the process of being discarded or transported.

E. 1. Except as otherwise provided in Paragraph (2) or (3) of subsection (E), any person who violates any provision of this section commits a Class 4 traffic offense.
   2. Any person who violates any provision of this section while driving or moving a car or pickup truck without causing bodily injury to another person commits a Class 3 traffic offense.

10.54.060 Trailers and towed vehicles
A. When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and the drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, and except connections between vehicles in which the combined lengths of the vehicles and the connection does not exceed an overall length of fifty-five feet and the connection is of rigid construction included as part of the structural design of the towed vehicle.

B. When one vehicle is towing another with a chain, rope, cable or similar connection, there shall be displayed, as near the center of such connection as practical, a white flag or cloth not less than twelve inches square.

C. Whenever one vehicle is towing another, in addition to the drawbar or other connection, except a fifth-wheel connection meeting the requirements of the Interstate
Commerce Commission, safety chains or cables arranged in such a way that it will be impossible for the vehicle being towed to break loose from the vehicle towing in the event the drawbar or other connection were to be broken, loosened or otherwise damaged, shall be used. This shall apply to all motor vehicles; all trailers, except semitrailers connected by a proper fifth wheel; and to any dolly used to convert a semitrailer to a full trailer.


10.54.070 Wheel and axle loads
A. The gross weight upon any wheel of a vehicle shall not exceed the following:
1. When the wheel is equipped with a solid rubber or cushion tire, eight thousand pounds;
2. When the wheel is equipped with a pneumatic tire, nine thousand pounds.
B. The gross weight upon any single axle or tandem axle of a vehicle shall not exceed the following:
1. When the wheels attached to said axle are equipped with solid rubber or cushion tires, sixteen thousand pounds;
2. a. Except as provided in paragraph (2)(b) of this subsection B, when the wheels attached to a single axle are equipped with pneumatic tires, twenty thousand pounds;
b. When the wheels attached to a single axle are equipped with pneumatic tires and the vehicle is a digger derrick or bucket boom truck operated by an electric utility on a highway that is not on the interstate system as defined in Section 43-2-101, C.R.S., twenty-one thousand pounds;
3. Vehicles equipped with a self-compactor and used solely for the transporting of trash are exempted from the provisions of this subsection;
4. When the wheels attached to a tandem axle are equipped with pneumatic tires, forty thousand pounds for highways not on the interstate system and thirty-six thousand pounds for highways on the interstate system.
C. For the purposes of this section:
1. A single axle is defined as all wheels, whose centers may be included within two parallel transverse vertical planes not more than forty inches apart, extending across the full width of the vehicle;
2. A tandem axle is defined as two or more consecutive axles, the centers of which may be included between parallel vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle.
D. The gross weight upon any one wheel of a steel-tired vehicle shall not exceed five hundred pounds per inch of cross-sectional width of tire.

10.54.080 Gross weight of vehicles and loads
A. Except as provided in subsection B of this section, no vehicle or combination of vehicles shall be moved or operated on any highway or bridge when the gross weight thereof exceeds the limits specified below:
1. a. The gross weight upon any one axle of a vehicle shall not exceed the limits prescribed in Section 10.54.070.
b. Subject to the limitations prescribed in Section 10.54.070, the gross weight of a vehicle having two axles shall not exceed thirty-six thousand pounds.
c. Any person who violates any provision of this section commits a Class 2 traffic offense. Violators shall be subject to the penalties set forth in Section 1.16.020 of the Lakewood Municipal Code and for each axle and/or gross weight violation an additional penalty assessment fine according to the following schedule:

<table>
<thead>
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<th>Excess weight in pounds</th>
<th>Penalty assessment fine amount</th>
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<tr>
<td>1 to 3000</td>
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<tr>
<td>3,001 to 4,250</td>
<td>65.00</td>
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<td>4,251 to 4,500</td>
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<td>7,501 to 7,750</td>
<td>275.00</td>
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<td>290.00</td>
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<td>395.00</td>
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<tr>
<td>9,751 to 10,000</td>
<td>410.00</td>
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</table>

2. Subject to the limitations prescribed in Section 10.54.070, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula $W = 1,000 (L + 40)$, where $W$ is the gross weight in pounds, $L$ is the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles, but in computation of this formula no gross vehicle weight shall exceed eighty-five
thousand pounds. For the purposes of this section, where a combination of vehicles is used, no vehicle shall carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section shall be strictly construed and enforced.

B. The gross weight limits provided in subsection A of this section are increased by one-thousand pounds for any vehicle or combination of vehicles if the vehicle or combination of vehicles contains an alternative fuel system and operates on alternative fuel or both alternative and conventional fuel. The provisions of this subsection B apply only when the vehicle or combination of vehicles is operated on a highway that is not on the interstate highway system as defined in Section 43-2-101(2), C.R.S. For the purposes of this subsection B, "alternative fuel" has the same meaning provided in Section 25-7-106.8(1)(a), C.R.S.


10.54.090 Weight limits on certain streets or parts thereof
When official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the amount specified on such signs at any time upon the streets or parts thereof or upon any of the bridges or viaducts so designated by the Traffic Engineer. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 102, 1975; Ord. 9-74-44 § 1 (part), 1974).

10.54.100 Vehicles weighed, excess removed
A. Any police agent having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales or shall require that such vehicles be driven to the nearest public scales in the event such scales are within five miles.

B. Except as provided in subsection C of this section, whenever an agent upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter. All material as unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

C. Whenever an officer upon weighing a vehicle and load as provided in subsection A of this section determines that the weight is unlawful and the load consists solely of either explosives or hazardous materials as defined in Section 42-1-102(32), C.R.S., such officer shall permit the driver of such vehicle to proceed to his destination without requiring him to unload the excess portion of such load.

D. It is unlawful for any driver of a vehicle when directed by a police agent to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse when directed by an agent to allow the unloading of the vehicle to the gross weight of such
vehicle permitted in this chapter, or otherwise to fail or refuse to comply with the provisions of this section.

10.54.110 Permits for excess size and weight
A. The City Manager or his/her designee may, in his/her discretion, upon receiving application in writing and good cause being shown therefore, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter.
B. The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular streets or highways for which the permit to operate is required, and whether such permit is for a single trip, a special, or an annual operation, and the time of such movement. An overweight permit issued pursuant to this section shall be available for overweight divisible loads if:
1. The vehicle has a quad axle grouping;
2. The maximum gross weight does not exceed one hundred ten thousand pounds;
3. The owner and operator of the motor vehicle are in compliance with the federal “Motor Carrier Safety Improvement Act of 1999”, Pub.L. 106-159, as amended, as applicable to commercial vehicles; and,
4. The vehicle complies with rules promulgated by the Colorado Department of Transportation concerning the distribution of the load upon the vehicle’s axles.
C. In granting such permit the City Manager or his/her designee may at his/her discretion limit the number of trips or establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces or structures, and may require such other undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or highway or road or highway structure.
D. Permits issued by the State of Colorado, authorizing the movement of vehicles under this section, on any of the connecting links of the state highway system within this municipality, shall be construed to have the joint approval of the street and highway authority.
E. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police agent or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.
F. No permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the state, implements of husbandry, and farm tractors temporarily moved upon the highway, including transportation of such tractors or implements by a person dealing therein to his place of business within the state or to the premises of a purchaser or
prospective purchaser within the state, nor shall such vehicle be subject to the size and weight provisions of Section 10.54.020.

G. Any person who violates any provision of this section commits a Class 2 traffic offense.


10.54.120 Liability for damage to street or structure
A. No person shall drive, operate, or move upon or over any street or highway structure any vehicle, object, or contrivance in such a manner so as to cause damage to said street or highway structure or sign bridge within or suspended over the public right-of-way. When the damage sustained to said street or highway structure is the result of the operating, driving, or moving of such vehicle, object, or contrivance weighing in excess of the maximum weight allowable in this chapter, it shall be no defense to any action, either civil or criminal, brought against such person that the weight of the vehicle was authorized by special permit issued as provided in this chapter.

B. Every person violating the provisions of subsection (A) of this section shall be liable for all damage which said highway or highway structure may sustain as a result thereof. Whenever the driver of such vehicle, object, or contrivance is not the owner thereof but is operating, driving, or moving such vehicle, object, or contrivance with the express or implied consent of the owner thereof, then said owner or driver shall be jointly and severally liable for any such damage. The liability for damage sustained by any such highway or highway structure may be enforced by a civil action by the authorities in control of such highway or highway structure. No satisfaction of such civil liability, however, shall be deemed to be a release or satisfaction of any criminal liability for violation of the provisions of subsection (a) of this section.

C. Any person who violates any provision of this section commits a Class 3 traffic offense.

10.54.130 Splash guards-When required
A. As used in this section, unless the context otherwise requires:
1. "Splash guards" means mud flaps, rubber, plastic or fabric aprons, or other devices directly behind the rear-most wheels, designed to minimize the spray of water and other substances to the rear.
2. "Splash guards" must, at a minimum, be wide enough to cover the full tread of the tire or tires being protected, hang perpendicular from the vehicle not more than ten inches above the surface of the street or highway when the vehicle is empty, and generally maintain their perpendicular relationship under normal driving conditions.

B. Except as otherwise permitted in this section, no vehicle or motor vehicle shall be driven or moved on any street or highway unless the vehicle or motor vehicle is equipped with splash guards. However, vehicles and motor vehicles with splash guards that violate this section shall be allowed to remain in service for the time necessary to continue to a place where the deficient splash guards will be replaced. Such replacement shall occur at the first reasonable opportunity.

C. This section does not apply to:
1. Passenger carrying motor vehicles registered pursuant to Section 42-3-306(2), C.R.S.;
2. Trucks and truck tractors registered pursuant to Section 42-3-306 (4) or (5), C.R.S.
having an empty weight of ten thousand pounds or less;
3. Trailers equipped with fenders or utility pole trailers;
4. Vehicles while involved in chip and seal or paving operations or road widening equipment;
5. Truck tractors or converter dollies when used in combination with other vehicles;
6. Vehicles drawn by animals, or
7. Bicycles, electrical assisted bicycles, EPAMD or electric mobility devices.
D. Any person who violates any provision of this section commits a Class 4 traffic offense.


10.57.010 Unsafe vehicles prohibited
It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or highway within this municipality any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 105, 1975; Ord. O-74-44 § 1 (part), 1974).

10.57.020 Lights, tires and other required equipment
A. It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or highway within this municipality any vehicle or combination of vehicles which does not contain those parts or is not at all times equipped with such lamps, reflectors, horn and other warning or signaling devices, mirrors, safety glass, mufflers, fenders, tires, and other equipment kept in proper condition and adjustment as required in 42-4-202 through 42-4-222 and 42-4-224 through 42-4-230, C.R.S., as amended, or which is equipped in any manner in violation of said sections, or for any person to do any act forbidden or fail to perform any act required by and under said sections.
B. It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any street or highway within this municipality any vehicle or combination of vehicles, other than a motorcycle, or motor driven cycle which is not equipped with at least two head lamps kept in proper condition and adjustment as required in Section 42-4-205, C.R.S. or which is equipped in any manner in violation of said section.

10.57.030 When lighted lamps required
A. Every vehicle upon a street or highway within this municipality between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric
conditions, persons and vehicles on said streets and highways are not clearly discernible at a distance of one thousand feet ahead shall display lighted lamps and illuminating devices as by the laws of the state are respectively required for different classes of vehicles, subject to the exception stated in Section 10.33.030 of this title with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed by Colorado law for the use of such devices.

B. When lighted lamps are required by this section, no vehicle shall be driven upon a street or highway within this municipality with the parking lights lighted, except when the lights are being used as signal lamps, and except when the headlamps are lighted at the same time.

C. Any person who violates subsection (A) of this section commits a Class 3 traffic offense. Any person who violates subsection (B) of this section commits a Class 4 traffic offense. (Ord. O-87-87 § 6, 1987; Ord. O-75-96 § 107, 1975; Ord. O-74-44 § 1 (part), 1974).

10.57.040 Windows unobstructed—Certain materials prohibited

A. 1. Except as provided in this Paragraph (1); no person shall operate any motor vehicle registered in Colorado on which any window, except the windshield, is composed of, covered by, or treated with any material or component which presents an opaque, nontransparent or metallic or mirrored appearance in such a way that it allows less than twenty-seven percent light transmittance. The windshield shall allow seventy percent light transmittance. The provisions of this Paragraph (1) shall not apply to the windows to the rear of the driver, including the rear window, on any motor vehicle, however, if such windows allow less than twenty-seven percent light transmittance, then the front side windows and the windshield on such vehicles shall allow seventy percent light transmittance.

2. Notwithstanding any provision of Paragraph (1) of this subsection (A) nontransparent material may be applied, installed, or affixed to the topmost portion of the windshield subject to the following:
   a. The material is not red or amber in color, nor does it affect perception of primary colors or otherwise distort vision or contain lettering that distorts or obstructs vision;
   b. The bottom edge of the material extends no more than four inches measured from the top of the windshield down;
   c. The material does not reflect sunlight or headlight glare into the eyes of occupants of oncoming or preceding vehicles to any greater extent than the windshield without the material.

3. Nothing in this subsection (A) shall be construed to prevent the use of any window when it is composed of, covered by, or treated with any material or component in a manner approved by federal statute or regulation if such window was included as a component part of a vehicle at the time of the vehicle manufacture, or the replacement of any such window by covering which meets such guidelines.

4. No materials shall be used on any window in the motor vehicle that presents a metallic or mirrored appearance.

5. Nothing in this subsection (A) shall be construed to deny or prevent the use of certificates or other papers which do not obstruct the view of the driver and which may be required by law to be displayed.

B. Any person who violates any provision of this section commits a Class 4 traffic
offense.

10.57.050 Unauthorized insignia
No owner shall display upon any part of his vehicle any official designation, sign, or insignia of any public or quasi-public corporation, municipal, state or national department or governmental subdivision, without authority of such agency. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-97-62 § 40, 1997; Ord. O-75-96 § 109, 1975; Ord. O-74-44 § 1 (part), 1974).

10.57.060 School bus lights and markings
A. Every school bus, as defined in Section 10.75.020, other than a small passenger-type vehicle having a seating capacity of not more than fifteen, used for the transportation of school children, shall bear upon the front and rear of such school bus plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, shall display eight visual signal lights Meeting the requirements of 49 CFR 571.108 or its successor regulation. The red visual signal lights shall be actuated by the driver of the school bus whenever the school bus is stopped for the purpose of receiving or discharging school children, but such lights need not be actuated when a school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary. The alternating flashing yellow lights shall be actuated at least two hundred feet prior to the point where the bus is to be stopped for the purpose of receiving or discharging school children, and the red light shall be actuated only at the time the bus is actually stopped.
B. Every school bus used for the transportation of school children, except those small passenger-type vehicles described in subsection (A) of this section, shall be equipped with school bus pedestrian safety devices that comply with 49 CFR 571.131 or its successor regulation.

10.57.070 Brakes
Every motor vehicle, motorcycle, and low-power scooter, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle as required in Section 42-4-223, C.R.S., as amended. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-2012-9 § 34, 2012; Ord. O-97-62 § 41, 1997; Ord. O-96-45 § 2, 1996; Ord. O-84-60 § 10, 1984; Ord. O-75-96 § 111, 1975; Ord. O-74-44 § 1 (part), 1974).

10.57.080 Mufflers-Prevention of noise
It is unlawful for any person to operate, or for the owner to cause or knowingly permit the operation of, any vehicle or combination of vehicles, within this municipality, which is
not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by a muffler of the type originally installed on the vehicle. This section shall not apply to electric motor vehicles. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-97-62 § 42, 1997; Ord. O-75-96 § 112, 1975; Ord. O-74-44 § 1 (part), 1974).

10.57.090 Number plates to be attached
A. Number plates assigned to a self-propelled vehicle other than a motorcycle or street rod vehicle shall be attached thereto, one in the front and the other in the rear in accordance with subsections (C) and (D). The number plate assigned to a motorcycle, autocycle, street rod vehicle, trailer, or semitrailer, any other vehicle drawn by a motor vehicle, or any item of mobile machinery or self-propelled construction equipment shall be attached to the rear thereof.

B. If the department issues a validating tab or sticker to a motor vehicle pursuant to Section 42-3-201, C.R.S., the current month validating tab or sticker shall be displayed in the bottom left corner of the rear license plate. The current year validating tab or sticker shall be displayed in the bottom right corner of the rear license plate. The tabs or stickers shall be visible at all times.

C. The rear license plate shall at all times be securely fastened to the vehicle to which it is assigned, so as to prevent the plate from swinging, and shall be displayed horizontally at a height not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, maintained free from foreign materials and in a condition to be clearly legible, at the approximate center of the vehicle measured horizontally, and shall be mounted on or within eighteen (18) inches of the rear bumper.

D. The front license plate shall at all times be securely fastened to the vehicle to which it is assigned, so as not to prevent the plate from swinging, and shall be displayed horizontally on the front of a motor vehicle in the location designated by the motor vehicle manufacturer, maintained free from foreign materials and clearly legible.

E. A person shall not operate a motor vehicle with an affixed device or a substance that causes all or a portion of a license plate to be unreadable by a system used to automatically identify a motor vehicle. Such a device includes, without limitation, a cover that distorts angular visibility; alters the color of the plate; or is smoked, tinted, scratched, or dirty so as to impair the legibility of the license plate.

F. Any person who violates any provision of this section commits a Class 4 traffic offense. Any person who violates Subsection (E) of this section commits a Class 3 traffic offense.


10.58.010 Visible emissions from diesel-powered motor vehicles unlawful
A. No owner or operator of a diesel-powered vehicle shall cause or knowingly permit the emission from such vehicle of any visible air contaminants which exceed the emission level as described in Section 42-4-412(2)(a), C.R.S.

B. Any owner or operator of a diesel-powered motor vehicle receiving a summons and complaint issued pursuant to subsection A of this section shall secure a certification of opacity compliance from a state emissions technical center that such vehicle conforms to the requirements of this section. Said certification shall be returned to the owner or operator for presentation in court as provided in subsection C of this section.

C. Any owner who violates any provision of this section is guilty of a Class 4 traffic offense and, upon conviction thereof, except as provided in subdivision (1) or (2) of this subsection, shall be punished by a fine of one hundred dollars.

1. If the owner conforms to the requirements of this section and presents the certification required in subsection B of this section to the municipal court, he shall be punished by a fine of one hundred dollars.

2. If the owner submits to the municipal court proof that he has disposed of the vehicle for junk parts or immobilized the vehicle and if he also submits the registration and license plates for the vehicle to the municipal court, he shall be punished by a fine of twenty-five dollars.

D. Any nonowner operator who violates any provision of this section is guilty of a Class 4 traffic offense and, upon conviction thereof, except as provided in subdivision (1) of this subsection, shall be punished by a fine of one hundred dollars.

1. If the operator submits to the municipal court within fifteen days after the issuance of the summons proof that he was not the owner of the vehicle at the time the summons was issued and that he mailed, within five days after issuance thereof, a copy of the notice and summons by certified mail to the owner of the vehicle at the address on the registration, he shall be punished by a fine of twenty-five dollars.

2. Upon a showing of good cause that compliance with this section cannot be made within fifteen days after issuance of the summons and complaint, the municipal court may extend the period of time for compliance as may appear justified.

E. Violations of this section may be determined by visual observations of a police agent who is certified by the Department of Health as trained to ascertain violations of such standards without reference to opacity levels and to distinguish between air contaminants, and steam or water vapor.


10.58.020 Air pollution violations
A. It is unlawful for any person to drive or for the owner to cause or knowingly permit to be driven any motor vehicle, powered by gasoline or any fuel except diesel, which emits any visible air contaminants.

B. The provisions of this section shall not apply to motor vehicles empowered by diesel engines or to emissions caused by cold-engine start-ups.

C. Violations of this section may be determined by visual observations or by test procedures using opacity measurements.

D. Any person who violates any provision of this section is guilty of a Class 4 traffic offense, and upon conviction thereof, except as provided in subdivision (1) or subdivision (2) of this subsection, shall be punished by a fine of twenty-five dollars. For subsequent
offenses, the fine is one hundred dollars.
1. If the owner presents to the municipal court an affidavit that the vehicle has been
disposed of in such a manner that it will no longer be operated on the highways, together
with the registration card and license plates of such vehicle, the fine shall be suspended.
2. Upon presentation of an affidavit of the owner that such vehicle has been repaired prior
to the date set for appearance upon the charge, which appearance date shall be at least
fifteen days after the alleged offense, stating the date, location, and nature of repairs
made, together with the name of the person making said repairs, and that the vehicle is
not in violation of the provisions of this section when in normal operation, the fine shall
be suspended.
3. Upon presentation of an affidavit of the owner that such vehicle is being repaired, the
municipal court may extend the period of time for compliance as may appear justified.
19 § 1 (part), 1980).

10.58.030 Definitions
The following definitions shall apply in the interpretation and enforcement of this
chapter:
"Air contaminant" or "air pollution" means any fumes, smoke, particulate matter, vapor,
or gas or any combination thereof which is emitted into or otherwise enters the
atmosphere, including, but not limited to, any physical, chemical, biological, radioactive
(including source material, special nuclear material, and by-product material) substance
or matter, but "air pollutant" does not include a water vapor or steam condensate.
"Emission" or "emit" means a discharge or release of one or more air contaminants into
the atmosphere.
"Opacity" means the degree to which an air contaminant emission obscures the view of a
trained observer, expressed in percentage of the obscuration or the percentage to which
transmittance of light is reduced by an air contaminant emission. (Ord. O-87-87 § 9,

10.60.010 Obstruction of view or driving mechanism
A. No person shall drive a vehicle when it is so loaded or when there are in the front seat
such number of persons, exceeding three, as to obstruct the view of the driver to the front
or sides of the vehicle or as to interfere with the driver's control over the driving
mechanism of the vehicle.
B. No person shall knowingly drive a vehicle while any passenger therein is riding in any
manner which endangers the safety of such passenger or others.
C. No person shall drive any motor vehicle equipped with any television viewer, screen
or other means of visually receiving a television broadcast which is located in the motor
vehicle at any point forward of the back of the driver's seat or which is visible to the
driver while operating the motor vehicle. The provisions of this subsection C shall not be
interpreted to prohibit the usage of any computer, data terminal or other similar device in
a motor vehicle.
D. No vehicle shall be operated upon any highway unless the driver's vision through any
required glass equipment is normal and unobstructed.
E. No passenger in a vehicle shall ride in such position as to create a hazard for himself
or others or to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle; nor shall the driver of a vehicle permit any passenger therein to ride in such manner.


10.60.020 Unlawful riding
A. No person shall hang on or otherwise attach himself to the outside, top, hood or fenders of any vehicle, or to any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion, nor shall the operator knowingly permit any person to hang on or otherwise attach himself to the outside, top, hood or fenders of any vehicle, or any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion. This subsection shall not apply to parades, caravans or exhibitions which are officially authorized or otherwise permitted by law.

B. The provisions of subsection (A) of this section shall not apply to a vehicle owned by the United States government or any agency or instrumentality thereof, or to a vehicle owned by the state or any of its political subdivisions, or to a privately owned vehicle when operating in a governmental capacity under contract with or permit from any governmental subdivision or under permit issued by the Public Utilities Commission of the state when, in the performance of their duties, persons are required to stand or sit on the exterior of the vehicle and the vehicle is equipped with adequate handrails and safeguards.

C. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 114, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.030 Boarding or alighting from vehicles
No person shall board or alight from any vehicle while such vehicle is in motion. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 115, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.040 Riding in trailers
No person or persons shall occupy a trailer while it is being moved upon a street or highway. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 116, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.050 Opening and closing vehicle doors
No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 117, 1975; Ord. O-74-44 § 1 (part), 1974).
10.60.060 Limitations on backing
A. The driver of a vehicle, whether on public property 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 traffic.
B. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

10.60.070 Coasting prohibited
A. The driver of any motor vehicle when traveling upon a downgrade, shall not coast with the gears of such vehicle in neutral.
B. The driver of a truck or bus when traveling upon a downgrade shall not coast with the clutch disengaged.

10.60.080 Following fire apparatus
The driver of any vehicle other than an emergency vehicle shall not follow any fire apparatus traveling in response to a fire alarm or other alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm or other alarm. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-94-34 § 19, 1994; Ord. O-87-87 § 17, 1987; Ord. O-75-96 § 120, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.090 Crossing fire hose
No vehicle shall be driven over any unprotected hose of the Fire Department used at any fire, alarm of fire, or practice run laid down on any street, private driveway or highway without the consent of the Fire Department official in command. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 121, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.100 Foreign matter on street or highway prohibited
A. No person shall throw or deposit upon any street or highway within this municipality any glass bottle, glass, stones, nails, tacks, wire, cans, container of human waste, or any other substance likely to injure any person, animal or vehicle upon or along such highway.
B. No person shall throw, drop, or otherwise expel a lighted cigarette, cigar, match, or other burning material from a motor vehicle upon any highway.
C. No person shall throw or deposit upon any street or highway within this municipality any junk, rubbish, trash or debris.
D. Any person who drops, or permits to be dropped or thrown, upon any street or highway or structure within this municipality any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to removed.
E. Any person removing a wrecked or damaged vehicle from a street or highway within this municipality shall remove any glass or injurious substance dropped upon the street or highway from such vehicle.

F. 1. Except as provided in paragraph (2) of this subsection (F), any person who violates any provision of this section commits a Class 4 traffic offense.
2. Any person who violates any provision of subsection (C) of this section commits a Class 2 traffic offense.
3. Any person who violates subsection (A) or (B) of this section by throwing or depositing a container of human waste upon or along any highway shall be punished by a fine of five hundred dollars.

G. As used in this section:
1. "Container" includes, but is not limited to, a bottle, a can, a box or a diaper.

10.60.110 When permits required for parades or processions
No procession or parade, except funeral processions, forces of the United States armed services, military forces of this state, and the forces of the Police and Fire Departments, shall occupy, march or proceed along any street in the municipality except in accordance with a permit issued by the City Clerk and in compliance with such other regulations as are set forth in this title which may apply. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 123, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.120 Funeral processions
A. No permit is or shall be required for any funeral procession to occupy or proceed along the streets of this municipality.
B. Funeral processions which are escorted by escorts shall be permitted to occupy and proceed through stop signs without stopping, through red traffic-control lights without stopping, and through streets controlled by yield signs without yielding, and shall have the right-of-way, all as hereinafter provided, subject to and only upon compliance with the following terms, provisions and conditions:
1. Such funeral processions shall be identified by display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be required by the Police Department of this municipality, by order of its chief. Vehicles in such a procession shall also have their headlights lighted at all times.
2. Each driver in such a procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as practicable and safe.
3. Traffic at each intersection controlled by a signal light, stop or yield sign, during the occupancy of such intersection by such procession, shall be controlled by a uniformed escort upon or having descended from an emergency vehicle equipped with a flashing or rotating red light, which shall be placed in operation during the occupancy of such intersection by such procession. The flashing or rotating red light on such an emergency vehicle shall be extended vertically above the vehicle so that the same may be seen by vehicles approaching the intersection from all directions, despite intervening traffic between the escort vehicle and approaching vehicles.
4. All funeral processions traveling in the city shall have a minimum of two uniformed motorcycle escorts. If the procession consists of thirty or more vehicles, the procession must be escorted by three uniformed motorcycle escorts. In addition, if any procession consists of forty-five or more vehicles, the procession must be escorted by one uniformed motorcycle escort for each fifteen vehicles.

5. Whenever traffic is controlled by traffic-control signals exhibiting colored lights, or colored arrows, successively, one at a time, or in combination, no funeral procession shall initially enter any such intersection, or make any turn therein, contrary to the provisions of the Lakewood traffic code; provided, however, that after a procession has lawfully entered such intersection or commenced a turn therein, the procession may, in its entirety, proceed through the same, so long as there is an escort in the intersection whose vehicle shall be plainly marked by a flashing or rotating red light which can be plainly seen from a distance of five hundred feet in all directions during daylight hours. Such escort shall remain in the intersection until the last car in the procession has proceeded through the same.

6. If an intersection is controlled by a stop or yield sign, the lead vehicle in the procession shall come to a stop, or yield the right-of-way, as may be required, and shall proceed only in compliance with the provisions of the Lakewood traffic code. When a funeral procession has entered an intersection controlled by a stop or yield sign, it shall not be necessary for following vehicles to stop or yield, if the intersection is controlled by at least one uniformed motorcycle escort whose vehicle shall be plainly marked by a flashing or rotating red light that can be plainly seen from a distance of five hundred feet in all directions during daylight hours, which escort shall remain within the intersection until all vehicles within the procession have completely passed through.

7. The lead vehicle in a funeral procession shall not at any time proceed at a speed in excess of posted speed limits; and no vehicle within the procession, including escort vehicles, shall proceed in excess of the speed limit prescribed in the Lakewood traffic code.

8. All persons not in the procession shall yield the right-of-way to any funeral procession lawfully entering or within an intersection in accordance with the terms of this title. It is unlawful to enter that portion of any lane of traffic occupied by a funeral procession or to cross an intersection between vehicles in a procession that has lawfully taken the right-of-way in an intersection; provided, however, that authorized emergency vehicles shall have the right-of-way over funeral processions.

9. All funeral processions shall obey all traffic laws and ordinances, subject only to the exceptions heretofore set forth under the circumstances where such exceptions are permitted; provided, however, that such processions shall yield the right-of-way to authorized emergency vehicles.

10. In no event shall any funeral procession be allowed to take the right-of-way through any intersection, red stop light, stop sign or yield the right-of-way sign between the hours of seven-thirty a.m. and nine a.m. and between four-thirty p.m. and six p.m. During such hours all such processions shall obey all traffic regulations.

11. Nothing herein contained shall relieve any escort or driver of any vehicle within a funeral procession from the duty to proceed with due regard for the safety of all persons; nor shall any of the provisions hereof be a legal defense for any such escort or any such
driver from the consequences of a careless or reckless disregard for the safety of others.
C. Any person who violates any provision for this section commits a Class 3 traffic
offense.

10.60.130 Riding on motorcycles – protective helmet
A. A person shall not drive a motorcycle on a public highway within this municipality
unless the person and any passenger thereon is wearing goggles or eyeglasses with lenses
made of safety glass or plastic; except this subsection (A) does not apply to a person
wearing a helmet containing eye protection made of safety glass or plastic.
B. A person driving or riding a motorcycle need not wear eye protection if the motorcycle has:
1. Three wheels;
2. A maximum design speed of twenty-five miles per hour or less;
3. A windshield; and
4. Seat belts.
C. Subject to the exception in subsection D of this section, a person driving or riding a
motorcycle need not wear a helmet if the motorcycle has:
1. Three wheels;
2. A maximum design speed of twenty-five mile per hour or less;
3. A windshield; and
4. Seat belts.
D. A person shall not drive or ride as a passenger on a motorcycle on a roadway unless
each person under eighteen years of age is wearing a protective helmet of a type and
design manufactured for use by operators of motorcycles.
E. Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be
equipped with footrests for such passengers.
F. Every person driving a motorcycle shall be granted all of the rights and shall be subject
to all of the duties applicable to the driver of any other vehicle under this title, except as
to special regulations herein and except as to those provisions of this title which by their
nature can have no application.
G. A person driving a motorcycle shall ride only upon the permanent and regular seat
attached thereto, and such driver shall not carry any other person nor shall any other
person ride on a motorcycle unless such motorcycle is designed to carry more than one
person, in which event a passenger may ride upon the permanent seat if designed for two
persons, or upon another seat firmly attached to the motorcycle at the rear or side of the
driver.
H. A person shall ride upon a motorcycle only while sitting astride the seat, facing
forward, with one leg on either side of the motorcycle.
I. No person shall drive a motorcycle while carrying packages, bundles or other articles
which prevent him from keeping both hands on the handlebars.
J. No person shall carry any person, nor shall any person ride, in a position that will
interfere with the operation or control of the motorcycle or the view of the driver.
K. 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 shall not apply to motorcycles two abreast in a single lane.
L. The driver of a motorcycle shall not overtake or pass in the same lane occupied by the vehicle being overtaken.
M. No person shall drive a motorcycle between lanes of traffic, or between adjacent lines or rows of vehicles.
N. Motorcycles shall not be driven more than two abreast in a single lane.
O. Subsections (L) and (M) of this section shall not apply to police officers in the performance of their official duties.
P. No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.
Q. Any person who violates any provision of this section commits a Class 3 traffic offense.

10.60.140 Emblem for slow-moving vehicles
A. All machinery, equipment and vehicles, except bicycles, electrical assisted bicycles, EPAMD or electric mobility device and other human-powered vehicles, designed to operate or normally operated at speed of less than twenty-five miles per hour on a public highway shall display a triangular slow-moving emblem on the rear. Bicycles, electrical assisted bicycles, EPAMD or electric mobility devices and other human-powered vehicles shall be permitted but not required to display the emblem specified in this subsection (A.)
B. Such emblem shall be of a type approved by the State Department of Revenue and shall be mounted in accordance with regulations issued by the department.
C. The use of the emblem required under this section shall be restricted to the use specified in subsection (A) of this section, and its use on any other type of vehicle or stationary object is prohibited.

10.60.150 Impeding traffic
A. Notwithstanding any minimum speed that may be authorized and posted pursuant to Section 10.15.050 of this title, if any person drives a motor vehicle on any controlled-access highway at a speed less than the normal and reasonable speed of traffic under the conditions then and there existing and by so driving at such slower speed impedes or retards the normal and reasonable movement of vehicular traffic following immediately behind, then such driver shall:
1. Where the width of the traveled way permits, drive in the right-hand lane available to traffic or on the extreme right side of the roadway consistent with the provisions of Section 10.24.010(B) of this title until such impeded traffic has passed by; or
2. Pull off the roadway at the first available place where such movement can safely and lawfully be made until such impeded traffic has passed by.
B. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 127, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.160 Use of multiple-beam headlights
A. Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the time specified in Section 10.57.030 of this title, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in Section 42-4-216 (1)(b) C.R.S., shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light other than the uppermost distribution of light.

3. A low-speed electric vehicle may use the distribution of light authorized in Section 42-4-216 (1.5), C.R.S.


10.60.170 Driving on parklands

A. No person shall drive or park any motor vehicle, motorcycle or any self-propelled vehicle of any nature whatever in or upon any park, parkland or public open space within the city except on roadways or pathways specifically designed for travel or parking within or upon any such park, parkland or public open space.

B. Notwithstanding the provisions of subsection (A) of this section, no person shall drive or park any motor vehicle, motorcycle or any self-propelled vehicle of any nature whatever on roadways and pathways within or upon any park, parkland or public open space within the city when such roadways or pathways have been designated or posted with an official sign as being closed to public vehicular travel, or have been closed to public travel by a gate, chain barricade or any similar device.

C. The provisions of subsections (A) and (B) of this section shall in no event apply to persons or vehicles lawfully engaged in the maintenance, care or construction of said parks or public open space.

D. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 129, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.175 Restrictions for minor drivers

A. 1. Except as provided in paragraph (3) of this subsection (A), a minor driver shall not operate a motor vehicle containing a passenger who is under twenty-one years of age and who is not a member of the driver's immediate family until such driver has held a driver's license for at least six months.

2. Except as provided in paragraph (3) of this subsection (A), a minor driver shall not operate a motor vehicle containing more than one passenger who is under twenty-one years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least one year.

3. Paragraphs (1) and (2) shall not apply if:

   a. The motor vehicle contains the minor's parent or legal guardian or other responsible
adult described in Section 42-2-108, C.R.S.
b. The motor vehicle contains an adult twenty-one years of age or older who currently holds a valid driver's license and has held such license for at least one year;
c. The passenger who is under twenty-one years of age is in the vehicle on account of medical emergency;
d. All passengers who are under twenty-one years of age are members of the driver's immediate family and all such passengers are wearing a seatbelt.
B. 1. Except as provided in paragraph (2) of this subsection (B), a minor driver shall not operate a motor vehicle between 12 midnight and 5 a.m. until such driver has held a driver's license for at least one year.
2. This subsection (B) shall not apply if:
a. The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in Section 42-2-108, C.R.S.
b. The motor vehicle contains an adult twenty-one years of age or older who currently holds a valid driver's license and has held such license for at least one year;
c. The minor is driving to school or a school-authorized activity when the school does not provide adequate transportation, so long as the driver possess a signed statement from the school official containing the date the activity will occur;
d. The minor is driving on account of a medical emergency; or
 e. The minor is an emancipated minor.
C. Violation of this section is a Class 3 traffic offense.
D. For the purposes of this section:
1. "Emancipated minor" means an individual under eighteen years of age whose parents or guardian has surrendered parental responsibilities, custody, and the right to the care and earnings of such person, and are no longer under a duty to support such person.
2. "Immediate family" means a person who is related by blood, marriage, or adoption.
3. "Minor driver" means a person who is operating a motor vehicle and who is under eighteen years of age.
E. No driver in a motor vehicle shall be cited for a violation of this section unless such driver was stopped by a peace officer for an alleged traffic violation other than a violation of this section. (O-2006-30 § 15, 2006).

10.60.176 Permitting unauthorized minor to drive
A. No parent or guardian shall cause or knowingly permit his or her child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor has not been issued a currently valid minor driver's license or instruction permit or shall cause or knowingly permit such child or ward to drive a motor vehicle upon any highway in violation of the conditions, limitations, or restrictions contained in a license or permit which has been issued to such child or ward.
B. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-2006-30 § 16, 2006).

10.60.177 Permitting unauthorized person to drive
A. No person shall authorize or knowingly permit a motor vehicle owned by such person or under such person's hire or control to be driven upon any highway by any person who has not been issued a currently valid driver's or minor driver's license or an instruction
permit or shall cause or knowingly permit such person to drive a motor vehicle upon any highway in violation of the conditions, limitations, or restrictions contained in a license or permit which has been issued to such other person.
B. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.60.180 Mandatory use of safety belt system
A. As used in this section:
1. "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the public highways including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes, and pickups. The term does not include motorcycles, motor scooters, low-power scooters, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.
2. "Safety belt system" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.
B. Unless exempted pursuant to subsection (C) of this section, every driver of and every front seat passenger in a motor vehicle and every driver of and every passenger in an autocycle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this state.
C. The requirement of subsection (B) of this section shall not apply to:
1. A child required by Section 10.60.190 of this chapter to be restrained by a child restraint system;
2. A member of an ambulance team, other than the driver, while involved in patient care;
3. A peace officer, as described in § 16-2.5.101, C.R.S., while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as subsection (B) of this section and which only provide exceptions necessary to protect the officer;
4. A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;
5. A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;
6. A rural letter carrier of the United States Postal Service while performing duties as a rural letter carrier; and
7. A person operating a motor vehicle which does not meet the definition of “commercial vehicle” as that term is defined in § 42-4-235(1)(a), C.R.S. for commercial or residential delivery or pickup service, except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.
D. Any person who operates a motor vehicle while he or any passenger is in violation of the requirement of subsection (B) of this section commits a Class 4 traffic offense. A
driver under eighteen years of age shall be punished in accordance with Section 10.60.195.

E. No driver in a motor vehicle shall be cited for a violation of subsection (B) of this section unless the driver was stopped for an alleged traffic violation other than a violation of this section.

F. Testimony at a trial for a violation of this section may include:
1. Testimony by a law enforcement officer that he observed the person charged operating a motor vehicle while said operator or any passenger was in violation of the requirement of subsection (B) of this section: or
2. Evidence that the driver removed the safety belts, or knowingly drove a vehicle from which the safety belts had been removed. (Ord. O-2012-9 § 39, 2012; Ord. O-87-87 § 18, 1987).

10.60.190 Child restraint system required

A. As used in this section, unless the context otherwise requires:
1. "Child care center" means a facility required to be licensed under the "Child Care Licensing Act," Article 6 of Title 26, C.R.S.
2. "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 CFR 571.213, as amended.
3. “Motor vehicle” means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand pounds. “Motor vehicle” does not include motorcycles that are not autocycles low-power scooters, motorscooters, motorbicycles, motorized bicycles, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.
4. "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 which 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. Proper use of a safety belt means the shoulder belt, if present, crosses the shoulder and chest and the lap belt crosses the hips, touching the thighs.
5. "Seating position" means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodations while the motor vehicle is in motion.

B. 1. Unless exempted pursuant to subsection (C) of this section, and except as otherwise provided in subparagraphs (a) and (b) of this paragraph, every child, who is under eight years of age and who is being transported in this city 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.
   a. 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 in a rear seat of the vehicle.
   b. 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
rear-facing or forward-facing child restraint system.
2. Unless excepted pursuant to subsection (C) of this section, every child, who is at least
eight years of age but less than sixteen years of age who is being transported in this city
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.
3. 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.
C. Except as provided in Section 42-2-105.5(4), C.R.S., subsection B of this section does
not apply to a child who:
1. Is less than eight 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;
2. 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;
3. Is the driver of a motor vehicle and is subject to the safety belt requirements provided
in Section 42-4-237, C.R.S.; or
4. Is being transported in a motor vehicle that is operated by 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.
D. 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.
E. Any person who violates any provision of this section commits a Class 4 traffic
offense.
F. The fine may be waived if the defendant presents the court with satisfactory evidence
of the acquisition, purchase, or rental of a child restraint system by the time of the court
appearance.

10.60.195 Seat belt restrictions on minor drivers under eighteen years of age
A. Occupants in motor vehicles driven by persons under eighteen years of age shall be
properly restrained or wear seat belts as required in Section 10.60.190 and in Section
10.60.180.
B. No more than one passenger shall occupy the front seat of the motor vehicle driven by
a person under eighteen years of age, and the number of passengers in the back seat of
such vehicle shall not exceed the number of seat belts.
C. Any person who operates a motor vehicle while he or any passenger is in violation of

10.60.200 Horns and signaling devices
No person shall sound any horn or signaling device on any truck, automobile, motorcycle or other vehicle on any street or highway within this municipality, except as a danger warning, and then only for a reasonable period of time. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 132, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.210 Use of earphones while driving
A. No person shall operate a motor vehicle while wearing earphones.
B. For purposes of subsection (A), "earphones" includes any headset, radio, tape player, or other similar device, which provides the listener with radio programs, music, or other recorded information through a device attached to the head and which covers all of or a portion of the ears. "Earphones" does not include speakers or other listening devices which are built into protective headgear.
C. Any person who violates this section commits a Class 4 traffic offense. (Ord. O-87-87 § 20, 1987).

10.60.220 Compulsory insurance
A. No owner of a motor vehicle or low-power scooter required to be registered in this state shall operate the vehicle or permit it to be operated on a public street or highway of this city when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.
B. No person shall operate a motor vehicle or low-power scooter on a public street or highway of this city without a complying policy or certificate of self-insurance in full force and effect as required by law.
C. When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a police agent, no owner or operator of a motor vehicle or low-power scooter shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.
D. Any person who violates the provisions of subsection (A), (B), or (C) of this section is guilty of a Class 2 traffic offense and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required under Sections 10-4-619 and 10-4-624, C.R.S. has been obtained. Nothing in this subsection shall be construed to prevent the court from imposing a fine greater than five hundred dollars.
E. Upon a second or subsequent conviction under this section within a period of five years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to Section 1.16.020(B), the defendant shall be punished by a fine of not less than one thousand dollars. The court may establish a payment schedule for a person convicted of the provisions of subsection (A), (B), or (C) of this section. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required under Section 10-4-619 and 10-4-624, C.R.S., has been obtained.
F. Testimony of the failure of any owner or operator of a motor vehicle or low-power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law when requested to do so by a police agent, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (A) or (B) of this section, that such owner or operator of a motor vehicle violated subsection (A) or (B) of this section.

G. No person charged with violating subsection (A), (B), or (C) of this section shall be convicted if he produces in court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by law, at the time of the alleged violation.

H. Of the moneys collected from fines pursuant to subsections (D) and (E) of this section, fifty percent of these moneys shall be transferred to the general fund in support of the Lakewood Police Department.


10.60.230 Radar jamming devices prohibited
A. No person shall use, possess, or sell a radar jamming device.
B. No person shall operate a motor vehicle with a radar jamming device in the motor vehicle.
C. 1. For the purposes of this section, "radar jamming device" means any active or passive device, instrument, mechanism, or equipment that is designed or intended to interfere with, disrupt, or scramble the radar or laser that is used by law enforcement agencies and peace officers to measure the speed of motor vehicles. "Radar jamming device" includes but is not limited to devices commonly referred to as "jammers" or "scramblers."
2. For the purpose of this section, "radar jamming device" shall not include equipment that is legal under FCC regulations, such as a citizens' band radio, ham radio, or any other similar electronic equipment.
D. Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. O-2006-30 § 19, 2006).

10.60.240 Misuse of a wireless telephone
A. A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle. This subsection does not apply to acts specified in subsection B of this Section.
B. A person shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.
C. Subsection (A) or (B) shall not apply to a person who is using a wireless telephone: (1) to contact a public safety entity; or (2) during an emergency.
D. A person who operates a motor vehicle in violation of subsection (A) commits a Class 3 traffic offense. A person who operates a motor vehicle in violation of subsection (B) of this section commits a Class 2 traffic offense.
E. For purposes of this section:
1. “Emergency” is defined as a situation in which a person:
a. Has reason to fear for such person’s life or safety or believes that a criminal act may be perpetrated against such person or another person requiring the use of a wireless telephone while the car is moving; or
b. 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 a person who is driving in a reckless, careless, or otherwise unsafe manner.
2. “Operating a motor vehicle” means driving a motor vehicle on a public highway, but “operating a motor vehicle” shall not mean maintain the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.
3. “Use” means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.
4. “Wireless telephone” means a telephone that operates without a physical, wireline connection to the provider’s equipment. The term includes, without limitation, cellular and mobile telephones.
F. 1. An operator of a motor vehicle shall not be cited for a violation of subsection (A) of this section unless the operator was under eighteen years of age and a law enforcement officer saw the operator use, as defined in paragraph (3) of subsection (E) of this section, a wireless telephone.
2. An operator of a motor vehicle shall not be cited for a violation of subsection (B) of this section unless a law enforcement officer saw the operator use a wireless telephone for the purpose or engaging in text messaging or other forms of manual data entry or transmission, in a manner that caused the operator 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 10.18.020.
G. The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.
H. This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission. (Ord. O-2012-9 § 42, 2012)

10.60.250 Failure to present a valid transit pass or coupon-fare inspector authorization-definitions
A. A person commits failure to present a valid transit pass or coupon if the person occupies, rides in, or uses a public transportation vehicle without paying the applicable fare or providing a valid transit pass or coupon.
B. A person shall not occupy, ride in, or use a public transportation vehicle without possession of proof of prior fare payment. A person shall present proof of prior fare payment upon demand of a fare inspector appointed or employed pursuant to Section 42-4-1416, C.R.S., a peace officer, or any other employee or agent of a public transportation entity.
C. As used in this section, unless the context otherwise requires:
1. “Proof of Prior Fare Payment” means:
a. A transit pass valid for the day and time of use;
b. A receipt showing payment of the applicable fare for use of a public transportation vehicle during the day and time specified in the receipt; or
c. A prepaid ticket or series of tickets showing cancellation by a public transportation entity used within the day and time specified in the ticket.

2. “Public Transportation Entity” means a mass transit district, a mass transit authority, or any other public entity authorized under the laws of this state to provide mass transportation services to the general public.

3. “Public Transportation Vehicle” means a bus, a train, a light rail vehicle, or any other mode of transportation used by a public transportation entity to provide transportation services to the general public.

4. “Transit Pass” means any pass, coupon, transfer, card, identification, token, ticket, or other document, whether issued by a public transportation entity or issued by an employer to employees pursuant to an agreement with a public transportation entity, used to obtain public transit.

D. A violation of this section is a Class 4 traffic infraction and is punishable by a fine of seventy-five dollars.


10.60.260 Driving under restraint—penalty

A. Any person who drives a motor vehicle or off-highway vehicle upon any highway of this state with knowledge that the person’s license or privilege to drive, either as a resident or a nonresident, is under restraint for an outstanding judgement is guilty of a Class A traffic infraction as defined in section 42-4-1701(3).

B. A violation of this section is punishable by a minimum fine of $15.00 and a maximum fine of $100.00.

III. Obedience and Enforcement

10.63.010 Authority of Police and Fire Department officials

A. Agents of the Police Department or such officers as are assigned by the Chief of Police are authorized to enforce all street traffic regulations of this municipality and all of the state laws applicable to street and highway traffic in this municipality.

B. Agents of the Police Department or such special officers as are assigned by the Chief of Police are authorized to direct traffic by voice, hand or signal in conformance with state traffic laws and this title; provided that, in the event of fire or other emergency or to expedite traffic or to safeguard pedestrians, agents of the Police Department and other special officers as are assigned by the Chief of Police may direct traffic as conditions may require notwithstanding the provisions of the state traffic laws and the provisions of this title.

C. Members of a fire department, when at the scene of a fire or other emergency or disaster, may direct or assist the police in directing traffic there at or in the immediate vicinity.

D. Officers of the Red Rocks Community College Campus Police Department shall have the nonexclusive power and authority to enforce all provisions of the Lakewood Traffic Code within the boundaries of the Red Rocks Community College, which are located

10.63.020 Required obedience to traffic title
It is a violation of this title for any person to do any act forbidden or fail to perform any act required in this title. (Ord. O-74-44 § 1 (part), 1974).

10.63.030 Obedience to Police Department and Fire Department officials
No person shall willfully fail or refuse to comply with any lawful order or direction of any police agent, or member of the Fire Department at the scene of a fire, who is invested by the law or ordinance with authority to direct, control or regulate traffic. Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. O-94-34 § 24, 1994; Ord. O-75-96 § 133, 1975; Ord. O-74-44 § 1 (part), 1974).

10.63.040 Traffic laws apply to persons riding or leading animals or driving animal-drawn vehicles
A. Every person riding or leading an animal or driving any animal-drawn conveyance upon a street or roadway of this municipality shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle, except those provisions of this title which by their nature can have no application.
B. Persons riding or leading animals on or along any street or highway within this municipality shall ride or lead such animals on the left side of the street or highway facing approaching traffic. This shall not apply to persons driving herds of animals along a street or highway where such movement is permitted.

10.63.050 Restricted use of skates, skis, toboggans, toy vehicles, and all-terrain recreational vehicles
A. No person shall use any street or highway for traveling on any skis, toboggans, coasting sleds, or similar devices. It is also unlawful for any person riding in or by means of any coasters, scooters, motorized scooters, motorized skateboards, toy vehicles or similar devices or engaging in any skating activity utilizing skates, roller skates, in-line skates, roller blades, or skateboards to go upon any roadway except while crossing a street in a crosswalk. When crossing a crosswalk, such person shall be granted all the rights and shall be subject to all of the duties applicable to pedestrians.
B. No person shall operate a scooter, motorized scooter, motorized skateboard, roller skates, in-line skates, roller blades, skateboards, toy vehicle, or similar device upon a sidewalk anywhere within this municipality in a manner as to demonstrate a lack of control over such device or his direction and manner of travel or in a careless and imprudent manner, without due regard for the safety of persons or property. Any person operating any of the above-described devices shall yield the right-of-way to any pedestrian upon a sidewalk.
C. No person shall operate an all-terrain recreational vehicle on a highway; except that the provisions of this subsection shall not apply to a person operating an all-terrain
recreational vehicle while the vehicle was being used primarily or exclusively in agricultural operations. For purposes of this subsection "all-terrain recreational vehicle" means any self-propelled vehicle which is designated to travel on wheels in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes.


10.63.060 Public employees to obey traffic regulations
The provisions of this title applicable to the drivers of vehicles upon the streets and highways in this municipality shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district or any other political subdivision of the state, except as otherwise provided in this title. (Ord. O-74-44 § 1 (part), 1974).

10.63.070 Authorized emergency vehicles
A. The driver of an authorized emergency vehicle, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
B. The driver of an authorized emergency vehicle may:
1. Park or stand a vehicle, irrespective of the provisions of this title;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the lawful speeds set forth in Section 10.15.010(B), (D) or exceed the maximum lawful speed limits set forth in Section 10.15.010(C) as long as said driver does not endanger life or property;
4. Disregard regulations governing the movement or turning in specified directions.
C. The exemptions granted in subdivisions (1) to (4) of subsection B of this section to an authorized emergency vehicle shall only apply when such vehicle is making use of audible and visible signals meeting the requirements of Section 42-4-213, C.R.S., and the exemption granted in subdivision (1) of subsection B of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of Section 42-4-213, C.R.S.; unless such visual signals would cause an obstruction to the normal flow of traffic, except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this title or any provision of state law applicable to drivers and vehicles in this municipality need not display or make use of audible and visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section shall be construed to require an emergency vehicle to make use of audible signals when such vehicle is not moving, whether or not the vehicle is occupied.
D. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions be a legal defense for the driver from the consequences of his reckless disregard for the safety of others.
E. The driver of an authorized emergency vehicle shall carry in the vehicle at all times
the designation required by state law attesting to the fact that such vehicle has been
designated by state motor vehicle agency as an authorized emergency vehicle by virtue of
its use for the preservation of life or property or for the execution of emergency
governmental functions, but failure to carry the written designation shall not affect the
status of the vehicle as an authorized emergency vehicle. (Ord. O-97-62 § 51, 1997; Ord.

10.63.080 Operation of vehicles and actions of pedestrians approached by emergency
vehicle – operation of vehicle approaching stationary emergency vehicle, stationary
towing carrier vehicle, or stationary public utility service vehicle

A. Upon the immediate approach of an authorized emergency vehicle making use of
audible or visual signals meeting the requirements of state law, the driver of every other
vehicle shall yield the right-of-way and where possible shall immediately clear the
farthest left-hand lane lawfully available to through traffic and shall drive to a position
parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of
any intersection, and shall stop and remain in that position until the authorized emergency
vehicle has passed, except when otherwise directed by a police officer.

B. 1. A driver in a vehicle shall exhibit due care and caution and proceed as described in
paragraphs (2) and (3) of this subsection (B) when approaching or passing:
   a. A stationary authorized emergency vehicle that is giving a visual signal by means of
      flashing, rotating, or oscillating red, blue, or white lights, as permitted by § 42-4-213,
      C.R.S. or § 42-4-222, C.R.S.;
   b. A stationary towing carrier vehicle that is giving a visual signal by means of flashing,
      rotating, or oscillating yellow lights; or
   c. A stationary public utility service vehicle that is giving a visual signal by means of
      flashing, rotating, or oscillating amber lights.
   2. On a highway with at least two adjacent lanes proceeding in the same direction on the
      same side of the highway where a stationary authorized emergency vehicle, stationary
towing carrier vehicle, or stationary public utility service vehicle is located, the driver of
an approaching or passing vehicle shall proceed with due care and caution and yield the
right-of-way by moving into a lane at least one moving lane apart from the stationary
authorized emergency vehicle, stationary towing carrier vehicle, or stationary public
utility service vehicle, unless directed otherwise by a peace officer or other authorized
emergency personnel. If movement to an adjacent moving lane is not possible due to
weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the
driver of the approaching vehicle shall proceed in the manner described in paragraph (3)
of this subsection (B).
   3. On a highway that does not have at least two adjacent lanes proceeding in the same
direction on the same side of the highway where a stationary authorized emergency
vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle is
located, or if movement by the driver of the approaching vehicle into an adjacent moving
lane, as described in paragraph (2) of this subsection (B), is not possible, the driver of the
approaching vehicle shall reduce and maintain a safe speed with regard to the location of
the stationary authorized vehicle, stationary towing carrier vehicle, or stationary public
utility service vehicle; weather conditions, road conditions, and vehicular or pedestrian
traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

C. Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of the state law, every pedestrian shall yield the right-of-way to the authorized emergency vehicle and shall leave the roadway and remain off the same until the authorized emergency vehicle has passed, except when otherwise directed by a peace officer.

D. 1. A driver in a vehicle that is approaching or passing a maintenance, repair, or construction vehicle that is moving at less than twenty miles per hour shall exhibit due care and caution and proceed as described in paragraphs (2) and (3) of this subsection (D).

2. On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary or slow-moving maintenance, repair, or construction vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the vehicle, unless directed otherwise by a peace officer or authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (3) of this subsection (D).

3. On a highway that does not have two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary or slow-moving maintenance, repair, or construction vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane as described in paragraph (2) of this subsection (D) is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary or slow-moving maintenance, repair, or construction vehicle, weather conditions, road conditions, and vehicular or pedestrian traffic, and shall proceed with due care and caution, or as directed by a peace officer or other emergency personnel.

E. 1. The driver in a vehicle that is approaching or passing a motor vehicle where the tires are being equipped with chains on the side of the highway shall exhibit due care and caution and proceed as described in paragraphs (2) and (3) of this subsection (E).

2. On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where chains are being applied to the tires of a motor vehicle, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (3) of this subsection (E).

3. On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where chains are being applied to the tires of a motor vehicle, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (2) of this subsection (E), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the
location of the motor vehicle where chains are being applied to the tires, weather conditions, road conditions, and vehicular or pedestrian traffic, and shall proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

F. Any person who violates any provision of subsection (A) of this section commits a Class 3 traffic offense. Any person who violates subsection (B), (D), or (E) of this section commits careless driving as described in Section 10.18.020. Any person who violates any provision of subsection (C) of this section commits a Class 4 traffic offense.


10.63.090 Eluding or attempting to elude police officer or agent
It is unlawful for any operator of a motor vehicle, who a police officer or agent has probable cause to believe has violated a state law or an ordinance of this municipality and who has received a visual or audible signal such as a red light or a siren from such police officer or agent driving a marked vehicle showing the same to be an official police, sheriff or Highway Patrol car directing the operator to bring his vehicle to a stop, to willfully increase his speed or extinguish his lights in an attempt to elude such police officer or agent, or willfully to attempt or in fact to elude in any other manner the police officer or agent. Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. O-94-34 § 26, 1994; Ord. O-75-96 § 137, 1975; Ord. O-74-44 § 1 (part), 1974).

10.66.010 Traffic violations
A. It is unlawful for any person to violate any of the provisions of this title.
B. The Presiding Municipal Judge of the municipal court shall designate the specified offenses under the traffic ordinances of this municipality in respect to which payment of fines may be accepted by the traffic violations bureau in satisfaction thereof, and shall specify by suitable schedules the amount of such fines for first, second and subsequent offenses, provided such fines are within the limits declared by law, and shall further specify what number of offenses shall require appearance before the court. (Ord. O-74-44 § 1 (part), 1974).

10.66.020 Forms and notices of arrest or appearance
A. The municipal court of this municipality shall provide books to include traffic summonses for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances.
B. The books shall include serially-numbered sets of the summonses and complaints or notices, each set having such number of copies as may be required, and shall be in a form containing the information required by state law.
C. The books shall be issued to and receipted for by the Police Chief, or his designee, and the Police Chief shall be responsible for the issuance of such books to individual members of the Police Department.
D. The Police Chief shall cooperate with the State Department of Revenue in the development and use of a coding system for traffic citations which can be utilized in machine data processing and in the preparation of state reports.
E. The Lakewood Municipal Court shall accept parking summonses and complaints in an electronic form approved by the municipal court and shall accept electronic submission of the same information in a format approved by the municipal court. The traffic violations bureau shall be responsible for the storage and retention of said electronically transmitted parking summonses and complaints as mandated by Section 10.69.020. (Ord. O-2004-10 § 2, 2004; Ord. O-94-34 § 27, 1994; Ord. O-74-44 § 1 (part), 1974).

10.66.030 Parties to offense
Every person who commits, conspires to commit or aids or abets in the commission of any act declared herein to be an offense, whether individually or in connection with one or more other persons or as principal agent or accessory, is guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provisions of this title is likewise guilty of such offense. (Ord. O-74-44 § 1 (part), 1974).

10.66.040 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 to permit the operation of such vehicle upon a street or highway in this municipality in any manner contrary to this title. Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. O-97-62 § 53, 1997; Ord. O-74-44 § 1 (part), 1974).

10.66.050 When person arrested must be taken before court
Whenever a person is arrested and confined or detained in jail for a violation of any provision of this title, or whenever a person arrested demands an immediate appearance before a Judge of the Municipal Court, said person shall be taken without unnecessary delay before a Municipal Judge or other court having jurisdiction of such offense that is nearest or most accessible with reference to the place where such arrest is made. (Ord. O-74-44 § 1 (part), 1974).

10.66.060 When agent may take person before court
In every case of arrest for any violation of this title for which it is not required that a person be taken before a proper court, the person may be taken before the court in any of the following cases:
A. When the person does not furnish satisfactory evidence of identity; or
B. When the agent has reasonable and probable grounds to believe that the person will disregard a written promise to appear in court, except for traffic infractions which shall be governed by Chapter 10.76 of this code; or
C. When the person arrested refuses to accept a summons and complaint or notice to appear in court, except for traffic infractions which shall be governed by Chapter 10.76 of this code. (Ord. O-93-68 § 7, 1993; Ord. O-74-44 § 1 (part), 1974).

10.66.070 When Municipal Judge is unavailable
In the event that no Municipal Judge is available at the time that a person is taken into custody for the purpose of taking him before a proper court for any violation of this title, as authorized or required by this title or pursuant to state law, there shall be established
by the court a bail bond schedule and available personnel to accept adequate security for such bail bonds upon satisfaction of which the person charged shall be released from custody pending his required appearance before the court.
Whenever any person is taken into custody by an agent for the purpose of taking him before the Municipal Judge as authorized or required by this title and no judge is available at the time of arrest and there is no bail schedule established by such judge or court which includes the violation with which a person in custody has been charged and no lawfully designated court clerk or other public officer who is available and authorized to accept bail on behalf of the court, such person shall be released from custody upon the issuance to him of a written summons. (Ord. O-74-44 § 1 (part), 1974).

10.66.080 When person charged may elect to appear at municipal court clerk's office or before municipal court
A. Any person charged with an offense, violation, or traffic infraction under this title for which a summons and complaint or notice may be issued and for which payment of a fine, costs, and other court fees, may be made to the clerk of the municipal court, shall have the option of making such payment within the time and at the place specified on the summons and complaint or notice upon entering a plea of guilty and upon waiving appearance in court; or upon a plea of not guilty shall be entitled to a trial as authorized by law.
B. Acceptance and payment of the prescribed fine, costs, and other court fees, shall be deemed a complete satisfaction for the offense, violation, or traffic infraction, and said clerk of the municipal court upon accepting the prescribed payment shall issue a receipt to the violator acknowledging payment thereof. Checks tendered and accepted and on which payment is received by the clerk of the municipal court shall be deemed sufficient receipt. (Ord. O-93-68 § 8, 1993; Ord. O-74-44 § 1 (part), 1974).

10.66.090 Notice to appear in court
Except when authorized or directed to take a person before the municipal court, as provided in this title, any police agent upon making an arrest for any violation of this title shall take the name, address and operator's license number of said person, the registered number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall prepare and issue to him in writing on the form authorized in Section 10.66.020 a notice or summons to respond and answer to the charge against him at a place and at a time to be specified in the summons and complaint or notice. The police agent shall require said person to execute on the form provided his or her written promise to appear at the time and place indicated on the summons and complaint or notice for any violation of the Lakewood Municipal Code except for violations of the Lakewood traffic code when the person can provide to the police agent a valid Colorado driver's license. (Ord. O-84-60 § 11, 1984; Ord. O-74-44 § 1 (part), 1974).

10.66.110 Compliance with promise to appear
An appearance in court may be complied with by an appearance by counsel. (Ord. O-74-44 § 1 (part), 1974).

10.66.120 Notice on illegally parked vehicle
Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by the ordinances of this municipality, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a summons and complaint or notice on the form authorized in Section 10.66.020, directing the owner thereof to respond to and answer the charge against him at a place and at a time specified in the notice. (Ord. O-74-44 § 1 (part), 1974).

10.66.130 Presumption in reference to illegal parking
In any prosecution charging a violation of any provision of this title 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 regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner or renter of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner or renter was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred. (Ord. O-74-44 § 1 (part), 1974).

10.66.140 Authority of officer or agent at scene of accident
A police agent at the scene of a traffic accident may issue a written summons or notice, as provided in Section 10.66.090 to any driver of a vehicle involved in the accident when the agent has probable cause to believe that the person has committed any offense under the provisions of this title or state law in connection with the accident. (Ord. O-94-34 § 28, 1994; Ord. O-74-44 § 1 (part), 1974).

10.66.150 Notice charging speed violation
In every charge of violation relating to speed limits, the summons and complaint or notice to appear shall specify the speed at which the defendant is alleged to have driven, also the reasonable and prudent speed applicable at the location in this municipality or the maximum lawful speed limit. (Ord. O-94-34 § 29, 1994; Ord. O-84-60 § 12, 1984; Ord. O-74-44 § 1 (part), 1974).

10.66.160 Illegal cancellation of summons and complaint or notice
It is unlawful for any person to cancel or solicit the cancellation of any summons and complaint or notice in any manner other than by process of law. (Ord. O-74-44 § 1 (part), 1974).

10.66.170 When complaint to be issued
A. In the event any person fails to comply with the notice given to such person, or fails to respond to a summons directing an appearance in the court having jurisdiction or at the traffic violations bureau, the clerk of the court having jurisdiction shall have a complaint issued against such person and shall issue and have served a warrant for his arrest. 
B. Subsection (A) of this section shall not apply to a failure to appear for a traffic infraction. Such a failure to appear for a traffic infraction shall be governed by Chapter 10.76 of this Code. (Ord. O-93-68 § 9, 1993; Ord. O-74-44 § 1 (part), 1974).
10.66.180 When a copy of summons and complaint or notice shall be deemed a lawful complaint
In the event the form of summons and complaint or notice provided under Section 10.66.020 includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offense alleged in the summons and complaint or notice to have been committed, then such summons and complaint or notice when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this title. (Ord. O-74-44 § 1 (part), 1974).

10.66.190 Authority to impound vehicles
A. Whenever a police agent finds any vehicle parked upon any public street or public right of way in violation of the parking restrictions or prohibitions contained on any official sign or signs or when any vehicle obstructs or interferes with the free flow of traffic, street maintenance, or access of emergency vehicles or equipment, or when any item, article, object, or vehicle which causes or tends to obstruct the free movement of pedestrians or other traffic upon a sidewalk, a police agent may order the vehicle towed to an impound lot or the item, article, or object removed.

10.66.195 Authority of police community service officers
A police community service officer shall have the authority to enforce all provisions contained in Title 10 of the Lakewood Municipal Code pertaining to the parking of vehicles and shall have the same authority as a police agent to order the towing of a vehicle. A police community service officer shall have the power and authority to issue and serve summonses and complaints in the municipal court for parking violations and any other violation set forth in Title 10 of the Lakewood Municipal Code as authorized by the Chief of Police. Nothing in this Section shall vest or be construed so as to vest in police community service officers other powers, duties, rights, and emoluments of sworn police agents of the City of Lakewood. (Ord. O-2008-4 § 1, 2008).

10.66.200 Retrieval of impounded vehicles
A. Upon presenting appropriate proof of identification and ownership of a vehicle which has been impounded under the provisions of this title in an impoundment lot and upon payment of the appropriate towing, storage and impoundment fees, the registered owner of an impounded vehicle may retrieve his vehicle.
B. The Chief of Police or his designee shall designate hours when payment of towing, storage and impoundment fees may be accepted and vehicles may be retrieved from impoundment lots.
C. Such payment or towing, impoundment and storage fees shall not relieve the owner of the impounded vehicle from any responsibility or liability to comply with the terms of any notice or citation issued for illegally parking the vehicle.
D. Disposal of Abandoned Vehicles. Vehicles towed from streets or highways and other property within this city and impounded as provided in this title, shall be disposed of in accordance with the provisions of Title 3, Article 11 of this code. (Ord. O-94-34 § 31, 1994; Ord. O-90-41 § 2, 1990; Ord. 84-60 § 14, 1984; Ord. O-77-86 § 35, 1977; Ord. O-74-44 § 1 (part), 1974).

10.66.210 Record of traffic cases
A. Pursuant to Section 42-4-1715, Colorado Revised Statutes, as amended, the municipal court shall keep or cause to be kept a full record of every case in which a person is charged with any violation of any of the traffic ordinances of this municipality.
B. Pursuant to Sections 42-2-121 and 42-4-1715, Colorado Revised Statutes, as amended, the municipal court shall forward to the State Department of Revenue a record of the conviction or judgment of liability by default of any person in the court for violation of any laws or ordinances after such conviction or judgment of liability by default, provided that report need not be made of any conviction involving a Class 4 traffic infraction. (Ord. O-97-62 § 55, 1997; Ord. O-93-68 § 10, 1993; Ord. O-77-86 § 36, 1977; Ord. O-74-44 § 1 (part), 1974).

10.66.220 Procedure not exclusive
The procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade. (Ord. O-74-44 § 1 (part), 1974).

10.66.230 Jury trials
Trial by jury shall not be allowed for those persons charged with a Class 3 or Class 4 traffic infraction. In the event a person charged with a Class 3 or Class 4 traffic infraction is also charged with a Class 2 traffic offense arising out of the same incident, the person so charged may have a trial by jury on all charges. (Ord. O-93-68 § 11, 1993; Ord. O-83-83 § 3, 1983).

10.66.250 Post-impoundment Hearings
As to any vehicle impounded by an employee of the Lakewood Police Department, pursuant to the provisions of Title 10 of the Lakewood Municipal Code, or pursuant to Section 42-4-1202, C.R.S., the owner of record and any lienholder has a right to an administrative hearing to determine whether there was probable cause to impound the vehicle pursuant to Title 10 of the Lakewood Municipal Code. Said person must file a written demand for a hearing with the Lakewood City Attorney’s Prosecution Office within thirty days after the date of the impoundment and storage of the vehicle or within ten days of the postmark date of any notice sent by certified mail in compliance with the terms of Section 42-4-1804(4), C.R.S. This written demand must include the owner's or lienholder’s current address and a telephone number where the owner or lienholder can be reached between the hours of eight a.m. and five p.m. The Notice of Stored Vehicle shall be sent in the mail by the police department to the owner of record, if ascertained, and any lienholder, if ascertained, in compliance with Section 42-4-1804, C.R.S. unless a person who has legal entitlement to the vehicle retrieves it prior to the mailing of the notice. If the vehicle is retrieved prior to the mailing of the notice, written notice of the
right to an administrative hearing shall be given by an employee of the Lakewood Police Department to the person retrieving the vehicle. (Ord. O-2010-9, § 7, 2010); Ord. O-97-62 § 56, 1997; Ord. O-94-34 § 32, 1994; Ord. O-86-71 § 1 (part), 1986).

10.66.260 Conduct of hearing
A. A hearing shall be conducted by a Lakewood Municipal Court Judge within seventy-two hours of receipt by the Lakewood City Attorney’s Prosecution Office of a written demand from the person seeking the hearing, unless such person waives the right to a speedy hearing. Weekends, dates during which the Municipal Court is closed, and holidays are to be excluded from the calculation of the seventy-two hour period.
B. The sole issue before the Municipal Court Judge shall be whether there was probable cause to impound the vehicle in question. The Municipal Court Judge shall determine whether there was probable cause to conclude that the vehicle was subject to impoundment under the provisions of Title 10 of the Lakewood Municipal Code or the provisions of Title 42, C.R.S., which regulate the parking or abandonment of vehicles.
C. The hearing shall be conducted in an informal manner and shall not be bound by technical rules of evidence. The Municipal Court Judge may receive all or part of the evidence in written form. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The City shall carry the burden of establishing that there was probable cause to impound the vehicle in question. The burden of proof shall be by a preponderance of the evidence. Failure of the registered or legal owner, or his agent, to attend a scheduled post-impoundment hearing shall be deemed a waiver of the right to such a hearing and probable cause, in such instance, shall be conclusively presumed.
D. At the conclusion of the hearing, the Municipal Court Judge shall prepare a written decision. At that time, a copy of such decision shall be provided to the registered or legal owner or his agent. The Municipal Court Judge’s decision shall in no way affect any criminal proceeding in connection with the impound in question and any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the Court is final. (Ord. O-2010-9, § 7, 2010); (Ord. O-97-62 § 57, 1997; Ord. O-86-71 § 1 (part), 1986).

10.66.270 Reimbursement for improper towing
A. If the Municipal Court Judge determines that there was no probable cause to impound the vehicle, the Court shall prepare and date a Certificate of No Probable Cause. A copy of this certificate shall be given at the conclusion of the hearing to the registered or legal owner, or his agent, and to the police department.
B. Upon a determination of no probable cause, the City shall either fully reimburse the owner of the impounded vehicle for all towing and storage fees paid by the owner, or directly pay the Official Police Garage for the accrued fees. The Municipal Court Judge is not empowered to order reimbursement by the City for any expenses incurred by the owner due to the towing of the subject vehicle beyond the total sum of the towing and storage fees.
C. If the possessor fails to present such certificate to the official police garage having custody of the vehicle within twenty-four hours of its receipt, excluding such days when the Official Police Garage is not open for business, the possessor shall assume liability
for all subsequent storage charges. The certificate shall advise the possessor of such requirement. (Ord. O-2010-9, § 8, 2010; Ord. O-86-71 § 1 (part), 1986).

10.67.010 Rules and regulations of the Colorado State Patrol-Adopted by reference-
Generally
Hazardous materials and hazardous wastes, as defined by the rules and regulations of the Colorado State Patrol, shall be transported and delivered within the City of Lakewood in accordance with the rules and regulations governing the transporting and shipping of hazardous materials as promulgated by the Colorado State Patrol within the Colorado Department of Public Safety, found at 8 C.C.R. 1507-9, as the same may from time to time be amended, which are adopted by reference pursuant to Title 31, Article 16, of the Colorado Revised Statutes, subject to the deletions, amendments, and additions contained in this chapter. (Ord. O-90-4 § 1 (part), 1990).

10.67.020 Vehicle accidents and spills
If any hazardous materials or hazardous wastes are spilled from a motor vehicle, either on private property, the public right-of-way or public property, the operator shall immediately notify the police or fire department. The following information is necessary for proper identification under this section:
A. Location of the spill;
B. Proper shipping name of hazardous materials or hazardous wastes involved;
C. Amount of material involved;
D. Any information that is available concerning the hazardous materials or hazardous wastes; including such information as the toxicity, flammability, or reactivity of the hazardous materials and hazardous wastes involved; and
E. Any other information available that may either affect the cleanup of the material or the health and safety of individuals in or around the spill. (Ord. O-90-4 § 1 (part), 1990).

10.67.030 Immobilization of unsafe vehicles
Police agents shall have the power to immobilize, impound, or otherwise direct the disposition of motor vehicles transporting hazardous materials or hazardous wastes when any police agent deems that the motor vehicle or the operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under or required by the rules and regulations of the Colorado State Patrol. (Ord. O-90-4 § 1 (part), 1990).

10.67.040 Penalties
Any person convicted of a violation of any provision of this chapter or any person, corporation, partnership, or other entity which intentionally or knowingly authorizes, solicits, requests, commands, conspires in, or aids and abets in the violation of any provision of this chapter shall, for each offense, be fined in a sum of not more than nine hundred ninety-nine dollars or shall be imprisoned for a term of not more than one hundred and eighty days, or shall be both so fined and imprisoned. Each and every day which the violation is permitted to exist shall constitute a separate and distinct offense. The penalties herein shall not preclude the city from initiating any other action to abate or prevent the occurrence of any violation of this chapter. (Ord. O-90-4 § 1 (part), 1990).
10.67.050 Suspension of operations
The Chief of the Lakewood Police Department, or his designee, is authorized to reasonably restrict, or if necessary prohibit, the transportation of hazardous materials or hazardous wastes through the city, without notice, whenever road, weather, traffic, or other hazardous circumstances warrant that action. (Ord. O-90-4 § 1 (part), 1990).

10.68.100 Definitions
As used in this chapter:
"Commercial vehicle" means:
A. Any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of this state or is designed to transport sixteen or more passengers, including the driver, unless such vehicle is a school bus regulated pursuant to Section 42-4-1904, C.R.S. or any vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as such school district does not receive remuneration for the use of such vehicle. Not including reimbursement for the use of such vehicle; and
B. Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting, when such motor vehicle is used in commerce on the public highways of this state.
"Department" shall mean the Colorado Department of Public Safety.
"Motor Carrier" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in this section. (Ord. O-2002-47 § 5, 2002).

10.68.110 Rules and regulations of the CO Dept of Public Safety pertaining to the operation of a commercial vehicle, adopted by reference, generally
No person shall operate a commercial vehicle on any public highway unless such vehicle is in compliance with the rules and regulations governing the safety standards and specifications of all commercial vehicles as promulgated by the Colorado Department of Public Safety, as the same may from time to time be amended, which are adopted by reference pursuant to Title 31, Article 16, of the Colorado Revised Statutes, subject to the deletions, amendments, and additions contained in this chapter. (Ord. O-2002-47 § 5, 2002).

10.68.120 Immobilization of unsafe vehicles
Police agents shall have the power to immobilize, impound, or otherwise direct the disposition of commercial vehicles when any police agent deems that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment or disposition is appropriate under or required by the rules and regulation of the Colorado Department of Public Safety. (Ord. O-2002-47 § 5, 2002).

10.68.130 Penalties
Any person who violates a rule or regulation promulgated by the Department or who fails to comply with this chapter commits a class 2 traffic offense. (Ord. O-2002-47 § 5, 2002)

**IV. Administration**

**10.69.010 Traffic duties of Police Department**
It shall be the duty of the Chief of Police and other agents of the Police Department to enforce the provisions of this title and the state vehicle laws applicable to traffic in this municipality, to make arrests for traffic violations, to investigate traffic accidents, to cooperate with the traffic engineer and/or other officials of this municipality in the administration of this title and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed by this title. (Ord. O-94-34 § 35, 1994; Ord. O-74-44 § 1 (part), 1974).

**10.69.020 Records of traffic violations**
A. The Police Department or the traffic violations bureau shall keep a record of all violations of the traffic ordinances of this municipality or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses.
B. The record shall be so maintained as to show all types of violations and the total of each.
C. The record shall accumulate during at least a three-year period and from that time on the record shall be maintained complete for at least the most recent three-year period.
D. All such records shall be public records. (Ord. O-94-34 § 36, 1994; Ord. O-74-44 § 1 (part), 1974).

**10.69.030 Investigation of traffic accidents**
It shall be the duty of the Police Department to investigate traffic accidents occurring within this municipality either by investigation at the time of or at the scene of the accident or thereafter by interviewing participants or witnesses, to issue summonses and complaints or notices for traffic violations in connection with traffic accidents, and to assist in the prosecution of those persons charged with violations of law or ordinance causing or contributing to accidents. (Ord. O-94-34 § 37, 1994; Ord. O-74-44 § 1 (part), 1974).

**10.69.040 Traffic accident studies**
Whenever the accidents at any particular location or along any particular street or highway within this municipality become numerous, the Police Department shall cooperate with the traffic engineer or other designated official responsible for traffic operations in conducting studies of such accidents and determining remedial or corrective measures. (Ord. O-94-34 § 38, 1994; Ord. O-74-44 § 1 (part), 1974).

**10.69.050 Traffic accident reports**
A. The Police Department shall obtain from the State Department of Revenue standard forms for accident reports required by state law, and thereon shall report sufficiently detailed information to disclose, with reference to a traffic accident which has been investigated by said department or concerning which said department has received
notification, the contributing circumstances, conditions then existing and the persons and vehicles involved.

B. Every traffic accident report required to be made in writing shall be made on a form approved and furnished by the Department of Revenue.

C. The Police Department may require any driver of a vehicle involved in an accident of which written report must be given as provided by law to give additional information concerning the accident, whenever the information originally obtained is insufficient in the opinion of the department, and may require witnesses of accidents to give information concerning the accident.

D. The Police Department shall maintain a suitable system of filing copies of investigators’ traffic accident reports with reference to drivers and accident locations and shall make such reports available to the traffic engineer and other officials having use of the records for accident prevention purposes. (Ord. O-94-34 § 39, 1994; Ord. O-74-44 § 1 (part), 1974).

10.69.060 Annual traffic-safety report
The Police Department shall annually prepare a traffic report which shall be filed with the City Manager and shall contain information on traffic matters in this municipality as directed by the City Manager. (Ord. O-94-34 § 40, 1994; Ord. O-74-14 § 1 (part), 1974).

10.69.070 Title of traffic engineer
The title of traffic engineer is established. At such times that the traffic engineer or his designee is unavailable to perform the duty of the traffic engineer, said duty shall be vested in the Director of the Department of Public Works or his designee. (Ord. O-94-34 § 41, 1994; Ord. O-91-55 § 15 (part), 1991; Ord. O-74-44 § 1 (part), 1974).

10.69.080 Duties and powers of traffic engineer or other designated traffic official
A. It shall be the general duty of the traffic engineer or other official vested with the responsibility for traffic as provided herein to determine the installation and proper timing and maintenance of official traffic- control devices, to insure that all traffic-control devices required hereunder are uniform as to type and location as required by state law, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigations of traffic conditions, to plan the operation of traffic on the streets and highways of this municipality, and 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 title.

B. The traffic engineer or other official vested with the office as provided for herein is empowered and authorized, consistent with the provisions of this title, state law and the discretion vested within the Department of Planning, Permits and Public Works, to take whatever action the traffic engineer determines necessary for the proper regulation, control and facilitation of traffic in this municipality. (Ord. O-91-59 § 18, 1991; Ord. O-74-44 § 1 (part), 1974).

10.69.090 Division of authority over streets which are state highways
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 pursuant to Section 43-2-
135(1)(g), Colorado Revised Statutes 1973, as amended, such regulations on said streets shall be subject to the approval of the State Department of Highways. (Ord. O-82-62 § 1, 1982; Ord. O-78-79 § 16, 1978; Ord. O-77-86 § 37, 1977; Ord. O-74-44 § 1 (part), 1974).

10.69.100 Special permits
Whenever any special permit is required or permitted by the terms of this title for curb-loading operations, the movement of vehicles having excess size or weight, parades or processions, or otherwise, any person, corporation, organization, partnership or association of persons desiring such a special permit shall make application to the City Clerk for such permit, furnishing to the City Clerk with such application all information relating to the applicant, place, terms and limitations of the permit desired, and such further information as may be required by the City Clerk. Any such application for special permit shall be accompanied by a nonreturnable application fee in accordance with the fee schedule established by the City Manager; provided, however, that civic or charitable groups or organizations desiring parade permits for charitable, civic or patriotic purposes need not pay such application fee. Immediately upon the receipt of such application the City Clerk shall advise the City Manager, or Police Department, or traffic engineer, or two or more of them as the same may be involved according to the type of application, and the City Clerk shall issue or deny such permits as may be recommended by the City Manager, Police Department or traffic engineer, as appropriate, after investigation by those persons and agencies, or any or all of them. (Ord. O-94-34 § 42, 1994; Ord. O-74-44 § 1 (part), 1974).

10.72.010 Traffic violations bureau created
A. The Presiding Municipal Judge may establish a traffic violations bureau to assist the municipal court with the clerical work of traffic cases.
B. The bureau shall be in charge of such person or persons as the court may designate and shall be open on such days excluding Saturdays, Sundays and holidays and at such hours as may be established by the court. (Ord. O-74-44 § 1 (part), 1974).

10.72.020 Duties of traffic violations bureau
The following duties are imposed upon the traffic violations bureau in reference to traffic offenses:
A. To accept designated fines, issue receipts and present to the court the written evidence of the guilty pleas and waivers of appearance of violators who have requested and are permitted to so plead;
B. To receive and issue receipts for bail when applicable, enter the time of their appearance on the court docket, and notify the arresting agent and witnesses, if required, to be present;
C. To forward to the State Department of Revenue, as required by Section 42-2-121, Colorado Revised Statutes 1973, as amended, a record of the conviction of any person in said court for a violation of any of the traffic ordinances of this municipality;
D. To keep an easily accessible record of all violations of which each person has been guilty during the preceding thirty-six months, whether such guilt was established in court or by a plea of guilty and payment of fine at the traffic violations bureau. (Ord. O-78-79 § 17, 1978; Ord. O-77-86 § 38, 1977; Ord. O-74-44 § 1 (part), 1974).
10.72.030 Traffic violations bureau to keep records
A. The traffic violations bureau shall keep records and submit summarized monthly reports to the Presiding Municipal Judge of all summonses and complaints or notices issued and arrests made for violations of the traffic ordinances of this municipality, and of all fines collected by the traffic violations bureau or the court, and of the final disposition or present status of every case of violation of the provisions of the laws and ordinances.
B. The records shall be maintained to show all types of violations and the totals for each.
C. The records shall be public records. (Ord. O-74-44 § 1 (part), 1974).

10.72.040 Additional duties of traffic violations bureau
The traffic violations bureau shall follow such procedures and perform such duties as may be prescribed by the traffic ordinances of this municipality or as may be required by any laws of the state. (Ord. O-74-44 § 1 (part), 1974).

10.72.050 Disposition of traffic fines and forfeitures
All fines or forfeitures collected upon conviction or a finding of violation, or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this title, shall be handled as required by state law. (Ord. O-74-44 § 1 (part), 1974).

10.72.060 Official misconduct
Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any fine to comply with the provisions of Section 10.72.050 shall constitute misconduct in office and shall be grounds for removal therefrom. (Ord. O-74-44 § 1 (part), 1974).

10.75.010 Meanings of certain words and phrases
A. When used in this title the words and phrases defined in this chapter shall for the purpose of this title have the meanings respectively ascribed to them herein.
B. Whenever any words and phrases used in this title are not defined herein but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used in this title. (Ord. O-74-44 § 1 (part), 1974).

10.75.020 Definitions
The following definitions shall apply to this title:
"Acceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.
"Accident" means any unintended event that results in death, injury or any property damage attributable directly or indirectly to the motion of a motor vehicle or its load.
"Agent" means every officer authorized to direct or regulate traffic or make arrests for violations of traffic regulations.
"Alley" (or "alleyway") means a street or highway intended to provide access to the rear...
or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic.

"Authorized emergency vehicle" means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means the following if equipped and operated as emergency vehicles in the manner prescribed by state law:

A. Privately owned vehicles as are designated by the state motor vehicle licensing agency necessary to the preservation of life and property; or

B. Privately owned tow trucks approved by the public utilities commission to respond to vehicle emergencies.

"Authorized service vehicle" means such highway or traffic maintenance vehicles as are publicly owned and operated on a highway by or for a governmental agency the function of which requires the use of service vehicle warning lights as prescribed by state law and such other vehicles having a public service function, including, but not limited to, public utility vehicles and tow trucks as determined by the Department of Transportation. Some vehicles may be designated as both an authorized emergency vehicle and an authorized service vehicle.

“Autocycle” means a three-wheeled motorcycle that does not use handlebars or any other device that is directly connected to a single front wheel to steer and in which the driver and each passenger ride in a fully or partly enclosed seating area that is equipped with safety belts for all occupants that constitute a safety belt system, as defined in § 42-4-237(1)(b), C.R.S. For the purposes of this definition, “partly enclosed seating area” means a seating area that is entirely or partly surrounded on the sides by the frame or body of a vehicle but is not fully enclosed.

"Barricade" means a portable or fixed barrier having object markings, used to close all or a portion of the right-of-way to vehicular traffic.

"Bicycle" means a vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.

"Bicyclist" means any person operating a bicycle anywhere within the city.

"Bikeway-pedway" means that portion of an existing roadway surface or special surface set aside which is designated by traffic-control signs and/or pavement markings for exclusive use of bicycles and/or pedestrians.

"Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

"Business district" means the territory contiguous to and including a street or highway when within any six hundred feet along such street or highway there are buildings in use for business or industrial purposes, including but not limited to motels, banks, office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the street or highway.

"Bus stand or stop" means a designated area adjacent to a curb or edge of the roadway assigned for the use of buses during the loading or unloading of passengers.
"Centerline" means a line either marked or unmarked dividing the roadway between traffic moving in opposite directions.

"Chief of Police" means the head of the Lakewood Police Department.

"Commercial carrier" means any owner of a motor vehicle, truck, truck tractor or semi-trailer used in the business of transporting persons or property over the public highways for profit, hire or otherwise in any business or commercial enterprise.

"Commercial vehicle" means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise.

"Controlled-access street or highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

"Council" means the governing body of this municipality.

"Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Deceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit to turn from a roadway to slow to the safe speed on the ramp ahead after it has left the mainstream of traffic.

"Divided highway" means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbing, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic-control devices as prescribed in the State Traffic Control Manual.

"Driver" means every person, including a minor driver under the age of eighteen years and a provisional driver under the age of twenty-one years, who drives or is in actual physical control of the vehicle.

“Electrical assisted bicycle” means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding seven hundred and fifty watts of power, and a top motor-powered speed of twenty miles per hour.

“Electric Mobility Device” means a device weighing less than 100 lbs., typically with handlebars and an electric motor that has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor. Electric mobility device does not include an electrically assisted bicycle, EPAMD, motorcycle, low-power scooter, toy vehicle, golf car, low speed electric vehicle, wheelchair or any device designed to assist people with mobility impairments who use the pedestrian rights-of-way.

“Electrical personal assistive mobility device” or “EPAMD” means a self-balancing, non-tandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.

"Farm tractor" means every implement of husbandry deigned and used primarily as a farm implement for drawing plows, mowing machines and other implements of
husbandry.

"Freight or passenger loading zone" means a designated space for the exclusive use of vehicles during the loading or unloading of freight or passengers.

“Golf car” means a self-propelled vehicle not designed primarily for operation on roadways and that has:
A. A design speed of less than twenty miles per hour;
B. At least three wheels in contact with the ground;
C. An empty weight of not more than one thousand three hundred pounds; and
D. A carrying capacity of not more than four persons.

"Holidays," where used in this title or on official signs, in addition to Sundays, means New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and such additional statutory holidays as may by ordinance or state law be declared applicable.

"Implement of husbandry" means every vehicle that is designed, adapted, or used for agricultural purposes and used by the owner thereof in conduct of his agricultural operations. It also includes equipment used solely for the application of liquid, gaseous, and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment, and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways. Trailers specially designed to move such equipment on highways shall be considered as component parts of such implements of husbandry.

"Intersection" means the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict. Where a street or highway includes two roadways thirty feet or more apart, every crossing of each roadway of such divided street or highway by an intersecting street or highway shall be regarded as a separate intersection. In the event such intersecting street or highway also includes two roadways thirty feet or more apart, every crossing of two roadways of such streets or highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.

"Lane" means the portion of a roadway for the movement of a single line of vehicles.

"Lane-direction-control signal" means a traffic-control signal which is erected to control the direction of vehicular traffic movement in an individual lane.

"Laned street or highway" means a street or highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

"Lane line" means a line other than a centerline separating two lanes for traffic moving in the same direction.

"Litter" means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substance, solid or liquid, of every form, size, kind and description.

"Loading zone" means a designated space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.

“Low -power scooter” means a self-propelled vehicle designed primarily for use on the
roadways with not more than three wheels in contact with the ground, no manual clutch and either of the following: (1) a cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or (2) a wattage not exceeding four thousand four hundred seventy-six if powered by electricity. “Low-power scooter” shall not include a toy vehicle, bicycle, electrical assisted bicycle, EPAMD or electric mobility device, wheelchair, or any device designed to assist mobility impaired people who use pedestrian rights-of-way. “Markings” means all lines, patterns, words, colors or other devices, except signs, set into the surface of, applied upon or attached to the pavement or curbing or to objects within or adjacent to the roadway, conforming to the state traffic control manual and officially placed for the purpose of regulating, warning or guiding traffic. “Low-speed electric vehicle” means a vehicle that is self-propelled utilizing electricity as its primary propulsion method, has at least three wheels in contact with the ground, does not use handlebars to steer and exhibits the manufacturer’s compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565. “Markings” means all lines, patterns, words, colors, or other devices, except signs, set into the surface of, applied upon or attached to the pavement or curbing or to objects within or adjacent to the roadway, conforming to the state traffic control manual and officially placed for the purpose of regulating, warning or guiding traffic. "Median or central dividing strip" means that portion of a divided street or highway separating the traveled ways for traffic in opposite directions. "Motorcycle" means an autocycle or a motor vehicle that uses handle bars to steer or any other device connected to the front wheel to steer and that is designed to travel on not more than three wheels in contact with the ground, except that the term does not include a "farm tractor," low-speed electric vehicle, or “low power scooter” as defined in this section. "Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed six brake horsepower and every bicycle with motor attached, but not trail bikes, mini-bikes, go-carts, golf carts, and similar vehicles which are not designed for or approved by the State Highway Department for use on the public roads or highways and not motorized bicycles as defined in this section. "Motorized bicycle" means a vehicle having two or three wheels, a cylinder capacity not exceeding 50 C.C., and an automatic transmission which produces a maximum design speed of not more than thirty miles per hour on a flat surface. "Motor scooter" and "motor bicycle" mean every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicles as may be included within the term "farm tractor" and any motorized bicycle as defined in this section, which motor vehicle is powered by an engine of not to exceed six brake horsepower. "Motor vehicle" means any self-propelled vehicle that is designed primarily for travel on the public highways and 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 mobility devices, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of the offenses described in Sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401 for farm tractors and off-highway vehicles, as defined in section 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 the purposes of Sections 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, C.R.S. "motor vehicle" includes a low-power scooter.

"Multipurpose Trailer" means a wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle over the public highways. A “multipurpose trailer” is generally and commonly used for temporary living or sleeping accommodation and transporting property wholly upon its own structure and is registered as a vehicle.

"Municipality" means the City of Lakewood, Colorado.

"Neighborhood electric vehicle" means a self-propelled, electrically powered motor vehicle that meets the equipment standards set forth in Part 2 of Article 4 of Title 42, C.R.S., and has a speed attainable in one mile that does not exceed twenty-five miles per hour.

"Official time standard" means whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this municipality.

"Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this title, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

"Official traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

"Owner" means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of any agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner. The term also includes parties otherwise having lawful use or control or the right to use or control a vehicle for a period of thirty days or more.

"Park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

"Pedestrian" means any person afoot or any person using a wheelchair.

"Pedestrian-control signal" means a traffic-control signal which is erected for the purpose of directing pedestrian traffic at signalized locations.

"Person" means every natural person, estate, trust, firm, co-partnership, association, corporation, or business entity.

"Police Department" means the Lakewood Police Department.

"Presiding Municipal Judge" means that officer vested with judicial powers and in charge of the municipal courts of the city.

"Prima facie speed limit" means evidence which is sufficient proof that the speed was not reasonable or prudent under the conditions then existing, and will remain sufficient proof of such fact, unless contradicted and overcome by evidence bearing upon the question of whether or not the speed was reasonable and prudent under the conditions then existing.

"Private road" or "driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.

"Railroad" means a carrier of persons or property upon cars, other than streetcars,
operated on stationary rails.
"Railroad sign or signal" means any sign, signal or device erected by authority of a public
body or official or by a railroad and intended to give notice of the presence of railroad
tracks or the approach of a railroad train.
"Railroad train" means a steam engine, electric or other motor, with or without cars
coupled thereto, operated upon rails, except streetcars.
"Ramp" means a turning or interconnecting roadway of a traffic interchange.
"Residence district" means the territory contiguous to and including a street or highway
not comprising a business district when the frontage on such street or highway for a
distance of three hundred feet or more is mainly occupied by dwellings or by dwellings
and buildings in use for business.
"Right-of-way" means the right of one vehicle operator or pedestrian to proceed in a
lawful manner in preference to another vehicle operator or pedestrian approaching under
such circumstances of direction, speed and proximity as to give rise to danger of collision
unless one grants precedence to the other.
"Road machinery" means those vehicles, self-propelled or otherwise, which are not
designed primarily for the transportation of persons or cargo over the public highways,
and those motor vehicles which may have originally been designed for the transportation
of persons but which have been redesigned or modified by the mounting thereon of
special equipment or machinery, and which may be only incidentally operated or moved
over the public highways. This definition includes but is not limited to wheeled vehicles
commonly used in the construction, maintenance and repair of roadways and the digging
of ditches.
"Road tractor" means every motor vehicle designed and used for drawing other vehicles
and not so constructed as to carry any load thereon independently or any part of the
weight of a vehicle or load so drawn.
"Roadway" means that portion of a highway improved, designed, or ordinarily used for
vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk,
berm, or shoulder is used by persons riding bicycles or other human-powered vehicles
and exclusive of that portion of a highway designated for exclusive use as a bicycle path
or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians. In
the event that a highway includes two or more separate roadways, "roadway" refers to
any such roadway separately but not to all such roadways collectively.
"Safety zone" means the area or space officially set aside within a street or highway for
the exclusive use of pedestrians and which is so plainly marked or indicated by proper
signs as to be plainly visible at all times while set apart as a safety zone.
"School bus" means a motor vehicle that is designed and used specifically for the
transportation of school children to or from a public or private school or a school-related
activity, whether the activity occurs within or without the territorial limits of any district
and whether or not the activity occurs during school hours. “School bus” does not include
informal or intermittent arrangements, such as sharing of actual gasoline expense or
participation in a car pool, for the transportation of school children to or from a public or
private school or any school related activity.
“School vehicle” means a motor vehicle, including, but not limited to a school bus, that is
owned by or under contract to a public or private school and operated for the
transportation of school children to or from school or a school-related activity. “School
vehicle” does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or any school related activity; or a motor vehicle that is owned by or under contract to a child care center, as defined in Section 26-6-102(1.5), C.R.S., and that is used for the transportation of children who are served by the child care center. "Semi trailer" means any wheeled vehicle, without motive power, which is designed to be used in conjunction with a truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such truck tractor, and which is generally and commonly used to carry and transport property over the public highways. "Sidewalk” or "sidewalk area" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

"Snowmobile" means a self-propelled vehicle primarily designed for travel on snow or ice, and supported in part by skis, belts or cleats.

"Stand” or "standing" means the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

"Stop” or "stopping,” when prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police agent or official traffic-control sign or signal.

"Stop,” when required, means the complete cessation of movement.

"Stop line” (or "limit line”) means a line which indicates where drivers shall stop when directed by an official traffic-control device or police agent.

"Street” or "highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel; or the entire width of every way declared to be a public street or highway by any law of this state. (Editor's note: By this definition, "street" and "highway” are synonymous and interchangeable.)

"Taxi” and "taxicab” means a licensed public motor vehicle for hire designed and constructed to seat not more than ten persons and operating as a common carrier on call or demand.

"Through street or highway” means every street or highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which other vehicular traffic from intersecting streets or highways is required by law to yield the right-of-way to vehicles on such through street or highway in obedience to either a stop sign, a yield sign, or other official traffic-control device, when such signs or devices are erected as provided in this title.

"Toy vehicle” means any vehicle, that has wheels and is not designed for use on public highways or for off-road use. "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. “Toy vehicle” does not include off-highway vehicles, or snowmobiles or electric mobility devices.

"Traffic” means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any street or highway for the purposes of travel.

"Traffic accident” means any accident involving any motor vehicle in motion while using
a street or highway for the purpose of travel.

"Traffic-control signal" means any device whether manually, electrically or mechanically operated by which traffic is alternately directed to stop and permitted to proceed.

"Trailer" means any wheeled vehicle, without motive power which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways. The term includes, but is not limited to, multipurpose trailers.

"Trailer coach" means a wheeled vehicle having an overall length, excluding towing gear and bumpers, of not less than twenty-six feet, without motive power, that is designed and generally and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations and that may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.

"Truck" means any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways.

"Truck tractor" means any motor vehicle which is generally and commonly designed and used to draw a semi-trailer and its cargo load over the public highways.

"Truck tractor - laden" or "laden truck tractor" means any motor vehicle carrying cargo or designed to carry cargo that is generally and commonly designed and used to draw a semi-trailer or trailer and its cargo load over the public highways.

"Truck tractor - unladen" or "unladen truck tractor" means any motor vehicle not carrying cargo that is generally and commonly designed and used to draw a semi-trailer or trailer and its cargo load over the public highways.

"Vehicle" means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes any bicycle, but such term does not include any wheelchair, off-highway vehicle, snowmobile, any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power, or moved exclusively over stationary rails or tracks or designed to move primarily through the air.

"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 includes 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.

"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 mobility device 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.

"Vessel" means every description of watercraft used or capable of being used as a means of transportation of persons and property on water, other than single-chambered air-inflated devices or seaplanes.

"Wheelchair" means a motorized or non-motorized wheeled device designed for use by a person with a physical disability.

"Yield" means to take appropriate action to grant the right-of-way. (Ord. O-2012-9 §§ 44
10.76.010 Legislative intent
The purpose of this Chapter is to decriminalize certain traffic offenses by establishment of a system to treat Class 3 and Class 4 traffic infractions as civil matters in municipal court. (Ord. O-93-68 § 12 (part), 1993).

10.76.020 Definitions
As used in this chapter, the following definitions shall apply:
"Charging document" means the document commencing or initiating the traffic infraction matter, whether denoted as a complaint, summons and complaint, citation, or other document charging the person with the commission of a traffic infraction or infractions.
"Defendant" means any person charged with the commission of a traffic infraction.
"Judgment" means an admission of guilt or liability for any traffic infraction, the entry of judgment of guilt or liability, or the entry of default judgment as set forth in this chapter against any person for the commission of a traffic offense.
"Noncriminal traffic infraction," also referred to herein as "traffic infraction," means any offense which is classified as a Class 3 or Class 4 traffic offense in the Lakewood Municipal Code.
"Penalty" means a fine imposed by the municipal court for violation of a traffic infraction. (Ord. O-93-68 § 12 (part), 1993).

10.76.030 Application
A. This chapter shall apply to actions in which traffic infractions are charged.
B. In the case of a traffic infraction committed by a defendant who has caused or contributed to an accident resulting in injury or death to any person or in which damage sustained to the property of any one person is in excess of one thousand dollars, such offense shall not be treated as a traffic infraction and shall be subject to the procedures applicable to other municipal offenses, except the defendant shall have no right to a jury trial unless a jury trial is otherwise permitted pursuant to Section 10.66.230 of this code.
C. In any action in which the commission of a traffic infraction and a criminal offense are alleged in one complaint, all charges shall be treated as a criminal offense. (Ord. O-93-68 § 12 (part), 1993).

10.76.040 Commencement of action
An action under this chapter charging a traffic infraction is commenced by the tender of or service of a charging document upon a defendant, or in the case of a parking violation, by placing a charging document on the subject vehicle in a conspicuous place, and by filing of the charging document with the municipal court. (Ord. O-93-68 § 12 (part), 1993).

10.76.050 Payment before appearance date
A. The clerk of the municipal court shall accept payment of a penalty for a traffic infraction by a defendant without an appearance before the court, if payment is made and received by five p.m. of the day prior to the date set for the first hearing.
B. Payment in full of the fine, costs, and other court fees shall constitute a waiver of rights and acknowledgment of guilt or liability.
C. This procedure shall constitute an entry and satisfaction of judgment. (Ord. O-93-68 § 12 (part), 1993).

10.76.060 First hearing
A. If the defendant has not previously acknowledged guilt or liability and satisfied the judgment, he shall appear before the court at the time scheduled for first hearing which is noted on the charging document.
B. The defendant may appear in person or by counsel, who shall enter an appearance in the case, provided, however, if an admission of guilt or liability is entered, the court may require the presence of the defendant for assessment of the penalty, costs, and other court fees.
C. If the defendant appears in person, the court shall advise him in court of the following:
   1. The nature of the infractions alleged in the charging document;
   2. The penalty, costs, and other court fees that may be assessed and the penalty points that may be assessed against his driving privilege;
   3. The consequences of a failure to appear at any subsequent hearing including entry of judgment against the defendant, and the reporting of the judgment to the State Department of Revenue, Motor Vehicle Division, which may assess points against the defendant's driving privilege and which may result in the denial of an application for a driver's license;
   4. The right to be represented by an attorney at the defendant's expense;
   5. The right to deny the allegations and to have a hearing before the court;
   6. The right to remain silent, because any statement made by the defendant may be used against him;
   7. Guilt or liability must be proven beyond a reasonable doubt;
   8. The right to testify, subpoena witnesses, present evidence, and cross-examine any witnesses for the city;
   9. Any admission of guilt or liability by a defendant must be voluntary and not the result of undue influence or coercion on the part of anyone; and
   10. An admission of guilt or liability constitutes a waiver of the foregoing rights and any right to appeal.
D. The defendant personally or by counsel shall answer the allegations in the charging document either by admitting guilt or liability or by denying the allegations.
E. If the defendant admits guilt or liability, the court shall enter judgment and assess the appropriate penalty, costs, and other court fees, after determining that the defendant understood the matters set forth in subsection (C) of this section and has made a voluntary, knowing, and intelligent waiver of rights. The clerk of the municipal court shall report the judgment and points, if any, to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.
F. If the defendant denies the allegations, the matter shall be set for a final hearing. (Ord. O-93-68 § 12 (part), 1993).
10.76.070 Subpoenas
The defendant and the city shall have the right to the issuance of subpoenas by the court clerk as in all other municipal prosecutions to secure the attendance of witnesses at the final hearing. (Ord. O-93-68 § 12 (part), 1993).

10.76.080 Dismissal before final hearing
The charges shall be dismissed if the final hearing is not held within the time requirements set out in Rule 248(b) of the Colorado Municipal Court Rules of Procedure. (Ord. O-93-68 § 12 (part), 1993).

10.76.090 Final hearing
The hearing of all traffic infractions shall be conducted pursuant to the Colorado Municipal Court Rules of Procedure. (Ord. O-93-68 § 12 (part), 1993).

10.76.100 Judgment after final hearing
A. If all the elements of a traffic infraction are proven beyond a reasonable doubt, the court shall find the defendant guilty or liable and enter judgment. The clerk of the municipal court shall report the judgment and the points, if any, to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.
B. If any element of a traffic infraction is not proven beyond a reasonable doubt the court shall dismiss the charge and enter judgment, provided, however, that the court may find the defendant guilty of or liable for a lesser included traffic infraction, if based on the evidence offered, and enter judgment.
C. If the defendant is found guilty or liable, the court shall assess the penalty, costs, and other court fees imposed in criminal municipal offenses.
D. The judgment shall be satisfied upon payment to the clerk of the municipal court of the total amount assessed by the court.
E. If the defendant fails to satisfy the judgment by payment to the clerk of the municipal court of the total amount assessed after the finding of guilt or liability, or within the time of a reasonable extension granted upon a showing of good cause by, and upon application of the defendant, then such nonpayment shall be treated as a default. (Ord. O-93-68 § 12 (part), 1993).

10.76.110 Posthearing motions
There shall be no posthearing motions except to set aside a default judgment as provided by Section 10.76.120 of this chapter. (Ord. O-93-68 § 12 (part), 1993).

10.76.120 Default
A. If the defendant fails to appear for any hearing, the court shall enter judgment against the defendant and, if appropriate, the clerk of the municipal court shall report the judgment and points to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.
B. The amount of the judgment shall be the appropriate penalty which would be assessed after a finding of guilt or liability, plus costs, and other court fees regularly imposed for municipal violations after a finding of guilt.
C. The defendant may satisfy a default judgment entered under this section by payment in
full of the penalty, costs, and other court fees to the clerk of the municipal court.
D. No warrant shall issue for the arrest of a defendant who fails to appear at a hearing or
fails to satisfy a judgment.
E. 1. Except as otherwise provided in this subsection, no person against whom a
judgment has been entered for a traffic infraction shall move to set aside the default
judgment unless such motion is filed within six months after the date of entry of
judgment.
2. The only exceptions to the time limitations specified in subsection (E)(1) of this
section shall be:
a. A case in which the court did not have jurisdiction over the subject matter of the
alleged traffic infraction;
b. A case in which the court did not have jurisdiction over the person of the defendant;
c. Where the court, after hearing the motion to set aside the default judgment, finds by a
preponderance of the evidence that the failure to seek relief within the applicable time
period was caused by an adjudication of incompetence or by commitment of the
defendant to an institution for treatment as a mentally ill person; or
d. Where the court, after hearing the motion to set aside the default judgment, finds that
the failure to seek relief within the applicable time period was a result of circumstances
amounting to justifiable excuse or excusable neglect. (Ord. O-93-68 § 12 (part), 1993).

10.76.130 City attorney
The city attorney or designee may appear in any traffic infraction to negotiate a plea
agreement or to prosecute the traffic infraction before the municipal court. (Ord. O-93-68
§ 12 (part), 1993).

10.76.140 Appeals
An appeal from any finding of guilt or liability for a traffic infraction shall be taken to the
District Court in accordance with Rule 237(b) of the Colorado Municipal Court Rules of

10.76.150 Collection of judgments
Upon entry of a judgment under this chapter, the municipal court may initiate collection
proceedings against any defendant who has failed to pay any outstanding fines, court
costs, court fees, or surcharges, which have been imposed by the municipal court. The
defendant is responsible for the collection costs incurred by the City as a result of his
failure to pay. In addition to all legal and administrative enforcement or collection
procedures and remedies otherwise available, the city attorney is authorized to file a civil
action with any state court having appropriate jurisdiction, which filing shall include a
certified copy of the judgment, praying for judgment based on the total amount
authorized to proceed with all judgment, execution, and collection procedures authorized
by law for the amount of the judgment, costs, and fees incurred in such proceedings.
Title 10 - Vehicles and Traffic

I. General Provisions

10.03.010 Short title.
This title may be known and cited as the "Lakewood traffic code" or the "traffic code." (Ord. O-74-44 § 1 (part), 1974).

10.03.020 Uniform standards applicable
The uniform standards for traffic regulation, as required by the laws of the state, shall apply to this title. (Ord. O-74-44 § 1 (part), 1974).

10.03.030 Interpretation
This title shall be so interpreted and construed as to effectuate its general purpose to make uniform the local traffic regulations contained herein. Article and section headings of this title 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. O-74-44 § 1 (part), 1974).

10.03.040 Application
This title shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 10.18.010; 10.18.020; 10.33.040; 10.36.020; as it applies to fire lanes, emergency access lanes and handicap parking restrictions or prohibitions; 10.36.030; 10.45.120; 10.57.080; 10.60.180; 10.50.200; and 10.69.030, shall apply not only to public places and ways, but also throughout this municipality. Additionally, the provisions of the sections regarding stopping, standing and parking, except those specifically mentioned above, where official signs are posted giving notice of stopping or standing, parking or other restrictions or prohibitions as authorized in Section 10.69.080, shall only apply to public streets, ways and places within this municipality. For the purposes of this application, whenever official traffic-control devices are placed in position approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary shall be established by competent evidence. (Ord. O-81-86 § 1, 1981; Ord. O-77-86 § 1, 1977; Ord. O-74-44 § 1 (part), 1974).

II. Rules of the Road and Required Vehicle Equipment

10.06.010 Vehicle approaching or entering intersection not controlled by signs or signals
A. When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
B. The foregoing rule is modified at through highways and otherwise as stated in the Lakewood Traffic Code.
C. Any person who violates any provision of this section commits a Class 3 traffic

10.06.020 Vehicle turning left
Subject to the provisions of Section 10.45.050(A)(1)(b), the driver of a vehicle intending to turn to the left within an intersection, whether or not such intersection is controlled by official traffic-control devices, or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, or so close to the left-turning vehicle as to constitute an immediate hazard. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-77-86 § 3, 1977; Ord. O-75-96 § 2, 1975; Ord. O-74-44 § 1 (part), 1974).

10.06.030 Yielding right-of-way to transit buses
A. As used in this section, unless the context otherwise requires:
1. “Public mass transit operator” has the same meaning as in Section 43-1-102(5), C.R.S.
B. Drivers of vehicles in the same lane of traffic and behind a transit bus shall yield the right-of-way to the bus if:
1. The driver of the transit bus, after stopping to allow passengers to board or exit, is signaling an intention to enter a traffic lane; and
2. A yield sign is displayed and illuminated on the back of the transit bus.
C. The yield sign referred to in subsection (2) of this section shall:
1. Warn a driver of a vehicle behind the transit bus that the driver is required to yield when the bus is entering a traffic lane; and
2. Be illuminated when the driver of the transit bus is attempting to enter a traffic lane.
D. This section does not require a public mass transit operator to install yield signs as described in subsection (C) of this section on transit buses operated by the public mass transit operator.
E. This section does not relieve a driver of a transit bus from the duty to drive with due regard for the safety of all persons using the roadway.
F. Any person who violates any provision of the section commits a class 3 traffic offense. (Ord O-2012-9 § 1, 2012)

10.09.010 Through streets designated and entrances thereto controlled
A. Those streets and parts of streets so designated by state law and described in traffic control schedules or official Lakewood street maps are declared to be through streets.
B. Whenever a through street is designated and described as provided in this title, it shall be the duty of the Traffic Engineer and other officials vested with responsibility for traffic control to place and maintain a stop sign or yield sign on each and every street intersecting through street unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavily traveled street not so designated, stop signs shall be erected at the approaches of either of said streets as
determined upon the basis of a traffic investigation. (Ord. O-94-34 § 2, 1994; Ord. O-74-44 § 1 (part), 1974).

10.09.020 Entering stop or yield intersection
A. The driver of a vehicle which is required by subsections (B) and (C) of this section to stop in obedience to a stop sign or to yield or to stop in compliance with a yield sign shall proceed cautiously yielding to vehicles not so obligated to stop or yield and which are within the intersection or approaching so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided, that if such driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.
B. Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it.
C. The driver of a vehicle approaching a yield sign in obedience to such sign, shall slow to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it.

10.12.020 Obedience to railroad signal
A. Any driver of a motor vehicle approaching a railroad crossing sign shall slow down to a speed that is reasonable and safe for the existing conditions. If required to stop for a traffic control device, flag person, or safety before crossing the railroad grade crossing, the driver shall stop at the marked stop line, if any. If no such stop line exists, the driver shall:
1. Stop not less than fifty feet from the nearest rail of the railroad grade crossing and shall not proceed until the railroad grade can be crossed safely; or
2. In the event the driver would not have a reasonable view of approaching trains when stopped pursuant to paragraph (1) of this subsection (A), stop before proceeding across the railroad grade crossing at the point nearest such crossing where the driver has a reasonable view of approaching trains and not proceed until the railroad grade can be crossed safely.
3. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed, nor shall any pedestrian pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.
4. Any person who violates any provision of this section commits a class 3 traffic
10.12.030 Certain vehicles to stop at railroad grade crossings
A. Except as otherwise provided in this section, the driver of a school bus carrying any school child, the driver of a vehicle carrying hazardous materials that is required to be placarded in accordance with the regulations issued pursuant to Section 42-20-108, C.R.S., or the driver of a commercial vehicle, as defined in Section 42-4-235, C.R.S., that is transporting passengers, before crossing at grade any tracks of a railroad shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until he can do so safely.
B. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not manually shift gears while crossing the tracks.
C. When stopping is required at such railroad crossing the driver shall keep as far to the right of the roadway as possible and shall not form two lanes of traffic unless the street or roadway is marked for four or more lanes of traffic.
D. Subsections (A) and (B) of this section shall not apply at:
1. Any railroad grade crossing at which traffic is regulated by a traffic-control signal;
2. Any railroad grade crossing at which traffic is controlled by a law enforcement officer or human flagman;
3. Any railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt crossing," which shall give notice when so posted that such crossing is exempt from the stopping requirement provided for in this section;
4. Street railway grade crossing within a business district.
E. For the purposes of this section “school bus” means a school bus that is required to bear on the front and rear of such school bus the words “SCHOOL BUS” and display visual signal lights pursuant to Section 42-4-1903(2)(a), C.R.S.
F. Any person who violates any provision of this section commits a class 3 traffic offense.

10.12.040 Moving heavy equipment at railroad crossing
A. No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.
B. Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time shall be given to such railroad to provide proper protection
at such crossing.

C. Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

D. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

E. Subsection (C) of this section shall not apply where it has been determined by this municipality or the state that trains are not operating during certain periods or seasons of the year and an official sign carrying the legend "exempt crossing" has been erected giving notice when so posted that such crossing is exempt from the stopping requirement.

F. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 8, 1975; Ord. O-74-44 § 1 (part), 1974).

10.12.050 Emerging from or entering alley, driveway or building

A. The driver of a vehicle emerging from an alley, driveway, building, parking lot, or other place, immediately prior to driving onto a sidewalk or into the sidewalk area extending across any such alleyway, or entranceway, shall yield the right-of-way to a pedestrian upon or about to enter such sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway, as may be necessary to avoid collision, and when entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway, which are close enough to constitute an immediate hazard.

B. The driver of a vehicle entering an alley, driveway or entranceway shall yield the right-of-way to any pedestrian within or about to enter the sidewalk or sidewalk area extending across such alleyway, driveway or entranceway.

C. No person shall drive any vehicle, other than a bicycle, electrical assisted bicycle, EPAMD, electric mobility device or any other human-powered vehicle, upon a sidewalk or sidewalk area, except upon the permanent or duly authorized temporary driveway.


10.12.060 Stopping for school buses

A. The driver of a motor vehicle upon any street, road, or highway, upon meeting or overtaking from either direction any school bus that has stopped, shall stop his vehicle at least twenty feet before reaching the school bus if visual signal lights as specified in Section 10.57.060 of this title have been actuated on the school bus. The driver shall not proceed until the visual signal lights are no longer being actuated. The driver of a motor vehicle shall stop when a school bus that is not required to be equipped with visual signal lights by subsection (B) of this section stops to receive or discharge school children.

B. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. For the purposes of this section, "highway with separate roadways" means a highway which is divided into two or more roadways by a depressed, raised, or painted median or other intervening space serving as a clearly indicated dividing section or island.

C. A driver of any school bus who observes a violation of subsection (A) of this section
shall notify his school district transportation dispatcher. The school bus driver shall provide the school district transportation dispatcher with the color, basic description, and license plate number of the vehicle involved in the violation, information pertaining to the identity of the alleged violator, and the time and the approximate location at which the violation occurred. Any school district transportation dispatcher who has received information by a school bus driver concerning a violation of subsection (A) of this section shall provide such information to the appropriate law enforcement agency or agencies. A Lakewood police agent or officer may issue a citation on the basis of such information to the driver of the vehicle involved in the violation.

D. Every school bus shall stop as far to the right of the roadway as possible before discharging or loading passengers and, when possible, shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus. The driver of a school bus which has stopped shall allow time for any vehicles which have stopped behind the school bus to pass the school bus, if such passing is legally permissible where the school bus is stopped, after the visual signal lights, if any, are no longer being displayed or actuated and after all children who have embarked or disembarked from the bus are safe from traffic.


10.12.070 Stop when traffic obstructed
No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on either side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding the indication of any traffic-control indication to proceed. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-77-86 § 10, 1977; Ord. O-75-96 § 11, 1975; Ord. O-74-44 § 1 (part), 1974).

10.12.080 Driving in a road or highway work area
A. The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian engaged in work upon a road or highway within any road or highway construction or maintenance work area indicated by official traffic-control devices.
B. The driver of a vehicle shall yield the right-of-way to any authorized vehicle engaged in work upon a road or highway whenever such vehicle displays flashing lights meeting the requirements of Section 42-4-214, C.R.S., as amended.

10.15.010 Speed limits
A. No person shall drive a vehicle on a street or highway within this municipality at a speed greater than is reasonable and prudent under the conditions then existing.
B. Except when a special hazard exists that requires lower speed, the following speeds shall be lawful:
1. Twenty-five miles per hour in any business district;
2. Thirty miles per hour in any residence district;
3. Fifteen miles per hour on any alley or alleyway:
4. Forty-five miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to Section 42-4-507(3)(a), C.R.S.;
5. Any speed not in excess of a speed limit designated by an official traffic control device.

C. Notwithstanding any other provision of this section, no person shall drive a vehicle on a street or highway within this municipality in excess of a maximum lawful speed of sixty-five miles per hour. No speed limit shall be authorized above sixty-five miles per hour, and all sixty-five mile per hour speed limits shall be considered maximum lawful speed limits and not prima facie speed limits.

D. Except as otherwise provided in subsection (C) of this section, any speed in excess of the lawful speeds set forth in subsection (B) of this section shall be prima facie evidence that such speed was not reasonable or prudent under the conditions then existing.

E. The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
   1. It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or
   2. With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in Section 10.63.070, exist.

F. The minimum requirement for the commission of a violation of this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.

G. It shall not be a defense to prosecution for a violation of this section that:
   1. The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or
   2. The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or
   3. The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit.

H. A violation of driving one to twenty-four miles per hour in excess of reasonable and prudent speed or in excess of the maximum lawful speed limit of fifty-five miles per hour is a Class 3 traffic offense; a violation of driving twenty-five or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of fifty-five miles per hour is a Class 2 traffic offense.

I. A violation of driving in excess of the speed limit set forth in a maintenance, repair, or construction zone shall be subject to the increased penalties and surcharges as set forth in Section 10.15.015.
J. Notwithstanding any other provisions of this Section, no person shall drive a low-power scooter on a roadway at a speed in excess of forty miles per hour.

10.15.015 Designation of highway maintenance, repair, or construction zones-signs-increase in penalties for certain violations
A. If maintenance, repair, or construction activities are occurring or will occur within four hours on a state highway or municipal street, the department of transportation or the City of Lakewood may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits a violation of any provision of Chapters 10.06, 10.09, 10.15, 10.18, 10.24, 10.27, 10.30, 10.45, 10.54, or 10.57 or Section 10.60.100 or Section 10.60.130 of the Lakewood Municipal Code in a maintenance, repair, or construction zone that is designated pursuant to the provisions of this section is subject to increased penalties and surcharges.
B. If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a state highway, the City of Lakewood may designate such portion of the roadway as a maintenance, repair, or construction zone. A person who commits certain violations listed in any provision of Chapters 10.06, 10.09, 10.15, 10.18, 10.24, 10.27, 10.30, 10.45, 10.54, or 10.57 or Section 10.60.100 or Section 10.60.130 of the Lakewood Municipal Code in a maintenance, repair, or construction zone that is designated pursuant to this Section is subject to the increased penalties and surcharges.
C. The department of transportation or the City of Lakewood shall designate a maintenance, repair, or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for certain traffic violations are in effect in such zone. The department of transportation or the City of Lakewood shall erect or place a second sign after such zone indicating that the increased penalties for certain traffic violations are no longer in effect. A maintenance, repair, or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.
D. Signs used for designating the beginning and end of a maintenance, construction, or repair zone shall conform to the department of transportation requirements. The department of transportation or the City of Lakewood may display such signs on any fixed, variable, or moveable stand. The department of transportation or the City of Lakewood may place such a sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work.
E. The penalties and surcharges imposed for traffic violations set forth in subsection (A) or (B) of this section are doubled if said traffic violation occurs within a maintenance, repair, or construction zone that is designated pursuant to the requirements of this section; except that the penalty for speeding twenty to twenty-four miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of seventy-five miles per hour shall be five hundred forty dollars.
10.15.020 Decrease of speed limits in certain zones
Whenever it is determined by the Traffic Engineer, after a traffic survey, that the speed heretofore set as the prima facie speed limit on any portion of any street within the city is greater than that speed which is reasonable and prudent under the conditions shown by the traffic survey, the Traffic Engineer shall be empowered to declare a lower prima facie speed limit which will take effect upon posting of official signs giving notice of the new speed limit; provided, however, that decreased speed limits on streets which are part of the state highway system shall be subject to approval by the State Highway Department as specified in Section 10.69.090. (Ord. O-94-34 § 4, 1994; Ord. O-77-86 § 13, 1977; Ord. O-75-96 § 13, 1975; Ord. O-74-44 § 1 (part), 1974).

10.15.030 Increase of speed limits in certain zones
Whenever it is determined by the Traffic Engineer, after a traffic survey, that the speed heretofore set as the prima facie speed limit on any portion of any street within the city is less than necessary for the safe operation of vehicles, the Traffic Engineer shall be empowered to declare a higher prima facie speed limit which will take effect upon posting of official signs giving notice of the new speed limit; provided, however, that increased speed limits on streets which are part of the state highway system shall be subject to approval by the State Highway Department as specified in Section 10.69.090. (Ord. O-94-34 § 4, 1994; Ord. O-77-86 § 14, 1977; Ord. O-74-44 § 1 (part), 1974).

10.15.040 Special hazards
A. The driver of a motor vehicle shall decrease his or her speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions, and such speed shall be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance, or object on or entering the street in compliance with legal requirements and with the duty of all persons to use due care.
B. It is no defense to subsection (A) of this section that the driver's speed was lower than the speed limit established by law.

10.15.050 Minimum speed regulation
A. No person shall drive a motor vehicle on any street at such a slow speed as to impede or block the normal and reasonable forward movement of traffic, except when a reduced speed is necessary for safe operation of such vehicle or in compliance with law.
B. Whenever it is determined upon the basis of an engineering and traffic investigation that slow speeds on certain streets consistently impede the normal and reasonable movement of traffic on such facilities, the Traffic Engineer may establish minimum speeds on such streets and those speeds so established shall be effective when signs are erected giving notice thereof; provided, however, that the minimum speed limits on streets or expressways which are a part of the state highway system shall be subject to the approval of the State Department of Highways.
C. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 15, 1975; Ord. O-74-44 § 1 (part), 1974).
10.15.060 Speed contests-speed exhibitions-aiding and facilitating  
A. 1. Except as otherwise provided in subsection (D) of this section, it is unlawful for any person to engage in a speed contest on a highway.  
2. For the purposes of this section, "speed contest" means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding reasonable and prudent speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other race participants.  
B. 1. Except as otherwise provided in subsection (D) of this section, it is unlawful for a person to knowingly engage in a speed exhibition on a highway.  
2. For the purpose of this section, "speed exhibition" means the operation of a motor vehicle to present a display of speed or power. "Speed exhibition" includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.  
C. 1. Except as otherwise provided in subsection (D) of this section, a person shall not, for the purpose of facilitating or aiding or an as incident to any speed contest or speed exhibition upon a highway, in any manner obstruct or place a barricade or obstruction, or assist or participate in placing any such barricade or obstruction, upon a highway.  
2. A person who violates any provision of this subsection (C) commits, the offense that the person aided in or facilitated the commission of. Nothing in this subsection (C) shall be construed to preclude charging a person for otherwise being a party to the crime of engaging in a speed contest or engaging in a speed exhibition.  
D. The provisions of this section shall not apply to the operation of a motor vehicle in an organized competition according to accepted rules on a designated and duly authorized racetrack, racecourse, or drag strip.  

10.15.070 Regulation of speed by traffic signals  
Traffic signals may be timed, as authorized in Section 10.69.080 of this title, so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the prima facie speed limit otherwise applicable to the street or area. (Ord. O-74-44 § 1 (part), 1974).

10.15.080 Emergency vehicles not subject to speed limits  
A. The speed limitations set forth in this title shall not apply to an authorized emergency vehicle when the driver is responding to an emergency call and is making use of visual and audible signals as prescribed by law, nor shall said speed limits apply to a police vehicle while in actual pursuit of a suspected violator of any law so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator.  
B. The provisions of subsection (A) of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all
persons using the street, nor shall said provisions protect the driver of any such vehicle from the consequences of a reckless disregard for the safety of others. (Ord. O-94-34 § 5, 1994; Ord. O-74-44 § 1 (part), 1974).

10.15.016 Designation of School Zones
A. Any person who commits a moving traffic violation in violation of any of the provisions of Chapters 10.06, 10.09, 10.15, 10.18, 10.21, 10.24, 10.27, 10.30, 10.45, 10.54, or 10.57 or Section 10.60.100 or Section 10.60.130 of the Lakewood Municipal Code in a school zone is subject to the increased penalties and surcharges. B. For the purposes of this section, “school zone” means an area that is designated as a school zone and has appropriate signs posted indicating that the penalties and surcharges will be doubled. The state or local government having jurisdiction over the placement of traffic signs and traffic control devices in the school zone area shall designate when the area will be deemed to be a school zone for the purposes of this section. In making such designation, the state or local government shall consider when increased penalties are necessary to protect the safety of school children. C. This section does not apply if the penalty and surcharge for a violation has been doubled pursuant to Section 10.15.015 because such violation also occurred within a highway maintenance, repair, or construction zone. D. The penalties and surcharges imposed for traffic violations set forth in subsection (A) of this section are doubled if said traffic violation occurs in a school zone. (Ord. O-2012-9 § 6, 2012)

10.18.010 Reckless driving
Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, EPAMD, electric mobility device or low-power scooter anywhere within this municipality in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Any person who violates this section commits a Class 2 traffic offense. A person convicted of reckless driving of a bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall not be subject to the provisions of Section 42-2-127, C.R.S. (Ord. O-2012-9 § 7, 2012; Ord. O-2006-30 § 5, 2006; Ord. O-97-62 § 11, 1997; Ord. O-75-96 § 17, 1975; Ord. O-74-44 § 1 (part), 1974).

10.18.020 Careless driving
Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, EPAMD, electric mobility device or low-power scooter anywhere within 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. Any person who violates any provision of this section commits a Class 2 traffic offense. A person convicted of careless driving of a bicycle, electrical assisted bicycle, EPAMD, or electric mobility device shall not be subject to the provisions of Section 42-2-127, C.R.S. (Ord. O-2012-9 § 8, 2012; Ord. O-2006-30 § 6, 2006; O-97-62 § 12, 1997; Ord. O-75-96 § 18, 1975; Ord. O-74-44 § 1 (part), 1974).

10.21.010 Starting parked vehicle
No person shall start or move a vehicle which is stopped, standing, or parked unless such movement can be made with reasonable safety. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 19, 1975; Ord. O-74-44 § 1 (part), 1974).

10.21.020 When signal required
A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 10.21.030, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in Sections 10.21.040 and 10.21.050.
B. A signal of intention to turn right or left when required shall be given continuously during at least the last one hundred feet traveled by the vehicle before turning, except that such signal shall be given continuously for at least two hundred feet on all highways where the prima facie speed limit is more than forty miles per hour. Such signals shall be given regardless of existing weather conditions.
C. No person shall stop or suddenly decrease the speed of a vehicle without first giving a signal in the manner provided in Sections 10.21.040 and 10.21.050 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
D. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 20, 1975; Ord. O-74-44 § 1 (part), 1974).

10.21.030 Position and method of turning at intersections
A. Except where official markers, buttons, or signs direct a different course, the driver of a vehicle intending to turn at an intersection shall so do as follows:
   1. Both the approach for a right turn and the right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
   2. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.
   3. Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices in the manner prescribed in the State Traffic Control Manual, a left turn shall not be made from any other lane, and the vehicle shall not be driven in said special lane except when preparing for and making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

10.21.040 Signals by hand and arm or signal device
A. Any stop or turn signal required by Section 10.21.020 shall be given either by means of the hand and arm or by a signal light or signal device of a type approved by the State
Department of Revenue, except as otherwise provided in subsection (B) of this section. 
B. Any motor vehicle in use on a street in this municipality shall be equipped with, and 
required signals shall be given by, signal lamps when the distance from the center of the 
top of the steering post to the left outside of the body, cab or load of such motor vehicle 
exceeds twenty-four inches, or when the distance from the center of the top of the 
steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter 
measurement shall apply to any single vehicle, also to any combination of vehicles. 
C. The signals provided for in subsection (B) of this section shall be used to indicate an 
tention to turn, change lanes or start from a parked position and shall not be flashed on 
one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal 
to operators of other vehicles approaching from the rear. 
D. Any person who violates any provision of this section commits a Class 3 traffic 

10.21.050 Method of giving hand and arm signals
A. All signals herein required to be given by hand and arm shall be given by the driver 
from the left side of the vehicle in the following manner, and such signals shall indicate 
as follows:
  1. Left turn: hand and arm fully extended horizontally; 
  2. Right turn: hand and arm fully extended upward; 
  3. Stop or decrease of speed: hand and arm fully extended downward. 
B. Any person who violates any provision of this section commits a Class 3 traffic 

10.21.060 Limitations on turning around
A. The driver of a vehicle shall not turn such vehicle so as to proceed in the opposite 
direction upon any street or highway within this municipality, i.e., make a "U-turn," 
under any of the following conditions: 
  1. Upon any curve or upon the approach to or near the crest of a grade where such vehicle 
cannot be seen by the driver of any other vehicle approaching from either direction within 
such distance as is necessary to avoid interfering with or endangering approaching traffic; 
  2. At any place where official signs are erected prohibiting such movement. 
B. The driver of a vehicle shall not turn such vehicle so as to proceed in the opposite 
direction upon any street or highway within this municipality, i.e., make a "U-turn," 
unless such movement can be made in safety and without interfering with other traffic. 
C. Any person who violates any provision of this section commits a Class 3 traffic 
offense. (Ord. O-77-86 § 17, 1977; Ord. O-75-96 § 24, 1975; Ord. O-74-44 § 1 (part), 
1974)

10.21.070 Obedience to turn prohibition signs 
Whenever official signs are erected prohibiting or restricting a right or left turn, a "U- 
turn," or all turns, as authorized in Section 10.69.080 of this title, no driver shall disobey 
the directions of any such signs. Any person who violates any provision of this section 
commits a Class 3 traffic offense. (Ord. O-75-96 § 25, 1975; Ord. O-74-44 § 1 (part), 
1974).

10.21.080 Driving through private property or driveways
A. It is unlawful for any person to drive from a public street or public way of this city over, across or through any private property or driveway to avoid traffic-control signals, stop signs, or other traffic-control devices or as a route or shortcut from one public street or public way to another. Any person who violates any provision of this section commits a Class 4 traffic offense.

B. As used in subsection (A) of this section, "private property" includes but is not limited to any property not dedicated as a public street or public way, alley, right-of-way or easement.

C. It shall be an affirmative defense to a charge of violation of subsection (A) of this section that the person charged is the owner of the property or driveway through or across which the motor vehicle is driven or of leasehold or easement rights therein, or of the right to the possession or use thereof. (Ord. O-75-96 § 26, 1975; Ord. O-74-44 § 1 (part), 1974).

10.24.010 Drive on right side-Exceptions

A. Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
   1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
   2. When an obstruction exists making it necessary to drive to the left of the center of the street or highway; provided, that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the street or highway within such distance as to constitute an immediate hazard;
   3. Upon a roadway divided into three lanes for traffic under the rules applicable thereon; or
   4. Upon a roadway restricted to one-way traffic as indicated by official traffic-control devices.

B. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

C. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subdivision (2) of subsection (A) of this section. However, this subsection does not prohibit the crossing of the centerline in making a left-turn into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding or endangering other traffic lawfully using the highway.


10.24.020 Passing oncoming vehicles
A. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

B. A driver shall not pass a bicyclist, EPAMD or electric mobility device rider moving in the same direction and in the same lane when there is oncoming traffic unless the driver can simultaneously:
   1. Allow oncoming vehicles at least one half of the main-traveled portion of the roadway in accordance with Subsection (A) of this Section; and,
   2. Allow the bicyclist, EPAMD or electric mobility device rider at least a three-foot (3’) separation between the right side of the driver’s vehicle, including all mirrors or other projections, and the left side of the bicyclist, EPAMD or electric mobility device rider at all times.

C. Any person who violates any provision of this section commits a Class 3 traffic infraction.

10.24.030 Overtaking a vehicle on the left

A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction subject to the limitations, exceptions, and special rules stated in this Section and Sections 10.24.040, 10.24.050, 10.27.010, and 10.27.020:
   1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
   2. The driver of a motor vehicle overtaking a bicyclist, EPAMD or electric mobility device rider proceeding in the same direction shall allow the bicyclist, EPAMD or electric mobility device rider at least a three-foot (3’) separation between the right side of the driver’s vehicle, including all mirrors or other projections, and the left side of the bicyclist, EPAMD or electric mobility device rider at all times.
   3. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

B. Any person who violates any provision of this section commits a Class 3 traffic offense.

10.24.040 When overtaking on the right is permitted

A. A driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
   1. When the vehicle overtaken is making or giving indication of the making a left turn;
   2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked for two or more lanes of moving vehicles in each direction; or,
   3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and marked for two or more lanes of moving vehicles.
B. The driver of a motor vehicle upon a one-way roadway with two or more marked traffic lanes, when overtaking a bicyclist, EPAMD or electric mobility device rider proceeding in the same direction and riding on the left-hand side of the road, shall allow the bicyclist, EPAMD, or electric mobility device at least a separation of three-feet (3’) between the left side of the driver’s vehicle, including all mirrors or other projections, and the right side of the bicyclist, EPAMD or electric mobility device rider at all times.

C. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main traveled portion of the roadway.

D. Any person who violates any provision of this section commits a Class 3 traffic offense.


10.24.050 Limitations on overtaking on the left

A. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this section and unless such left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction of any vehicle overtaken.

B. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement is made on highways outside a business or residence district and involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

C. No vehicle shall be driven to the left side of the roadway under the following conditions:
1. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
2. When approaching within one hundred feet of or traversing any intersection or railroad crossing;
3. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

D. Where signs or markings are in place to define a no-passing zone, and such signs or markings are clearly visible to an ordinarily observant person, no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

E. The provisions of this section shall not apply:
1. Upon a one-way roadway;
2. Under the conditions described in Section 10.24.010 (A)(2);
3. To the driver of a vehicle turning left into or from an alley private road or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway; or,
4. To the driver of a vehicle passing a bicyclist, EPAMD or electric mobility device rider moving the same direction and in the same lane when such movement can be made in
safety and without interfering with, impeding or endangering other traffic lawfully using the highway.


**10.24.060 Following too closely**

A. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and condition of the street or highway.

B. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

C. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.


**10.24.070 Crowding or threatening bicyclist, EPAMD or electric mobility device rider**

A. The driver of a motor vehicle shall not, in a careless and imprudent manner, drive the vehicle unnecessarily close to, toward or near a bicyclist, EPAMD or electric mobility device rider.

B. Any person who violates Subsection (A) of this section commits careless driving as described in Section 10.18.020. (Ord O-2012-9 § 13, 2012)

**10.27.010 One-way roadways and rotary traffic islands**

A. Upon a roadway restricted to one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

B. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.


**10.27.020 Driving on roadways laned for traffic**
A. Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all other consistent herewith shall apply:
1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until such movement can be made with safety.
2. Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such device.
3. Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.
B. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 34, 1975; Ord. O-74-44 § 1 (part), 1974).

10.30.010 Driving on divided streets
A. Whenever any street or highway has been divided into separate roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, unless directed or permitted by official traffic-control devices to use another roadway.
B. No vehicle shall be driven over, across or within any dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by official signs and markings, or by the provisions of Section 10.21.060. However, this subsection does not prohibit a left-turn across a median island formed by standard pavement markings or other mountable or traversable devices as prescribed in State Traffic Control Manual when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

10.30.020 Controlled-access roads and use thereof
A. No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.
B. Whenever an acceleration lane has been provided in conjunction with a ramp entering a controlled-access highway, and the ramp intersection is not designated or signed as a stop or yield intersection as provided in Section 10.09.020 of this title, drivers may use the acceleration lanes to attain a safe speed for merging with through traffic when conditions permit such acceleration with safety; provided that traffic so merging shall be obligated to signal its intention to change lanes and to make such lane changes only when the driver has ascertained that such lane changes can be made with safety.
C. Whenever a deceleration lane has been provided in conjunction with a ramp leaving a controlled-access highway, drivers shall use such lane to slow to a safe speed for making an exit turn after leaving the main stream of traffic.
D. Pedestrians, bicyclists, EPAMD, electric mobility device riders or other nonmotorized traffic, or any person operating a motor-driven cycle, shall not use any controlled-access
roadway described in traffic-control schedules when official signs are erected on or at entrances to any such roadway giving notice thereof.

E. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.


10.30.030 Illegal use of the passing lane-Definitions-Penalty
A. A person shall not drive a motor vehicle in the passing lane of a highway if the speed limit is sixty-five miles per hour or more unless such person is passing other motor vehicles that are in a nonpassing lane or turning left, or unless the volume of traffic does not permit the motor vehicle to safely merge into a nonpassing lane.

B. For the purposes of this section:
1. "Nonpassing lane" means any lane that is to the right of the passing lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway.
2. "Passing lane" means the farthest to the left lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway, except that if such left lane is restricted to high occupancy vehicle use or is designed for left turns only, the passing lane shall be the lane immediately to the right of such high occupancy lane or left-turn lane.

C. A person who violates this section commits a Class 3 traffic offense. (Ord. O-2005-11 § 2, 2005).

10.33.010 Stopping, standing or parking in specified places
A. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic-control device, in any of the following places:
1. On a sidewalk;
2. Within an intersection;
3. On a crosswalk;
4. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of the safety zone, unless the Traffic Engineer indicates a different length by signs or markings;
5. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
6. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
7. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
8. On any railroad tracks;
9. On any controlled-access highway;
10. In the area between roadways of a divided highway, including crossovers.

B. In addition to the restrictions specified in subsection A of this section, no person shall stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device, in any of the following places:
1. Within five feet of a public or private driveway;
2. Within fifteen feet of a fire hydrant;
3. Within twenty feet of a crosswalk at an intersection;  
4. Within thirty feet upon the approach to any flashing beacon or signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;  
5. Within twenty feet of the driveway entrance to any fire station or, on the side of the street opposite the entrance of any fire station, within seventy-five feet of said entrance when properly sign posted.  
C. In addition to the restrictions specified in subsections A and B of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device, within fifty feet of a railroad crossing.  
D. 1. Paragraph (1) of subsection A of this section shall not prohibit persons from parking bicycles electrical assisted bicycles, EPAMD or electric mobility devices on sidewalks in accordance with the provisions of C.R.S. Section 42-4-1412(11)(a) and (11)(b).  
2. Paragraph (6) of subsection A of this section shall not prohibit persons from parking two or more bicycles electrical assisted bicycles, EPAMD or electric mobility devices abreast in accordance with the provisions of C.R.S. Section 42-4-1412(11)(d).  
3. Paragraphs (1), (3), (4) of subsection B of this section shall not apply to bicycles electrical assisted bicycles, EPAMD or electric mobility devices parked on sidewalks in accordance with C.R.S. Sections 42-4-1412(11)(a) and (11)(b).  

10.33.020 Parking at Electric Motor Vehicle Charging Stations  
A. A person shall not park a motor vehicle within a parking space designated for charging a plug-in electric motor vehicle unless the motor vehicle is a plug-in electric motor vehicle and the person is parked in the charging station for the purpose of charging the plug-in electric motor vehicle.  
B. For purposes of this section:  
1. “Official Sign” means a sign identifying a parking space for electric motor vehicle charging that cites 42-4-1213 or this section and that clearly displays the penalties for violating 42-4-1213 or this section.  
2. “Plug-in Electric Motor Vehicle” means any motor vehicle that can be recharged from an external source of electricity and that uses electricity stored in a rechargeable battery pack to propel or contribute to the propulsion of the vehicle’s drive wheels.  
C. There is a rebuttable presumption that the parking space is not being used for the purpose of charging a plug-in electric motor vehicle if:  
1. The vehicle is parked in a charging station parking space with a dedicated charging connector for the space; and  
2. The vehicle is not continuously and electrically connected to the charger for longer than thirty minutes.  
D. A person may park a plug-in electric motor vehicle at a charging station after the motor vehicle is fully charged in a parking lot:  
1. That serves a lodging business if the person is a client of the lodging business and has parked the plug-in electric motor vehicle in the lot to charge overnight;
2. That serves an airport if the person is a client of the airport and has parked the plug-in electric motor vehicle in the lot to charge when traveling; or
3. Between the hours of 11 p.m. and 5 a.m.
E. A peace officer may enforce this section on private property.
F. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.33.030 Parking for certain purposes prohibited
A. No person shall park a vehicle upon a roadway or the right-of-way for the principal purpose of:
1. Displaying such vehicle for sale;
2. Painting or repairing such vehicle;
3. Stripping or salvaging any part of or all of such vehicle; or
4. Displaying advertising.
B. No person shall park or leave unattended an inoperable vehicle upon a street or right-of-way.
C. The following definitions shall apply to this section:
1. "Driven under its own power" means any motor vehicle that is able to be started, stopped, driven forward, or driven backward.
2. "Inoperable vehicle" means one that is not capable of being promptly started and driven under its own power, does not have a current license plate, or which lacks one or more of the following items which are otherwise standard factory equipment on any particular vehicle model: windshield, side or rear window, door, fender, headlamp, muffler, wheel, properly inflated tire.
D. When any vehicle is parked in violation of subsection (A) of this section for a period of twenty-four hours or more, a police agent may require the vehicle to be towed to an impound lot. Any vehicle parked in violation of subsection (B) of this section may be required by a police agent to be immediately towed to an impound lot.
E. Any person who violates any provision of this section commits a Class 4 traffic offense.
F. Nothing in this section shall apply to the driver of any vehicle which is disabled while on the paved, improved, or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, subject, when applicable, to the emergency lighting requirements set forth in Section 10.39.080. (Ord. O-97-62 § 16, 1997; Ord. O-93-1 § 3, 1993; Ord. O-89-32 § 3, 1989; Ord. O-84-60 § 2, 1984; Ord. O-75-96 § 39, 1975; Ord. O-75-21 § 1 (part), 1975).

10.33.040 Stopping, standing or parking on highway
No person shall stop, stand or park a vehicle on any highway, ramp or any other portion of the main-traveled way of such highway. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 40, 1975; Ord. O-75-21 § 1 (part), 1975).

10.33.050 Parking not to obstruct traffic or maintenance
No person shall stand or park any vehicle upon a street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance. Any person who violates any provision of this section
commits a Class 4 traffic offense. (Ord. O-75-96 § 41, 1975; Ord. O-75-21 § 1 (part), 1975).

10.33.060 Parking in alleys
A. No person shall stand or park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise or freight.
B. No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.
C. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 42, 1975; Ord. O-75-21 § 1 (part), 1975).

10.33.065 Parking of Food Trucks Permitted in Certain Locations
A. A Food Truck may be parked on private property in mixed-use, commercial or industrial zone districts only with the written consent of the property owner.
B. A Food Truck may be parked on the public right-of-way in mixed-use, commercial or industrial zone districts provided it is:
   1. Located at least 50 feet from any intersection, alley or driveway;
   2. Located at least 100 feet from any restaurant use as measured parallel to a public street;
   3. Located at least 100 feet from any residential zone district, as measured parallel to a public street;
   4. Parked parallel to a public street when serving customers.
C. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-2016-17 § 4, 2016)

10.33.070 Parking of certain types of vehicles prohibited
A. It is unlawful for any person to park any of the following vehicles on the public right-of-way, except when the vehicle is being used to render services to a property located within two hundred feet of where the prohibited vehicle is parked:
   1. Any commercial vehicle or commercial trailer,
   2. Any truck exceeding six thousand pounds empty weight,
   3. Any motor vehicle exceeding twenty-five feet in length except as set forth in section 10.33.075,
   4. A combination of a trailer and motor vehicle exceeding twenty-five feet in length or eight feet in width.
B. It is unlawful for any person to park the following vehicles for a period of time longer than six (6) hours during any day on the public right-of-way, except when the vehicle is being used to render services to a property located within two hundred feet of where the prohibited vehicle is parked:
   1. Any vessel.
   2. Any trailer or other vehicle which is not self-propelled excluding travel trailers.
C. This section is enforceable by code enforcement officers, community service officers or police agents.
D. For the purposes of this section, the measured length of any vehicle shall exclude towing gear, bumpers, and attached cargo racks or similar items.
E. It shall not be a defense to this section that the vehicle, trailer, or vessel has been
moved to a different location within the public right-of-way. To be in compliance with this section, the vehicle, trailer, or vessel must be removed from the public right-of-way. F. A Food Truck may not be parked in a parking space designated for ADA access.


10.33.075 Parking of recreational vehicles or travel trailers on public right-of-way prohibited
A. It is unlawful for any person to park a recreational vehicle or travel trailer on the public right-of-way except as follows:
1. Directly in front of the frontage of the single-family or multi-family dwelling of the vehicle’s registered owner for a period of forty-eight (48) hours or less when being loaded or unloaded; or
2. In compliance with the terms and conditions of a permit issued pursuant to section 10.33.076.
B. This section is enforceable by code enforcement officers, community service officers and police agents.
C. It shall not be a defense to this section that the recreational vehicle or travel trailer has been moved to a different location within the public right-of-way. To be in compliance with this section, the recreational vehicle or travel trailer must be removed from the public right-of-way.
D. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.33.076 Permits for parking of recreational vehicles or travel trailers on the public right-of-way
A. The Chief of Police or his/her designee may issue a permit to park certain vehicles on the public right-of-way subject to the following restrictions:
1. A permit may only be issued for a recreational vehicle or travel trailer;
2. Only one such permit may be issued per calendar year to a resident of any dwelling for a period not to exceed two weeks; and
3. The permit shall only allow the vehicle to be parked on the public right-of-way that is directly in front of the frontage of the applicant’s single-family or multi-family dwelling.
B. The Chief of Police or his/her designee shall have the authority to grant additional permits when reasonably warranted or when extraordinary circumstances exist. An applicant who is denied a permit may appeal the denial to the City Clerk. A hearing shall be conducted in accordance with rules and regulations promulgated by the City Clerk.
C. Any person who violates the terms of the permit commits a Class 4 traffic offense.
(Ord. O-2010-9 § 3, 2010)

10.33.078 Impoundment of prohibited vehicles
When any vehicle is parked in violation of Section 10.33.070 or Section 10.33.075 of this Chapter, a code enforcement officer, a community service officer, or a police agent may require the vehicle to be towed to an impound lot. (Ord. O-2010-9 § 4, 2010)
10.33.080 Abandonment of vehicles prohibited
A. No person shall abandon a vehicle upon a roadway or the right-of-way. Any vehicle left unattended within any portion of a roadway or the right-of-way for a period of twenty-four hours or more shall be presumed abandoned under the conditions prescribed by Section 42-4-1202, C.R.S., as amended. An agent of the Lakewood Police Department may require the towing of the vehicle to an impound lot.

10.33.085 Definitions
The following definitions shall apply to this Chapter:
A. “Commercial trailer” means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways in furtherance of any commercial activity or used “for hire.”
B. “Commercial vehicle” means any truck tractor, dump truck, semi-trailer, commercial trailer, tow truck or vehicle equipped to provide towing services, bus or vehicle with an empty weight of six thousand pounds or greater or any vehicle, regardless of weight, which is used, or normally associated with, the transportation of materials, products, freight, other vehicles, or equipment in furtherance of any commercial activity or is used “for hire” except that any passenger vehicle designed to transport no more than nine persons or any pickup truck or van not exceeding twenty-five feet in length shall not be considered commercial vehicles.
C. “Food Truck” means a motorized or towed, self-contained, readily movable vehicle, that is designed and equipped to sell to the general public beverages and/or food that is prepared or stored on the premises.
D. “Recreational vehicle” means a motor vehicle designed or used as a conveyance upon streets and highways, and constructed so as to provide temporary occupancy as a dwelling or sleeping place for one or more persons. A recreational vehicle does not include a pick-up truck with an attached camper shell.
E. “Trailer” means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways.
F. “Travel trailer” means a portable structure, mounted on wheels, designed to be towed by a motorized vehicle and containing cooking or sleeping facilities to provide temporary living quarters for recreational camping or travel use. Such structures may be constructed with rigid sides or may have collapsible side walls of fabric, plastic or other pliable material.
G. “Vessel” means every description of watercraft used or capable of being used as a means of transportation of person and property on water, other than single-chambered air-inflated devices or seaplanes. (Ord. O-2016-17 § 4, 2016; Ord. O-2012-9 § 17, 2012; Ord. O-2010-9 § 4, 2010)
10.36.010 Regulations not exclusive
The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places, at specified times, or in a specified manner. (Ord. O-75-21 § 1 (part), 1975).

10.36.020 Obedience to stopping, standing or parking regulations
Upon any public street or at any public place within this municipality where official signs are posted giving notice of stopping, standing, or parking restrictions or prohibitions, including fire lane, emergency access lane and restrictions or prohibitions for individuals with disabilities, 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 direction of a police agent or except for the purpose of loading or unloading passengers when such stopping does not obstruct, impede or endanger any traffic; provided that in school zones no person shall stop on the roadway to load or unload passengers where prohibited by signs. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-94-34 § 10, 1994; Ord. O-81-86 § 2, 1981; Ord. O-75-96 § 43, 1975; Ord. O-75-21 § 1 (part), 1975).

10.36.030 Parking privileges for persons with disabilities
A. Only a vehicle with distinguishing license plates or an identifying placard issued by the Department of Motor Vehicles or otherwise authorized by subsection (D) of this section, which indicates that the occupant of said vehicle is a person with disability, may be parked in any parking space identified as being reserved for use by persons with disabilities whether on public property or private property available for public use, or along any public street regardless of any time limitations imposed by official signs upon parking in such area; except that a time limitation to park on any public street shall not be limited to less four hours. The time limits in such area shall be clearly posted. Such privilege shall not apply to zones in which:
1. Stopping, standing or parking of all vehicles is prohibited at all times;
2. Only special vehicles may be parked; or
3. Parking is not allowed during special periods of the day in order to accommodate heavy traffic.
B. The owner of private property available for public use may install signs which clearly identify certain parking spaces as reserved for use by persons with disabilities. The installation of such signs shall be a waiver of any objection the owner of private property may assert concerning enforcement of this section by peace officers or authorized parking enforcement volunteers.
C. It is unlawful for any person other than a person with a disability to park in a parking space on public or private property which is clearly identified as being reserved for use by persons with disabilities unless such person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the space reserved for use by persons with disabilities and the vehicle displays a placard or a license plate issued to a person with a disability. Such placard or license plate shall be displayed at all times on the vehicle while parked in such space.
D. Any person who is not a person with a disability and who uses a license plate or
placard issued by the Department of Motor Vehicles in order to receive the benefits or privileges available to a person with disability commits a Class 4 traffic offense and shall be subject to a fine of up to twice the maximum penalty identified for a Class 4 traffic offense.

E. It is unlawful for any person to park a vehicle as to block reasonable access to curb ramps or passenger loading zones that are clearly identified and are adjacent to a parking space reserved for use by persons with disabilities unless such person is loading or unloading a person with a disability.

F. Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state.

G. Each parking space reserved for use by persons with disabilities whether on public property or private property shall be marked with an upright sign, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

H. For the purposes of this section, a parking enforcement volunteer is defined as any person designated by the chief of police, who is not a police agent, as having the authority to enforce the provisions of this section. A parking enforcement volunteer shall have the power and authority to issue and serve summonses and complaints in the municipal court for violations of this section. Nothing contained in this subsection shall vest or be taken to vest in parking enforcement volunteers other powers, duties, rights, and emoluments of sworn police agents of the City of Lakewood.


10.36.040 All-night parking

A. No person 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 two a.m. and five a.m. of any day.

B. The provisions of subsection (A) of this section shall not apply to physicians or other persons on emergency calls.

C. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 45, 1975; Ord. O-75-21 § 1 (part), 1975).

10.36.060 Parking in fire lanes or emergency access lanes

No person shall stop, stand or park any vehicle in an area designated by official signs and/or official pavement or curb markings as a fire lane or emergency access lane. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 47, 1975; Ord. O-75-21 § 1 (part), 1975).

10.36.070 Parking in bicycle lanes or pedestrian walkways

No person shall stop, stand or park any motor vehicle in any area designated by official signs and/or pavement or curb markings as a bikeway, bicycle lane, bicycle path or pedestrian walkway or crosswalk. Any person who violates any provision of this section
commits a Class 4 traffic offense. (Ord. O-75-96 § 48, 1975; Ord. O-75-21 § 1 (part), 1975).

10.37.010 Purpose
A. This ordinance will create an on-street paid parking program at only the Belmar Site to advance the public health, safety and welfare as it relates to traffic control and traffic safety. Specifically, the goals of the program are to ensure the availability and turnover of convenient on-street parking spaces in the commercial core of the Belmar Site to serve the needs of customers, visitors and merchants. The City is a home-rule city with full authority to regulate traffic and vehicle parking within its public right-of-way.
B. The City possesses the authority to contract with other cities and governmental entities to provide any function, service or facility lawfully authorized to each of the contracting entities. The City possesses the authority to contract with and delegate to political subdivisions of the state the City's authority to operate and maintain an on-street paid parking system.
C. Any delegation of authority to, or contracting with, a political subdivision of the State for the operation, maintenance and management of an on-street paid parking program shall comport with the provisions of this Chapter.

10.37.020 Definitions
For the purposes of this Chapter, the words and phrases used herein, unless the context indicates otherwise, shall have the following meaning:
"Belmar Site" consists of the Service Areas of The Plaza Metropolitan District No. 1, The Plaza Metropolitan District No. 2, and The Plaza Metropolitan District No. 3 as legally described more specifically in an Exhibit on file in the City Clerk's Office as may be amended from time to time. The Belmar Site is generally described as being bounded on the north by West Alameda Avenue, on the west by South Wadsworth Boulevard, on the south by Center Avenue, and on the east by Quay Street.
"District" means The Plaza Metropolitan District No. 1, a Metropolitan District organized under Title 32 of the Colorado Revised Statutes located within the City.
"Parking kiosk zone" means an area designated by official traffic control devices in which a vehicle may be lawfully parked after proper payment is made at a parking kiosk.

10.37.030 City delegation of authority to the Plaza Metropolitan District No. 1 located at the Belmar site
A. It is the intent of this Section for the City to delegate the authority to operate, maintain and manage an on-street paid parking program within the Belmar Site to The Plaza Metropolitan District No. 1. The City is a home-rule city with full authority to regulate traffic and vehicle parking within its public rights-of-way and the District possesses the authority as set forth in C.R.S. 32-1-1004(1)(b) to erect and maintain traffic and safety controls and devices on streets and highways. Both the City and the District are governmental entities and are authorized to enter into Intergovernmental Agreements as set forth in C.R.S. 29-1-201, et. seq. The authority delegated in relation to on-street paid parking shall be only that authority specifically set forth herein.
B. This delegation of authority set forth in this Section applies only to the Belmar Site.
10.37.040 Designation of paid parking
The District is hereby authorized to purchase, lease, or otherwise acquire and install, as many parking kiosks as may be necessary to install along the block faces within the designated parking kiosk zones to serve the paid parking spaces provided under this Chapter. The District, in consultation with the City Traffic Engineer, shall designate the public streets or public ways, or portions thereof, upon which parking kiosks shall be located and installed, and shall install the parking kiosks in accordance therewith. The District, in consultation with the City Traffic Engineer, shall determine for the purpose of ensuring the availability of convenient, short-term parking on the street and relieving traffic congestion within the Belmar Site, how many parking kiosks shall be placed in any area designated as a parking kiosk zone.

10.37.050 Design of parking kiosks
Parking kiosks installed as provided in this chapter shall be so designed, constructed, installed and set as to meet the following conditions:

A. The parking kiosks shall be capable of being operated upon the deposit of one or more coins of United States currency or authorized tokens, or the making of payment by the use of credit card, banking card, debit card, electronic fund transfer card, or guaranteed check card that can legally be used to pay for the full period of time for which parking is lawfully permitted in any parking kiosk zone or for an appropriate fractional period of time.

B. Upon payment, a parking kiosk shall issue a printed parking receipt indicating the date of issuance, and expiration time of the interval of authorized parking at which time the payee may no longer remain lawfully parked within the parking kiosk zone. The parking receipt shall authorize parking for the full period of time for which parking is lawfully permitted in any parking kiosk zone, or for an appropriate fractional period of time.

C. Each parking kiosk shall bear an authorized sign or message clearly legible indicating the days and hours when the requirement to deposit coins or tokens or to otherwise make payment shall apply, the value of the payment required to be deposited or made, and the limited period of time for which parking is lawfully permitted in the parking kiosk zone in which the kiosk is located.

10.37.060 Payment of parking fee required
A. No person shall park a vehicle in any parking kiosk zone on a public street, as indicated by official signs, during the restricted and regulated time applicable to the parking kiosk zone, unless a valid parking receipt is displayed on the dashboard of the parked vehicle. The parking receipt must be displayed on the dashboard so as to be clearly legible from outside of the parked vehicle and must indicate an unexpired interval of time. No person shall display more than one parking receipt on the dashboard of any vehicle at one time.

B. Any vehicle parked in a parking kiosk zone on a public street shall be parked either parallel or diagonal to the curb, as may be indicated by official signs. Vehicles parked in a manner so that any portion of the vehicle is within the parking kiosk zone shall be required to pay the amount indicated by the parking kiosks and associated signage for parking in that zone.

C. If a vehicle remains parked in the parking kiosk zone on a public street beyond the authorized interval of time stated on the parking receipt, such vehicle shall be in violation
of this section. Every additional period of parking beyond the maximum period of parking time allowed shall constitute a separate offense.

D. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.37.070 Extending time prohibited
It shall be unlawful for any person to permit a vehicle to remain parked in a parking kiosk zone on a public street for longer than the maximum time that can be purchased from a parking kiosk at any one time, except during those times and dates indicated on the parking kiosk when no payment for parking need be made. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.37.080 Use of slugs or tampering with parking kiosks prohibited
A. It shall be unlawful for any person to deposit or cause to be deposited in any parking kiosk any slug or metallic substitute for any coin of the United States, or to deposit therein any lawful coin that is bent, cut, torn, battered or otherwise misshapen or to otherwise use any device in a parking kiosk which is not permitted herein or which is not lawful payment.
B. It shall be unlawful for any person to deface, injure, tamper with, willfully break, destroy or impair the usefulness of any parking kiosk or sign installed under the terms of this chapter.
C. It shall be unlawful for any person to place any sack or covering over, upon or around any parking kiosk or otherwise indicate or show that the parking kiosk is inoperative or inapplicable without proper authority to do so.

10.37.090 Parking in space required
A vehicle parked in a parking kiosk zone on a public street shall be parked entirely within one individual parking space if such space is indicated by traffic control markings. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.37.100 Regulations not exclusive
The provisions of this Chapter shall not relieve any person from the duty to observe other and more restrictive provisions contained in Title 10 of the Lakewood Municipal Code which prohibit or limit the stopping, standing, or parking of vehicles in specified places, at specified times, or in a specified manner.

10.37.110 Applicability
The provisions of this chapter are only applicable to violations occurring within the Belmar Site.

10.37.120 Authority of parking control attendants
A parking control attendant is defined as any person designated by the District who shall have the nonexclusive power and authority to issue municipal parking summonses and complaints for violations of the Lakewood Traffic Code pertaining to parking on the public right-of-ways within said districts and for violations of Section 10.36.030 Parking Privileges for Persons with Disabilities which occur on public property or on private property available for public use within the boundaries of said districts. Parking control
attendants shall not have the authority to order the towing or impoundment of any vehicle located on the public right-of-ways. Nothing contained in this subsection shall vest or be taken to vest in parking control attendants other powers, duties, rights, and emoluments of sworn police agents of the City of Lakewood.

10.37.130 Fund created
There is established a fund of the City of Lakewood to be known as the Belmar Parking Fund. All fines collected for a violation of this Chapter resulting in a conviction, a judgment of liability by default, or a plea of guilty or nolo contendere shall be paid to the clerk of the court, who shall deposit same in the Belmar Parking Fund as established by this Section. (Ord. O-2004-10 § 1, 2004).

10.39.010 Standing in passenger loading zone
No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, in any place officially marked as a passenger loading zone during hours when the regulations applicable to such loading zone are effective, and then only for a period not to exceed five minutes. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 49, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.020 Standing in freight loading zone
A. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place officially marked as a freight loading zone during hours when the provisions applicable to such zones are in effect.
B. In no case shall the stop for loading and unloading of materials exceed thirty minutes.
C. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 50, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.030 Permits for loading zones
Whenever special permits are issued to establish or control the use of loading zones or to allow the backing of a vehicle for the purpose of loading or unloading merchandise or materials subject to certain conditions, no permittee or other person shall violate any of the special terms of such permit. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 51, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.040 Bus stops regulated
The operator of a bus shall enter a bus stop on a public street in such a manner that the bus, once stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle as close to the curb as practicable and approximately parallel to the curb so as not to impede the movement of other vehicular traffic. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 52, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.050 Standing in restricted parking zone
No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose specified on official signs marking such restricted zone and during the period of time the restriction is effective, except that the driver of a passenger vehicle may stop momentarily therein for the purpose of and while actually engaged in loading or unloading passengers when said stopping does not interfere with the kind of traffic for which the zone is reserved. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 53, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.060 Parking at curb or edge of roadway
A. Except where angle parking is permitted by this title and, in the case of state highways, is approved by the State Department of Highways, and except as otherwise provided by this title, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
B. Except where angle parking is permitted by this title and, in the case of state highways, is approved by the State Department of Highways, and except as otherwise provided by this title, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

10.39.070 Obedience to angle-parking signs or markings
On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such official signs or markings. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-84-60 § 4, 1984; Ord. O-75-96 § 54, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.080 Lamps on parked vehicles
A. Whenever a vehicle is lawfully parked upon a highway other than a local roadway during the hours between sunset and sunrise, and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, no lights need be displayed upon such parked vehicle.
B. Whenever a vehicle is parked or stopped upon a roadway other than a local roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise, and there is not sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more operating lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the
location of said lamp or lamps shall always be such that at least one lamp or a combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

D. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 56, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.090 Moving unattended vehicle
No person shall move a vehicle, which he does not own or have lawful control over, into any prohibited area or away from a curb such distance as is unlawful. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-84-60 § 5, 1984; Ord. O-75-96 § 57, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.100 Clearance between vehicles
No person shall stand or park a vehicle in such a manner as to leave available less clearance between vehicles than is required to allow free movement of other vehicles in and out of parking spaces. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 58, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.110 Waiting for parking space being cleared
The driver of a vehicle, while waiting for a parking space to be cleared by another vehicle which is in the actual process of leaving such parking space, shall stop on the roadway side of and immediately to the rear of such leaving vehicle and shall remain in such position until the parking space has been cleared. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 59, 1975; Ord. O-75-21 § 1 (part), 1975).

10.39.120 Unattended motor vehicle
A. No person driving or in charge of an unlocked motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, and removing the key from the ignition.

B. The use or operation of a remote starter system or adequate security measures is sufficient to comply with subsection (A) of this section. For purposes of this section, “adequate security measures” includes, but is not limited to: using a vehicle that requires a key to put the vehicle into gear and move the vehicle; keeping a keyless start fob out of proximity of the vehicle; or employing steering wheel security devices.


10.39.130 Parking on a grade
No person driving or in charge of a motor vehicle shall permit it to stand on any grade without effectively setting the brake thereon and turning the front wheels in such direction as will prevent the vehicle from rolling into the traveled portion of any roadway or damaging the property of another. Any person who violates any provision of this
section commits a Class 4 traffic offense.” (Ord. O-75-96 § 61, 1975; Ord. O-75-21 § 1 (part), 1975).

10.42.010 Parking on private property-Consent of person in legal control of property required
A. It is unlawful for any person to park or stand a vehicle, whether such vehicle is occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading the vehicle, when the vehicle limits the normal access to use of private property without the express consent of the owner or person in lawful control of such property. Whenever the attention of any agent of the Lakewood Police Department is brought by the owner or person in lawful control of such property to a vehicle parked in such a manner, the agent may order the vehicle towed to an impound lot.
B. No person shall abandon any vehicle upon property other than his own without the express consent of the owner or person in lawful control of such property. Any vehicle left on said property for a period longer than twenty-four hours shall be presumed to be abandoned unless prior arrangements with the owner or lessee of said property have been made, under the conditions prescribed by Section 42-4-1202, C.R.S., as amended. An agent of the Lakewood Police Department may require the vehicle to be towed to an impound lot.

10.42.020 Parking on private property for certain purposes prohibited-Consent of person in legal control of property required
A. It is unlawful for any person to park a vehicle upon property other than his own without the express consent of the owner or person in lawful control of such property for the principal purpose of:
1. Displaying such vehicle for sale;
2. Painting or repairing such vehicle;
3. Stripping or salvaging any part of or all of the vehicle;
4. Displaying advertising.
B. No person shall park a vehicle upon property other than his own without the express consent of the owner or person in lawful control of such property when such vehicle is inoperable due to the mechanical condition of the vehicle.
C. When any vehicle is parked in violation of subsections (A) or (B) of this section for a period of twenty-four hours or more, an agent of the Lakewood Police Department may require the vehicle to be towed to an impound lot.
D. Any person who violates subsections (A) or (B) of this section commits a Class 4 traffic offense.
10.45.010 Uniform specifications
A. All signs, markings and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout this municipality as required by state law.
B. All traffic-control devices so erected and not inconsistent with the provisions of state law or this title shall be official traffic-control devices. (Ord. O-74-44 § 1 (part), 1974).

10.45.020 Obedience to official devices
No driver of a vehicle shall disobey the instructions of any official traffic-control device, including any official hand-signal device placed or displayed in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exceptions in this title granted the driver of an authorized emergency vehicle. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 63, 1975; Ord. O-74-44 § 1 (part), 1974).

10.45.030 Official devices required for enforcement purposes
A. No provision of this title for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.
B. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place. (Ord. O-74-44 § 1 (part), 1974).

10.45.040 Official devices-Presumption of legality
A. Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary is established by competent evidence.
B. Any official traffic-control device placed pursuant to the provisions of this title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this title, unless the contrary is established by competent evidence. (Ord. O-74-44 § 1 (part), 1974).

10.45.050 Traffic-control signal legend
A. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored arrows, successively one at a time or in combination, only the colors green, yellow and red shall be used, except for special pedestrian-control signals carrying a word legend as provided in Section 10.45.080, and the lights, arrows and combinations thereof shall indicate and apply to drivers of vehicles and pedestrians as follows:
1. Green Indication.
   a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

c. Unless otherwise directed by a pedestrian-control signal as provided in Section 10.45.080, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. Steady Yellow Indication.

a. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

b. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 10.45.080, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.


a. Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except that:

i. Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn unless an official sign has been erected prohibiting such right turn;

ii. Such vehicular traffic, when proceeding on a one-way street, and after coming to a stop, may make a left turn onto a one-way street upon which traffic is moving to the left of the driver. Such turn shall be made only after yielding the right-of-way to pedestrians and other traffic proceeding as directed. No turn shall be made pursuant to this subparagraph at an intersection where an official sign has been erected prohibiting such left turn.

b. Pedestrians facing a steady circular red signal alone shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in Section 10.45.080.

c. Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until an indication to make the movement indicated by such arrow is shown.

d. Pedestrians facing a steady red arrow signal shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in Section 10.45.080.


a. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature have no application.

b. Any stop required at a nonintersection signal shall be made at a sign or pavement
marking indicating where the stop shall be made, but in the absence of any such sign or
marking, the stop shall be made at the signal.
B. Any person who violates any provision of this section commits a Class 3 traffic
offense. (Ord. O-80-76 § 6, 1980; Ord. O-75-96 § 64, 1975; Ord. O-74-44 § 1 (part),
1974).

10.45.060 Flashing signals
A. Whenever an illuminated flashing red or yellow signal is used in conjunction with a
traffic sign or a traffic signal or as a traffic beacon, it shall require obedience by vehicular
traffic as follows:
1. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall
stop at a clearly marked stop line, but, if none, before entering the crosswalk on the near
side of the intersection or, if none, then at the point nearest the intersecting roadway
where the driver has a view of approaching traffic on the intersecting roadway before
entering the intersection, and the right to proceed shall be subject to the rules applicable
after making a stop at a stop sign.
2. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles
may proceed past such signal and through the intersection or other hazardous location
only with caution.
B. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles
approaching railroad crossings shall be governed by provisions of Sections 10.12.010
through 10.12.040 of this title.
C. Any person who violates any provision of this section commits a Class 3 traffic

10.45.070 Lane-use-control signals
A. Whenever lane-use-control signals are placed over the individual lanes of a street or
highway, such signals shall indicate and apply to drivers of vehicles as follows:
1. Downward-pointing Green Arrow (Steady). A driver facing such signal may drive in
any lane over which the green arrow signal is located.
2. Yellow "X" (Steady). A driver facing such signal is warned that the related green
arrow movement is being terminated and shall vacate in a safe manner the lane over
which the steady yellow signal is located to avoid, if possible, occupying that lane when
the steady red "X" signal is exhibited.
3. Yellow "X" (Flashing). A driver facing such signal may use the lane over which the
flashing yellow signal is located for the purpose of making a left turn or a passing
maneuver, using proper caution, but for no other purpose.
4. Red "X" (Steady). A driver facing such signal shall not drive in any lane over which
the red signal is exhibited.
B. Any person who violates any provision of this section commits a Class 3 traffic

10.45.080 Pedestrian-control signals
Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't
Walk" are in place, such signals shall indicate as follows:
A. "Walk": While the "Walk" indication is illuminated, pedestrians facing such signal
may proceed across the roadway in the direction of the signal indication.
B. "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed his crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.

C. "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.

D. Whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" signal indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection while the "Walk" indication is exhibited, if signals and other official devices direct pedestrian movement in such manner consistent with Section 10.45.050(A)(3)(d).


10.45.090 When signals are inoperative or malfunctioning

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 in Section 10.09.020 of this title, apply until a police agent 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 A of this section, drivers may proceed past the signal only with caution, as if the signal were flashing yellow.

C. Whenever a pedestrian faces a pedestrian-control signal, as provided in Section 10.45.080, which is inoperative or which remains on "Don't Walk" or "Wait" during several time cycles, such pedestrian shall not enter the roadway unless he can do so safely and without interfering with any vehicular traffic.


10.45.100 Traffic lanes

Where traffic lanes have been marked, as authorized in Section 10.69.080 of this title, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until such movement can be made with safety. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-80-91 § 14, 1994; Ord. O-75-96 § 68, 1975; Ord. O-74-44 § 1 (part), 1974).

10.45.110 Barricades-Driving in highway work area

A. Whenever barricades are erected to close off part or all of a street or highway, as authorized in Section 10.69.080 of this title, no person shall drive around, through, or between such barricades or into the barricaded area except as directed or permitted by official signs or in compliance with directions of a police agent or other authorized
person.
B. The driver of a vehicle shall yield the right-of-way to any authorized service vehicle engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of Section 42-4-214, C.R.S., as amended.

10.45.120 Unauthorized signs attached to traffic control devices
A. No person shall place, maintain, or display upon any official traffic control device any unauthorized sign, signal, marking, or device.
B. No person shall place or maintain, nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising.
C. This section shall not be deemed to prohibit the use of motorist services information of a general nature on official highway guide signs if such signs do not indicate the brand, trademark or name of any private business or commercial enterprise offering the service, nor shall this section be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
D. Every such prohibited sign, signal or marking is a public nuisance, and the traffic authority is empowered to remove the same or cause it to be removed without notice.

10.45.130 Interference with official devices
A. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, remove or interfere with the effective operation of any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.
B. No person shall use an electronic device, without lawful authority, that causes a traffic light to change.
C. No person shall possess or sell, without lawful authority, an electronic device that is designed to cause a traffic light to change.
D. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.48.010 Pedestrians to obey traffic-control devices
A. A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police agent.
B. Pedestrians shall be subject to traffic and pedestrian-control signals as provided in Sections 10.45.050, 10.45.080 and 10.45.090 of this title.
C. At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this title.
D. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 72, 1975; Ord. O-74-44 § 1 (part), 1974).

**10.48.020 Pedestrians' right-of-way in crosswalks**

A. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to do so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

B. Subsection A of this section shall not apply under the conditions stated in Section 10.48.050.

C. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.

D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

E. Whenever special pedestrian-control signals exhibiting "Walk" or "Don't Walk" word or symbol indications are in place, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and require as follows:

1. "Walk" (steady): While the "Walk" indication is steadily illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication and shall be given the right-of-way by the drivers of all vehicles.

2. "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.

3. "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of such signal indication, but any pedestrian who has partly completed crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.


**10.48.030 Crossing at right angles**

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk or except where angle crossing is authorized as provided in Section 10.48.050. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 74, 1975; Ord. O-74-44 § 1 (part), 1974).

**10.48.050 Crossing and yielding at other than crosswalks**

A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

C. No pedestrian shall cross a roadway intersection diagonally unless authorized by
official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.
D. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 76, 1975; Ord. O-74-44 § 1 (part), 1974).

10.48.060 Pedestrian obedience to railroad signal
No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is being opened or closed, or is closed.
Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 77, 1975; Ord. O-74-44 § 1 (part), 1974).

10.48.070 Pedestrians walking or traveling in a wheelchair on highways
A. Where sidewalks are provided, it is unlawful for any pedestrian to walk or travel in a wheelchair along and upon an adjacent roadway.
B. Pedestrians walking or traveling in a wheelchair along and upon highways where sidewalks are not provided shall walk or travel only on a road shoulder, as far as practicable from the edge of the roadway. Where neither a sidewalk nor road shoulder is available, any pedestrian walking or traveling in a wheelchair along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, in the case of a two-way roadway, shall walk only on the left side of the roadway facing traffic that may approach from the opposite direction; except that any person lawfully soliciting a ride may stand on either side of such two-way roadway where there is a view of traffic approaching from both directions.
C. No person shall stand in a roadway for the purpose of soliciting a ride from a private motor vehicle. For the purpose of this subsection, "roadway" means that portion of the road normally used by motor vehicle traffic.
D. A person riding an animal shall ride such animal as far from the traveled portion of any public roadway as practicable. This section applying to pedestrians shall also be applicable to riders of animals. Nothing in this subsection shall be construed to prohibit persons riding animals from participating in any officially sanctioned parade or to prohibit any mounted police from performing any of their duties.
E. No person shall solicit a ride on any highway included in the interstate system except at an entrance to or exit from such highway or at places specifically designated by the department of transportation; or, in an emergency affecting a vehicle or its operation, a driver or passenger of a disabled vehicle may solicit a ride on any highway.
F. Pedestrians shall only be picked up where there is adequate road space for vehicles to pull off and not endanger and impede the flow of traffic.
G. It is unlawful for any person who is under the influence of alcohol or of any controlled substance, as defined in Section 12-22-303(7), C.R.S., or of any stupefying drug to walk or be upon that portion of any highway normally used by moving motor vehicle traffic.
H. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of Section 42-4-213, C.R.S., or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle and shall leave the roadway and remain off the same until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This subsection shall not
relieve the driver of an authorized emergency vehicle from the duty to use due care as provided in Sections 42-4-108(4) and 42-4-807.

10.48.080 Driving through safety zone prohibited
No vehicle shall at any time be driven through or within a pedestrian safety zone. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 79, 1975; Ord. O-74-44 § 1 (part), 1974).

10.48.090 Driving on sidewalk
The driver of a motor vehicle, other than an electrical assisted bicycle, EPAMD, or electric mobility device shall not drive within any sidewalk area within this municipality except at a permanent or temporary driveway. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 80, 1975; Ord. O-74-44 § 1 (part), 1974).

10.48.110 Drivers to exercise due care
Notwithstanding the provisions of this chapter or other chapters of this title, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-87-32 § 3, 1987; Ord. O-75-96 § 82, 1975; Ord. O-74-44 § 1 (part), 1974).

10.48.120 Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities
A. Any pedestrian, other than a person in a wheelchair, or any driver of a vehicle who approaches a person who has an obviously apparent disability of blindness, deafness, or mobility impairment shall immediately come to a full stop and take such precautions before proceeding as are necessary to avoid an accident or injury to said person. A disability shall be deemed to be obviously apparent if, by way of example and without limitation, the person is using a cane or crutches, is assisted by a guide dog, service dog, or a hearing dog, is being assisted by another person, is in a wheelchair, or is walking with an obvious physical impairment. Any person who violates any provision of this section commits a Class 2 traffic offense.
B. The following definitions shall apply to this section:
1. "Guide dog" means a dog that has been or is being specially trained to aid a particular blind or visually impaired person.
2. "Service dog" means a dog that has been or is being specially trained to aid a particular physically disabled person with a physical disability other than sight or hearing impairment.
3. "Hearing dog" means a dog that has been or is being specially trained to aid a particular deaf or hearing impaired person. (Ord. O-97-62 § 27, 1997; Ord. O-94-34 § 15, 1994; Ord. O-87-32 § 4, 1987).
10.51.010 Effect of regulations
A. It is unlawful for any person to do any act forbidden or fail to perform any act required in this chapter.
B. The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this chapter.
C. These regulations applicable to bicycles, electric assisted bicycles, EPAMD and electric mobility devices shall apply whenever a bicycle, electric assisted bicycle, EPAMD and electric mobility device is operated upon any street or highway within the city or upon any path or trail therein set aside for the use of bicycles, electric assisted bicycles, EPAMD and electric mobility devices subject to those exceptions stated herein. (Ord. O-74-44 § 1 (part), 1974).

10.50.015 Nuisance exhibition of motor vehicle exhaust—prohibition.
A. A person shall not engaged in nuisance exhibition of motor vehicle exhaust, which is the knowing release of soot, smoke, or other particulate emissions from a motor vehicle with a gross vehicle weight rating of fourteen thousand pounds or less into the air and onto roadways, or other motor vehicles, bicyclists, or pedestrians, in a manner that obstructs or obscures another person’s view of the roadway, other user of the roadway, or a traffic control device or otherwise creates a hazard to a driver, bicyclist, or pedestrian.
B. The prohibition set forth in subsection (A) shall not apply to:
1. A commercial vehicle, as defined in § 42-1-102(17.5), C.R.S.;
2. A motor carrier, as defined in § 40-10.1-101(10), C.R.S.;
3. A motor carrier of passengers, as defined in § 40-10.1-101(10), C.R.S.;
5. A motor carrier of household goods, permitted pursuant to § 40-10.1-502, C.R.S.;
6. A motor vehicle used for agricultural purposes; or
7. Any other vehicle used for commercial activities.
C. Any person who violates this Section commits a Class 3 traffic offense and shall be fined one hundred dollars.

10.51.020 Traffic laws apply to bicyclists, electrical assisted bicyclists, EPAMD, electric mobility devices and low-power scooter riders.
Persons riding a bicycle, electrical assisted bicycle, EPAMD, electric mobility device or low-power scooter upon a roadway where bicycle, electrical assisted bicycle, EPAMD, electric mobility device or low-power scooter travel is permitted shall be granted all of the rights and shall be subject to all the duties and penalties applicable to the driver of any other vehicle as set forth in this title, except those provisions of this title which, by their very nature, can have no application. (Ord. O-2012-9 § 18, 2012; Ord. O-78-79 § 6, 1978; Ord. O-74-44 § 1 (part), 1974).

10.51.030 Obedience to traffic-control devices
A. Every bicyclist, EPAMD, electric mobility device rider and low-power scooter rider shall obey all stop signs, other traffic signs or markings and traffic lights, unless otherwise directed by a police agent.
B. Whenever authorized regulatory signs are erected, no bicyclist, EPAMD or electric
mobility device rider shall disobey the direction of any such sign, except that when such person dismounts from the bicycle, they shall then obey the regulations applicable to pedestrians.
C. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.51.040 Riding on bicycles, EPAMD, electric mobility device and other human-powered vehicles.
A. A person propelling a bicycle or riding an electrical assisted bicycle shall not ride other than upon or astride a permanent or regular seat attached thereto.
B. No bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall be used to carry more persons at one time than the number for which it is designed and equipped.
C. A person propelling a bicycle, riding an electrical assisted bicycle, EPAMD, or electric mobility device shall not ride with less than one hand on the handlebars at all times.
D. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.51.045 Operation of low-power scooters.
A. A person riding a low-power scooter shall not ride other than upon or astride a permanent and regular seat attached thereto.
B. No low-power scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.
C. A person operating a low-power scooter upon a roadway shall ride as close to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
D. Persons riding low-power scooters upon a roadway shall not ride more than two abreast.
E. No person shall operate any low-power scooter on any street or highway within this municipality unless such person and any passenger thereon is wearing goggles or eyeglasses with lenses made of safety glass or plastic; except this Subsection (E) shall not apply to a person wearing a helmet containing eye protection made of safety glass or plastic.
F. A person shall not operate or ride as a passenger on a low-power scooter on a roadway unless each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of motorcycles.
G. 1. Except as otherwise provided in paragraph (2) of this Subsection (G), any person who violates any provision of this Section commits a Class 4 traffic offense.
2. Any person who violates Subsection (F) of this Section commits a Class 3 traffic offense. (Ord. O-2012-9 § 21, 2012)

10.51.050 Riding on roadways and bicycle paths
A. 1. Any person operating a bicycle, an electrical assisted bicycle, EPAMD or electric mobility device upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:
   a. If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist, EPAMD or electric mobility device rider shall ride far enough to the right as judged safe by the bicyclist, EPAMD or electric mobility device rider to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.
   b. A bicyclist, EPAMD or electric mobility device rider may use a lane other than the right-hand lane when
      i. Preparing for a left turn at an intersection or into a private roadway or driveway;
      ii. Overtaking a slower vehicle; or
      iii. Taking reasonably necessary precautions to avoid hazards or road conditions.
   c. Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a bicyclist, EPAMD or electric mobility device rider may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist, EPAMD or electric mobility device rider does not intend to turn right.

2. A bicyclist, EPAMD or electric mobility device rider shall not be expected or required to:
   a. Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or,
   b. Ride without a reasonable safety margin on the right-hand side of the roadway.

B. 1. Persons riding bicycles, electrical assisted bicycles, EPAMD or electric mobility devices upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles, EPAMD and electric mobility devices.

2. Persons riding bicycles, electrical assisted bicycles, EPAMD or electric mobility devices two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

C. 1. A person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility
device intending to turn left shall follow a course described in Sections 42-4-901 (1), 42-4-903, and 42-4-1007, C.R.S. or may make a left turn in the manner prescribed in paragraph (2) of this subsection (C).

2. A person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device 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 bicyclist, EPAMD or electric mobility device rider shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist, EPAMD or electric mobility device rider shall yield to any traffic proceeding in either direction along the roadway that the bicyclist, EPAMD or electric mobility device rider had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist, EPAMD or electric mobility device rider may proceed in the new direction.

3. Notwithstanding the provisions of paragraphs (1) and (2) of this subsection (C). The City may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

D. 1. Except as otherwise provided in this subsection (D) every person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall signal the intention to turn or stop in accordance with Section 42-4-903, C.R.S.; except that a person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device may signal a right turn with the right arm extended horizontally.

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

E. 1. A person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device 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 such pedestrian. A person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device in a crosswalk shall do so in a manner that is safe for pedestrians.

2. A person shall not ride a bicycle, electrical assisted bicycle, EPAMD or electric mobility device upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles, electrical assisted bicycles, EPAMD or electric mobility device is prohibited by official traffic control devices. A person riding a bicycle, or electrical assisted bicycle, EPAMD or electric mobility device shall dismount before entering any crosswalk where required by official traffic control devices.

3. A person riding or walking a bicycle, electrical assisted bicycle, EPAMD or electric mobility device upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and required by Section 42-4-802, C.R.S.
4. Operation of electrical assisted bicycles within City of Lakewood parks is prohibited except Class 1 and Class 2 electrical bicycles may be permitted as specified in the City of Lakewood Park Regulations.

F. 1. A person may park a bicycle, electrical assisted bicycle, EPAMD or electric mobility device on a sidewalk unless prohibited or restricted by an official traffic control device or this Chapter.
2. A bicycle, electrical assisted bicycle, EPAMD or electric mobility device parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.
3. A bicycle, electrical assisted bicycle, EPAMD or electric mobility device may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.
4. A bicycle, electrical assisted bicycle, EPAMD or electric mobility device may be parked on the road abreast of another such bicycle or bicycles, EPAMD or electric mobility devices 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 traffic.
5. In all other respects, bicycles, electrical assisted bicycles, EPAMD or electric mobility devices parked anywhere on a highway shall conform to the provisions of Part 12 of Article 42, C.R.S. regulating the parking of vehicles.

G. Except as authorized by Section 42-4-111, C.R.S. the rider of an electrical assisted bicycle shall not use the electrical motor on a bike or pedestrian path where it is prohibited by official traffic control devices.

H. Any person who violates any provision of this section commits a Class 4 traffic offense.


10.51.060 Speed
No person shall operate a bicycle, electrical assisted bicycle, EPAMD or electric mobility device at a speed greater than is reasonable and prudent under the conditions then existing. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 86, 1975; Ord. O-74-44 § 1 (part), 1974).

10.51.070 Control of bicycles
No bicyclist, EPAMD or electric mobility device rider shall ride on any roadway within this municipality in such a manner as to demonstrate a lack of control over his or her bicycle, EPAMD or electric mobility device or his or her direction and manner of travel or in any fashion that constitutes a danger to the person or property of another or himself. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 87, 1975; Ord. O-74-44 § 1 (part), 1974).

10.51.080 Entering or emerging from alley or driveway
Every bicyclist, EPAMD or electric mobility device rider emerging from an alley, driveway or building shall, upon approaching a sidewalk or sidewalk area extending across any alleyway, stop and yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway. Any person who violates any provision of this
10.51.090 Parking
Every bicycle, electrical assisted bicycle, EPAMD or electric mobility devices shall be parked in such a manner as to afford the least obstruction to pedestrian travel, and to vehicular traffic and parking. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 88, 1975; Ord. O-74-44 § 1 (part), 1974).

10.51.100 Riding on sidewalks
A. When signs are erected giving notice thereof, no person shall ride a bicycle, electrical assisted bicycle, EPAMD or electric mobility device upon a sidewalk.
B. Whenever any person is riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility devices upon a sidewalk, such person shall yield the right-of-way to any pedestrian.
C. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 89, 1975; Ord. O-74-44 § 1 (part), 1974).

10.51.110 Equipment on bicycles, Electric Assisted Bicycles and Personal Assisted Mobility Devices (“EPAMD”).
A. Every bicycle, electrical assisted bicycle, EPAMD, or electric mobility device when in use on a street or highway between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, person and vehicles on the street or highway are not clearly discernible at a distance of one thousand feet ahead, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front.
B. Every bicycle, electrical assisted bicycle, EPAMD, or electric mobility device shall be equipped with a red reflector on the rear of a type approved by the department of revenue, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of headlamps 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 feet (500’).
C. No bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall be equipped with, nor shall any person use upon a bicycle, electrical assisted bicycle, EPAMD or electric mobility device any siren or whistle.
D. Every bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall be equipped with a brake or brakes that will enable its rider to stop the bicycle, electrical assisted bicycle, EPAMD or electric mobility device within twenty-five feet (25’) from a speed of ten miles per hour (10 mph) on dry, level, clean pavement.

10.51.115 Equipment on low-power scooters
A. Every low-power scooter when in use on a street or highway between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, person and vehicles on the street or highway are not clearly discernible at a distance of one thousand feet ahead shall be equipped with a lamp on the front, which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear, of a type approved by the department, that shall be visible from all distances from fifty to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.
B. No person shall operate a low-power scooter unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet; except that a low-power scooter shall not be equipped with nor shall any person use upon a low-power scooter a siren or whistle.
C. Every low-power scooter shall be equipped with a brake that will enable the operator to make the braked wheel skid on dry, level, clean pavement.
D. Every low-power scooter, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

10.51.120 Clinging to vehicles
No person riding upon any bicycle, electrical assisted bicycle, EPAMD or electric mobility device, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-2012-9 § 25, 2012; Ord. O-78-79 § 11, 1978; Ord. O-75-96 § 92, 1975; Ord. O-74-44 § 1 (part), 1974).

10.51.130 Bicycles, electrical assisted bicycles, EPAMD and electric mobility devices prohibited
Whenever official signs are erected giving notice that bicycles, electrical assisted bicycles, EPAMD or electric mobility devices are prohibited, as authorized in this title, no bicyclist, EPAMD or electric mobility device rider shall violate any of the instructions contained thereon. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 93, 1975; Ord. O-74-44 § 1 (part), 1974).

10.51.140 Personal mobility devices
A. A rider of an EPAMD shall have all the same rights and duties as an operator of any other vehicle under this title, except as to those provisions that by their nature have no application.
B. An EPAMD may be operated on a roadway in conformity with vehicle use.
C. An EPAMD may be operated only on a roadway that has a speed limit less than or equal to thirty-five miles per hour (35 mph), except that it may be operated to directly cross a roadway that has a speed limit greater than thirty-five miles per hour (35 mph) at
an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than thirty-five miles per hour (35 mph).
D. An EPAMD shall not be operated:
1. On a limited-access highway;
2. At a speed greater than twenty miles per hour (20 mph);
3. On a soft surface or hard surface park path;
4. Whenever official signs are erected giving notice that EPAMD are prohibited, as authorized in this title, no EPAMD rider shall violate any of the instructions contained thereon.
E. A person who violates this section commits a Class 4 traffic offense.
(Ord. O-2012-9 § 26, 2012)

10.51.150 Low-speed electric vehicles
A. A low-speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than thirty-five miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than thirty-five miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than thirty-five miles per hour.
B. No person shall operate a low-speed electric vehicle on a limited access highway.
C. Any person who violates any provision of this section commits a Class 4 traffic offense.
(Ord. O-2012-9 § 27, 2012)

10.51.160 Electric Mobility Devices
A. A rider of an electric mobility device shall have all the same rights and duties as an operator of any other vehicle under this title, except as to those provisions that by their nature have no application.
B. An electric mobility device may be operated on a roadway in conformity with vehicle use.
C. An electric mobility device may be operated only on a roadway that has a speed limit less than or equal to thirty-five miles per hour (35 mph), except that it may be operated to directly cross a roadway that has a speed limit greater than thirty-five miles per hour (35 mph) at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than thirty-five miles per hour (35 mph).
D. An electric mobility device shall not be operated:
1. On a limited-access highway;
2. At a speed greater than twenty miles per hour (20 mph);
3. On a soft surface or hard surface park path;
4. Whenever official signs are erected giving notice that electric mobility devices are prohibited, as authorized in this title, no electric mobility device rider shall violate any of the instructions contained thereon.
E. A person who violates this section commits a Class 4 traffic offense.

10.52.010 Regulations applicable to nonvehicular devices
Any device or conveyance not defined in this title as a vehicle shall be governed and bound by the same regulations that apply to pedestrians, except that the provisions of this chapter shall not apply to any farm tractor or any implement of husbandry designed
primarily or exclusively for use and used in agricultural operations. (Ord. O-74-44 § 1 (part), 1974).

10.54.010 Restricted use of streets
A. The use of certain streets and roadways by motor-driven cycles, trucks or other commercial vehicles, bicycles, electrical assisted bicycles, EPAMD, electric mobility devices and horse-drawn vehicles or other non-motorized traffic shall be restricted or prohibited when declared by the traffic engineer, and when official signs giving notice thereof are erected as authorized in Section 10.69.080.
B. For the purpose of road construction and maintenance any street or portion thereof may, by action of this municipality or by agreement with other concerned road agencies, be temporarily closed to through traffic or to all vehicular traffic during the work project, and the traffic affected shall be guided along appropriate detours or alternative routes by official traffic-control devices.
C. When signs are so erected giving notice of restrictions or prohibitions upon the use of streets, no person shall disobey the directions or instructions stated on such signs.
D. The provisions of subsection (A) of this section shall not be construed to prohibit the drivers of any excluded vehicles from traveling over such restricted or prohibited streets, other than controlled-access roadways, for the purpose of delivering or picking up materials or merchandise or reaching their destinations which occur on these particular streets, provided such excluded vehicles enter such streets at the intersection nearest the destination of the vehicle and proceed thereon no farther than the nearest intersection thereafter.
E. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 94, 1975; Ord. O-74-44 § 1 (part), 1974).

10.54.020 Size and weight restrictions-Applicability
A. It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or highway within this municipality any vehicle or vehicles of a size, weight and load exceeding the limitations described in this chapter and in Sections 42-4-502 through 42-4-512 of the Colorado Revised Statutes, as amended, or otherwise in violation of said sections or Section 42-4-1407 except as permitted in Section 10.54.110 of this chapter.

10.54.030 Height, width and length of vehicles and loads
A. No vehicle unladen or with load shall exceed a height of thirteen feet; except that vehicles with a height of fourteen feet six inches or less may be operated on streets which are state highways when so designated by the State Department of Highways.
B. The total outside width of any vehicle or the load thereon shall not exceed one hundred two inches, except as otherwise provided in this section.
1. The total outside width of buses and coaches used for transportation or passengers shall not exceed eight feet six inches.
2. A load of loose hay, including loosely bound, round bales, whether horse drawn or by motor, shall not exceed twelve feet in width.

3. A vehicle and trailer may transport a load of rectangular hay bales if such vehicle and load do not exceed ten feet six inches in width.

4. The total outside width of any vehicle, as required in this section, shall not be construed so as to prohibit the projection beyond such width of clearance lights, rear view mirrors or other accessories required by federal, state, or City ordinance or regulations.

5. The width requirements imposed by subsection (B) of this section shall not include appurtenances on recreational vehicles, including but not limited to motor homes, travel trailers, fifth wheel trailers, camping trailers, recreational park trailers, multipurpose trailers, and truck campers, all as defined in Section 24-32-902, C.R.S., so long as such recreational vehicle, including such appurtenances, does not exceed a total outside width of nine feet six inches.

C. No single motor vehicle shall exceed a length of forty-five feet extreme overall dimension, inclusive of front and rear bumpers. The length of vehicles used for the mass transportation of passengers wholly within the municipality or within a radius of fifteen miles thereof may extend to sixty feet. The length of school buses may also extend to forty feet.

D. Buses used for the transportation of passengers between towns, cities, and municipalities in the state of Colorado may be sixty feet extreme overall length, inclusive of front and rear bumpers but shall not exceed a height of thirteen feet six inches, if such buses are equipped to conform with the load and weight limitations set forth in Section 10.54.080; except that buses with a height of fourteen feet six inches which otherwise conform to the requirements of this subsection (D) shall be operated only on highways designated by the department of transportation.

E. No combination of vehicles coupled together shall consist of more than four units, and no such combination of vehicles shall exceed a total overall length of seventy feet. Said length limitation shall not apply to unladen truck tractor-semitrailer combinations when the semitrailer is fifty-seven feet four inches or less in length, or to unladen truck tractor-semitrailer-trailer combinations when both the semitrailer and the trailer are twenty-eight feet six inches or less in length. Said limitations shall not apply to vehicles operated by a public utility when required for emergency repair of public service facilities or properties, or when operated under special permit as provided in Section 10.54.110, but in respect to night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load. The limitations provided in this section shall be strictly construed and enforced.

F. Notwithstanding the provisions of subsection (E) of this section, the following combinations of vehicles shall not exceed seventy-five feet in total overall length:
1. Saddlemount combinations consisting of no more than four units;
2. Laden truck tractor-semitrailer combinations; and,
3. Specialized equipment used in combination for transporting automobiles or boats. The overall length of such combination shall be exclusive of:
a. Safety devices; however, such safety devices shall not be designed or used for carrying cargo;
b. Automobiles or boats being transported;
c. Any extension device that may be used for loading beyond the extreme front or rear ends of a vehicle or combination of vehicles; except that the projection of a load, including any extension devices loaded to the front of the vehicle, shall not extend more than four feet beyond the extreme front of the grill of such vehicle and no load or extension device may extend more than six feet to the extreme rear of the vehicle.

G. The length limitations of vehicles and combinations of vehicles provided for in this section as they apply to vehicles being operated and utilized for the transportation of steel, fabricated beams, trusses, utility poles, pipes and automobiles shall be determined without regard to the projection of said commodities beyond the extreme front or rear of the vehicle or combination of vehicles; except that the projection of a load to the front shall be governed by the provisions of Section 10.54.040(B) and no load shall project to the rear more than ten feet.

H. Any person who violates any provision of this section commits a Class 4 traffic offense.


10.54.040 Projecting loads on vehicles

A. No passenger-type vehicle, except a motorcycle bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.


10.54.050 Spilling loads on streets or highways-Prevention of spilling aggregate, trash, or recyclables

A. No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereon securely covered to prevent any of its load from blowing, dropping, sifting, leaking or otherwise escaping there from, except that material may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

B. 1. A vehicle shall not be driven or moved on a highway if the vehicle transporting trash or recyclables unless at least one of the following conditions is met:

a. The load is covered by a tarp or other cover in a manner that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

b. The vehicle utilizes other technology that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

c. The load is required to be secured under and complies with 49 CPR 392 and 393;

d. The vehicle is loaded in such a manner or the load itself has physical characteristics such that the contents will not escape from the vehicle. Such a load may include, but is not limited to, heavy scrap metal or hydraulically compressed scrap recyclables.

2. Paragraph (1) of this subsection (B) shall not apply to a motor vehicle in the process of collecting trash or recyclables within a one-mile radius of the motor vehicle's last collection point.
C. 1. No vehicle shall be driven or moved on any highway for a distance of more than two miles if the vehicle is transporting aggregate material with a diameter of one inch or less unless:
   a. The load is covered by a tarp or other cover in a manner that prevents the aggregate material from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle, or
   b. The vehicle utilizes other technology that prevents the aggregate material from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle.
2. Paragraph (1) of this subsection (C) shall not apply to a vehicle:
   a. Operating entirely within a marked construction zone;
   b. Involved in maintenance of public roads during snow or ice removal operations; or
   c. Involved in emergency operations when requested by a law enforcement agency or an emergency response authority designated in or pursuant to Section 29-22-102, C.R.S.
D. For the purposes of this Section:
   1. "Aggregate material" means any rock, clay, silts, gravel, limestone, dimension stone, marble, and shale, except that "Aggregate Material" does not include hot asphalt, including asphalt patching material, wet concrete, or other materials not susceptible to blowing.
   2. "Recyclables" means material or objects that can be reused, reprocessed, remanufactured, reclaimed, or recycled.
   3. "Trash" means material or objects that have been or are in the process of being discarded or transported.
E. 1. Except as otherwise provided in Paragraph (2) or (3) of subsection (E), any person who violates any provision of this section commits a Class 4 traffic offense.
2. Any person who violates any provision of this section while driving or moving a car or pickup truck without causing bodily injury to another person commits a Class 3 traffic offense.

10.54.060 Trailers and towed vehicles
A. When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and the drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, and except connections between vehicles in which the combined lengths of the vehicles and the connection does not exceed an overall length of fifty-five feet and the connection is of rigid construction included as part of the structural design of the towed vehicle.
B. When one vehicle is towing another with a chain, rope, cable or similar connection, there shall be displayed, as near the center of such connection as practical, a white flag or cloth not less than twelve inches square.
C. Whenever one vehicle is towing another, in addition to the drawbar or other connection, except a fifth-wheel connection meeting the requirements of the Interstate
Commerce Commission, safety chains or cables arranged in such a way that it will be impossible for the vehicle being towed to break loose from the vehicle towing in the event the drawbar or other connection were to be broken, loosened or otherwise damaged, shall be used. This shall apply to all motor vehicles; all trailers, except semitrailers connected by a proper fifth wheel; and to any dolly used to convert a semitrailer to a full trailer.


10.54.070 Wheel and axle loads
A. The gross weight upon any wheel of a vehicle shall not exceed the following:
1. When the wheel is equipped with a solid rubber or cushion tire, eight thousand pounds;
2. When the wheel is equipped with a pneumatic tire, nine thousand pounds.
B. The gross weight upon any single axle or tandem axle of a vehicle shall not exceed the following:
1. When the wheels attached to said axle are equipped with solid rubber or cushion tires, sixteen thousand pounds;
2. a. Except as provided in paragraph (2)(b) of this subsection B, when the wheels attached to a single axle are equipped with pneumatic tires, twenty thousand pounds;
b. When the wheels attached to a single axle are equipped with pneumatic tires and the vehicle is a digger derrick or bucket boom truck operated by an electric utility on a highway that is not on the interstate system as defined in Section 43-2-101, C.R.S., twenty-one thousand pounds;
3. Vehicles equipped with a self-compactor and used solely for the transporting of trash are exempted from the provisions of this subsection;
4. When the wheels attached to a tandem axle are equipped with pneumatic tires, forty thousand pounds for highways not on the interstate system and thirty-six thousand pounds for highways on the interstate system.
C. For the purposes of this section:
1. A single axle is defined as all wheels, whose centers may be included within two parallel transverse vertical planes not more than forty inches apart, extending across the full width of the vehicle;
2. A tandem axle is defined as two or more consecutive axles, the centers of which may be included between parallel vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle.
D. The gross weight upon any one wheel of a steel-tired vehicle shall not exceed five hundred pounds per inch of cross-sectional width of tire.

10.54.080 Gross weight of vehicles and loads
A. Except as provided in subsection B of this section, no vehicle or combination of vehicles shall be moved or operated on any highway or bridge when the gross weight thereof exceeds the limits specified below:
1. a. The gross weight upon any one axle of a vehicle shall not exceed the limits prescribed in Section 10.54.070.
b. Subject to the limitations prescribed in Section 10.54.070, the gross weight of a vehicle having two axles shall not exceed thirty-six thousand pounds.
c. Any person who violates any provision of this section commits a Class 2 traffic offense. Violators shall be subject to the penalties set forth in Section 1.16.020 of the Lakewood Municipal Code and for each axle and/or gross weight violation an additional penalty assessment fine according to the following schedule:

<table>
<thead>
<tr>
<th>Excess weight in pounds</th>
<th>Penalty assessment fine amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 3000</td>
<td>$50.00</td>
</tr>
<tr>
<td>3,001 to 4,250</td>
<td>65.00</td>
</tr>
<tr>
<td>4,251 to 4,500</td>
<td>80.00</td>
</tr>
<tr>
<td>4,501 to 4,750</td>
<td>95.00</td>
</tr>
<tr>
<td>4,751 to 5,000</td>
<td>110.00</td>
</tr>
<tr>
<td>5,001 to 5,250</td>
<td>125.00</td>
</tr>
<tr>
<td>5,251 to 5,500</td>
<td>140.00</td>
</tr>
<tr>
<td>5,501 to 5,750</td>
<td>155.00</td>
</tr>
<tr>
<td>5,751 to 6,000</td>
<td>170.00</td>
</tr>
<tr>
<td>6,001 to 6,250</td>
<td>185.00</td>
</tr>
<tr>
<td>6,251 to 6,500</td>
<td>210.00</td>
</tr>
<tr>
<td>6,501 to 6,750</td>
<td>235.00</td>
</tr>
<tr>
<td>6,751 to 7,000</td>
<td>260.00</td>
</tr>
<tr>
<td>7,001 to 7,250</td>
<td>285.00</td>
</tr>
<tr>
<td>7,251 to 7,500</td>
<td>310.00</td>
</tr>
<tr>
<td>7,501 to 7,750</td>
<td>335.00</td>
</tr>
<tr>
<td>7,751 to 8,000</td>
<td>365.00</td>
</tr>
<tr>
<td>8,001 to 8,250</td>
<td>395.00</td>
</tr>
<tr>
<td>8,251 to 8,500</td>
<td>425.00</td>
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<tr>
<td>8,501 to 8,750</td>
<td>455.00</td>
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<tr>
<td>8,751 to 9,000</td>
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<tr>
<td>9,001 to 9,250</td>
<td>535.00</td>
</tr>
<tr>
<td>9,251 to 9,500</td>
<td>575.00</td>
</tr>
<tr>
<td>9,501 to 9,750</td>
<td>615.00</td>
</tr>
<tr>
<td>9,751 to 10,000</td>
<td>655.00</td>
</tr>
</tbody>
</table>

Excess weight in pounds Penalty assessment fine amount
| 10,001 to 10,250          | 705.00                        |
| 10,251 to 10,500          | 755.00                        |
| 10,501 to 10,750          | 805.00                        |
| 10,751 to 11,000          | 855.00                        |
| 11,001 and over           | 999.00                        |

2. Subject to the limitations prescribed in Section 10.54.070, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula W equals 1,000 (L plus 40), W = the gross weight in pounds, L = the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles, but in computation of this formula no gross vehicle weight shall exceed eighty-five
thousand pounds. For the purposes of this section, where a combination of vehicles is used, no vehicle shall carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section shall be strictly construed and enforced.

B. The gross weight limits provided in subsection A of this section are increased by one-thousand pounds for any vehicle or combination of vehicles if the vehicle or combination of vehicles contains an alternative fuel system and operates on alternative fuel or both alternative and conventional fuel. The provisions of this subsection B apply only when the vehicle or combination of vehicles is operated on a highway that is not on the interstate highway system as defined in Section 43-2-101(2), C.R.S. For the purposes of this subsection B, "alternative fuel" has the same meaning provided in Section 25-7-106.8(1)(a), C.R.S.


10.54.090 Weight limits on certain streets or parts thereof
When official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the amount specified on such signs at any time upon the streets or parts thereof or upon any of the bridges or viaducts so designated by the Traffic Engineer. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 102, 1975; Ord. 9-74-44 § 1 (part), 1974).

10.54.100 Vehicles weighed, excess removed
A. Any police agent having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales or shall require that such vehicles be driven to the nearest public scales in the event such scales are within five miles.

B. Except as provided in subsection C of this section, whenever an agent upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter. All material as unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

C. Whenever an officer upon weighing a vehicle and load as provided in subsection A of this section determines that the weight is unlawful and the load consists solely of either explosives or hazardous materials as defined in Section 42-1-102(32), C.R.S., such officer shall permit the driver of such vehicle to proceed to his destination without requiring him to unload the excess portion of such load.

D. It is unlawful for any driver of a vehicle when directed by a police agent to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse when directed by an agent to allow the unloading of the vehicle to the gross weight of such
vehicle permitted in this chapter, or otherwise to fail or refuse to comply with the provisions of this section.

10.54.110 Permits for excess size and weight
A. The City Manager or his/her designee may, in his/her discretion, upon receiving application in writing and good cause being shown therefore, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter.
B. The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular streets or highways for which the permit to operate is required, and whether such permit is for a single trip, a special, or an annual operation, and the time of such movement. An overweight permit issued pursuant to this section shall be available for overweight divisible loads if:
1. The vehicle has a quad axle grouping;
2. The maximum gross weight does not exceed one hundred ten thousand pounds;
3. The owner and operator of the motor vehicle are in compliance with the federal “Motor Carrier Safety Improvement Act of 1999”, Pub.L. 106-159, as amended, as applicable to commercial vehicles; and,
4. The vehicle complies with rules promulgated by the Colorado Department of Transportation concerning the distribution of the load upon the vehicle’s axles.
C. In granting such permit the City Manager or his/her designee may at his/her discretion limit the number of trips or establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces or structures, and may require such other undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or highway or road or highway structure.
D. Permits issued by the State of Colorado, authorizing the movement of vehicles under this section, on any of the connecting links of the state highway system within this municipality, shall be construed to have the joint approval of the street and highway authority.
E. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police agent or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.
F. No permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the state, implements of husbandry, and farm tractors temporarily moved upon the highway, including transportation of such tractors or implements by a person dealing therein to his place of business within the state or to the premises of a purchaser or
prospective purchaser within the state, nor shall such vehicle be subject to the size and
weight provisions of Section 10.54.020.
G. Any person who violates any provision of this section commits a Class 2 traffic
offense.

10.54.120 Liability for damage to street or structure
A. No person shall drive, operate, or move upon or over any street or highway structure
any vehicle, object, or contrivance in such a manner so as to cause damage to said street
or highway structure or sign bridge within or suspended over the public right-of-way.
When the damage sustained to said street or highway structure is the result of the
operating, driving, or moving of such vehicle, object, or contrivance weighing in excess
of the maximum weight allowable in this chapter, it shall be no defense to any action,
either civil or criminal, brought against such person that the weight of the vehicle was
authorized by special permit issued as provided in this chapter.
B. Every person violating the provisions of subsection (A) of this section shall be liable
for all damage which said highway or highway structure may sustain as a result thereof.
Whenever the driver of such vehicle, object, or contrivance is not the owner thereof but is
operating, driving, or moving such vehicle, object, or contrivance with the express or
implied consent of the owner thereof, then said owner or driver shall be jointly and
severally liable for any such damage. The liability for damage sustained by any such
highway or highway structure may be enforced by a civil action by the authorities in
control of such highway or highway structure. No satisfaction of such civil liability,
however, shall be deemed to be a release or satisfaction of any criminal liability for
violation of the provisions of subsection (a) of this section.
C. Any person who violates any provision of this section commits a Class 3 traffic
offense.

10.54.130 Splash guards—When required
A. As used in this section, unless the context otherwise requires:
1. "Splash guards" means mud flaps, rubber, plastic or fabric aprons, or other devices
directly behind the rear-most wheels, designed to minimize the spray of water and other
substances to the rear.
2. "Splash guards" must, at a minimum, be wide enough to cover the full tread of the tire
or tires being protected, hang perpendicular from the vehicle not more than ten inches
above the surface of the street or highway when the vehicle is empty, and generally
maintain their perpendicular relationship under normal driving conditions.
B. Except as otherwise permitted in this section, no vehicle or motor vehicle shall be
driven or moved on any street or highway unless the vehicle or motor vehicle is equipped
with splash guards. However, vehicles and motor vehicles with splash guards that violate
this section shall be allowed to remain in service for the time necessary to continue to a
place where the deficient splash guards will be replaced. Such replacement shall occur at
the first reasonable opportunity.
C. This section does not apply to:
1. Passenger carrying motor vehicles registered pursuant to Section 42-3-306(2), C.R.S.;
2. Trucks and truck tractors registered pursuant to Section 42-3-306 (4) or (5), C.R.S.
having an empty weight of ten thousand pounds or less;
3. Trailers equipped with fenders or utility pole trailers;
4. Vehicles while involved in chip and seal or paving operations or road widening equipment;
5. Truck tractors or converter dollies when used in combination with other vehicles;
6. Vehicles drawn by animals, or
7. Bicycles, electrical assisted bicycles, EPAMD or electric mobility devices.
D. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.57.010 Unsafe vehicles prohibited
It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or highway within this municipality any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 105, 1975; Ord. O-74-44 § 1 (part), 1974).

10.57.020 Lights, tires and other required equipment
A. It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or highway within this municipality any vehicle or combination of vehicles which does not contain those parts or is not at all times equipped with such lamps, reflectors, horn and other warning or signaling devices, mirrors, safety glass, mufflers, fenders, tires, and other equipment kept in proper condition and adjustment as required in 42-4-202 through 42-4-224 through 42-4-230, C.R.S., as amended, or which is equipped in any manner in violation of said sections, or for any person to do any act forbidden or fail to perform any act required by and under said sections.
B. It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any street or highway within this municipality any vehicle or combination of vehicles, other than a motorcycle, or motor driven cycle which is not equipped with at least two head lamps kept in proper condition and adjustment as required in Section 42-4-205, C.R.S. or which is equipped in any manner in violation of said section.

10.57.030 When lighted lamps required
A. Every vehicle upon a street or highway within this municipality between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric
conditions, persons and vehicles on said streets and highways are not clearly discernible at a distance of one thousand feet ahead shall display lighted lamps and illuminating devices as by the laws of the state are respectively required for different classes of vehicles, subject to the exception stated in Section 10.33.030 of this title with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed by Colorado law for the use of such devices.

B. When lighted lamps are required by this section, no vehicle shall be driven upon a street or highway within this municipality with the parking lights lighted, except when the lights are being used as signal lamps, and except when the headlamps are lighted at the same time.

C. Any person who violates subsection (A) of this section commits a Class 3 traffic offense. Any person who violates subsection (B) of this section commits a Class 4 traffic offense. (Ord. O-87-87 § 6, 1987; Ord. O-75-96 § 107, 1975; Ord. O-74-44 § 1 (part), 1974).

10.57.040 Windows unobstructed—Certain materials prohibited

A. 1. Except as provided in this Paragraph (1); no person shall operate any motor vehicle registered in Colorado on which any window, except the windshield, is composed of, covered by, or treated with any material or component which presents an opaque, nontransparent or metallic or mirrored appearance in such a way that it allows less than twenty-seven percent light transmittance. The windshield shall allow seventy percent light transmittance. The provisions of this Paragraph (1) shall not apply to the windows to the rear of the driver, including the rear window, on any motor vehicle, however, if such windows allow less than twenty-seven percent light transmittance, then the front side windows and the windshield on such vehicles shall allow seventy percent light transmittance.

2. Notwithstanding any provision of Paragraph (1) of this subsection (A) nontransparent material may be applied, installed, or affixed to the topmost portion of the windshield subject to the following:
   a. The material is not red or amber in color, nor does it affect perception of primary colors or otherwise distort vision or contain lettering that distorts or obstructs vision;
   b. The bottom edge of the material extends no more than four inches measured from the top of the windshield down;
   c. The material does not reflect sunlight or headlight glare into the eyes of occupants of oncoming or preceding vehicles to any greater extent than the windshield without the material.

3. Nothing in this subsection (A) shall be construed to prevent the use of any window when it is composed of, covered by, or treated with any material or component in a manner approved by federal statute or regulation if such window was included as a component part of a vehicle at the time of the vehicle manufacture, or the replacement of any such window by covering which meets such guidelines.

4. No materials shall be used on any window in the motor vehicle that presents a metallic or mirrored appearance.

5. Nothing in this subsection (A) shall be construed to deny or prevent the use of certificates or other papers which do not obstruct the view of the driver and which may be required by law to be displayed.

B. Any person who violates any provision of this section commits a Class 4 traffic
offense.

10.57.050 Unauthorized insignia
No owner shall display upon any part of his vehicle any official designation, sign, or insignia of any public or quasi-public corporation, municipal, state or national department or governmental subdivision, without authority of such agency. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-97-62 § 40, 1997; Ord. O-75-96 § 109, 1975; Ord. O-74-44 § 1 (part), 1974).

10.57.060 School bus lights and markings
A. Every school bus, as defined in Section 10.75.020, other than a small passenger-type vehicle having a seating capacity of not more than fifteen, used for the transportation of school children, shall bear upon the front and rear of such school bus plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, shall display eight visual signal lights Meeting the requirements of 49 CFR 571.108 or its successor regulation. The red visual signal lights shall be actuated by the driver of the school bus whenever the school bus is stopped for the purpose of receiving or discharging school children, but such lights need not be actuated when a school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary. The alternating flashing yellow lights shall be actuated at least two hundred feet prior to the point where the bus is to be stopped for the purpose of receiving or discharging school children, and the red light shall be actuated only at the time the bus is actually stopped.
B. Every school bus used for the transportation of school children, except those small passenger-type vehicles described in subsection (A) of this section, shall be equipped with school bus pedestrian safety devices that comply with 49 CFR 571.131 or its successor regulation.

10.57.070 Brakes
Every motor vehicle, motorcycle, and low-power scooter, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle as required in Section 42-4-223, C.R.S., as amended. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-2012-9 § 34, 2012; Ord. O-97-62 § 41, 1997; Ord. O-96-45 § 2, 1996; Ord. O-84-60 § 10, 1984; Ord. O-75-96 § 111, 1975; Ord. O-74-44 § 1 (part), 1974).

10.57.080 Mufflers-Prevention of noise
It is unlawful for any person to operate, or for the owner to cause or knowingly permit the operation of, any vehicle or combination of vehicles, within this municipality, which is
not equipped with an adequate muffler in constant operation and properly maintained to prevent any unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by a muffler of the type originally installed on the vehicle. This section shall not apply to electric motor vehicles. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-97-62 § 42, 1997; Ord. O-75-96 § 112, 1975; Ord. O-74-44 § 1 (part), 1974).

10.57.090 Number plates to be attached
A. Number plates assigned to a self-propelled vehicle other than a motorcycle or street rod vehicle shall be attached thereto, one in the front and the other in the rear in accordance with subsections (C) and (D). The number plate assigned to a motorcycle, autocycle, street rod vehicle, trailer, or semitrailer, any other vehicle drawn by a motor vehicle, or any item of mobile machinery or self-propelled construction equipment shall be attached to the rear thereof.
B. If the department issues a validating tab or sticker to a motor vehicle pursuant to Section 42-3-201, C.R.S., the current month validating tab or sticker shall be displayed in the bottom left corner of the rear license plate. The current year validating tab or sticker shall be displayed in the bottom right corner of the rear license plate. The tabs or stickers shall be visible at all times.
C. The rear license plate shall at all times be securely fastened to the vehicle to which it is assigned, so as to prevent the plate from swinging, and shall be displayed horizontally at a height not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, maintained free from foreign materials and in a condition to be clearly legible, at the approximate center of the vehicle measured horizontally, and shall be mounted on or within eighteen (18) inches of the rear bumper.
D. The front license plate shall at all times be securely fastened to the vehicle to which it is assigned, so as not to prevent the plate from swinging, and shall be displayed horizontally on the front of a motor vehicle in the location designated by the motor vehicle manufacturer, maintained free from foreign materials and clearly legible.
E. A person shall not operate a motor vehicle with an affixed device or a substance that causes all or a portion of a license plate to be unreadable by a system used to automatically identify a motor vehicle. Such a device includes, without limitation, a cover that distorts angular visibility; alters the color of the plate; or is smoked, tinted, scratched, or dirty so as to impair the legibility of the license plate.
F. Any person who violates any provision of this section commits a Class 4 traffic offense. Any person who violates Subsection (E) of this section commits a Class 3 traffic offense.

10.58.010 Visible emissions from diesel-powered motor vehicles unlawful
A. No owner or operator of a diesel-powered vehicle shall cause or knowingly permit the emission from such vehicle of any visible air contaminants which exceed the emission level as described in Section 42-4-412(2)(a), C.R.S.
B. Any owner or operator of a diesel-powered motor vehicle receiving a summons and complaint issued pursuant to subsection A of this section shall secure a certification of opacity compliance from a state emissions technical center that such vehicle conforms to the requirements of this section. Said certification shall be returned to the owner or operator for presentation in court as provided in subsection C of this section.
C. Any owner who violates any provision of this section is guilty of a Class 4 traffic offense and, upon conviction thereof, except as provided in subdivision (1) or (2) of this subsection, shall be punished by a fine of one hundred dollars.
   1. If the owner conforms to the requirements of this section and presents the certification required in subsection B of this section to the municipal court, he shall be punished by a fine of one hundred dollars.
   2. If the owner submits to the municipal court proof that he has disposed of the vehicle for junk parts or immobilized the vehicle and if he also submits the registration and license plates for the vehicle to the municipal court, he shall be punished by a fine of twenty-five dollars.
D. Any nonowner operator who violates any provision of this section is guilty of a Class 4 traffic offense and, upon conviction thereof, except as provided in subdivision (1) of this subsection, shall be punished by a fine of one hundred dollars.
   1. If the operator submits to the municipal court within fifteen days after the issuance of the summons proof that he was not the owner of the vehicle at the time the summons was issued and that he mailed, within five days after issuance thereof, a copy of the notice and summons by certified mail to the owner of the vehicle at the address on the registration, he shall be punished by a fine of twenty-five dollars.
   2. Upon a showing of good cause that compliance with this section cannot be made within fifteen days after issuance of the summons and complaint, the municipal court may extend the period of time for compliance as may appear justified.
E. Violations of this section may be determined by visual observations of a police agent who is certified by the Department of Health as trained to ascertain violations of such standards without reference to opacity levels and to distinguish between air contaminants, and steam or water vapor.

10.58.020 Air pollution violations
A. It is unlawful for any person to drive or for the owner to cause or knowingly permit to be driven any motor vehicle, powered by gasoline or any fuel except diesel, which emits any visible air contaminants.
B. The provisions of this section shall not apply to motor vehicles empowered by diesel engines or to emissions caused by cold-engine start-ups.
C. Violations of this section may be determined by visual observations or by test procedures using opacity measurements.
D. Any person who violates any provision of this section is guilty of a Class 4 traffic offense, and upon conviction thereof, except as provided in subdivision (1) or subdivision (2) of this subsection, shall be punished by a fine of twenty-five dollars. For subsequent
offenses, the fine is one hundred dollars.
1. If the owner presents to the municipal court an affidavit that the vehicle has been disposed of in such a manner that it will no longer be operated on the highways, together with the registration card and license plates of such vehicle, the fine shall be suspended.
2. Upon presentation of an affidavit of the owner that such vehicle has been repaired prior to the date set for appearance upon the charge, which appearance date shall be at least fifteen days after the alleged offense, stating the date, location, and nature of repairs made, together with the name of the person making said repairs, and that the vehicle is not in violation of the provisions of this section when in normal operation, the fine shall be suspended.
3. Upon presentation of an affidavit of the owner that such vehicle is being repaired, the municipal court may extend the period of time for compliance as may appear justified.

10.58.030 Definitions
The following definitions shall apply in the interpretation and enforcement of this chapter:
"Air contaminant" or "air pollution" means any fumes, smoke, particulate matter, vapor, or gas or any combination thereof which is emitted into or otherwise enters the atmosphere, including, but not limited to, any physical, chemical, biological, radioactive (including source material, special nuclear material, and by-product material) substance or matter, but "air pollutant" does not include a water vapor or steam condensate.
"Emission" or "emit" means a discharge or release of one or more air contaminants into the atmosphere.
"Opacity" means the degree to which an air contaminant emission obscures the view of a trained observer, expressed in percentage of the obscuration or the percentage to which transmittance of light is reduced by an air contaminant emission.

10.60.010 Obstruction of view or driving mechanism
A. No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
B. No person shall knowingly drive a vehicle while any passenger therein is riding in any manner which endangers the safety of such passenger or others.
C. No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible to the driver while operating the motor vehicle. The provisions of this subsection C shall not be interpreted to prohibit the usage of any computer, data terminal or other similar device in a motor vehicle.
D. No vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal and unobstructed.
E. No passenger in a vehicle shall ride in such position as to create a hazard for himself
or others or to interfere with the driver's view ahead or to the sides, or to interfere with
the driver's control over the driving mechanism of the vehicle; nor shall the driver of a
vehicle permit any passenger therein to ride in such manner.
F. Any person who violate any provision of this section commits a Class 3 traffic
1974).

10.60.020 Unlawful riding
A. No person shall hang on or otherwise attach himself to the outside, top, hood or
fenders of any vehicle, or to any other portion thereof, other than the specific enclosed
portion of such vehicle intended for passengers or while in a sitting position in the cargo
area of a vehicle if such area is fully or partially enclosed on all four sides, while the
same is in motion, nor shall the operator knowingly permit any person to hang on or
otherwise attach himself to the outside, top, hood or fenders of any vehicle, or any other
portion thereof, other than the specific enclosed portion of such vehicle intended for
passengers or while in a sitting position in the cargo area of a vehicle if such area is fully
or partially enclosed on all four sides, while the same is in motion. This subsection shall
not apply to parades, caravans or exhibitions which are officially authorized or otherwise
permitted by law.
B. The provisions of subsection (A) of this section shall not apply to a vehicle owned by
the United States government or any agency or instrumentality thereof, or to a vehicle
owned by the state or any of its political subdivisions, or to a privately owned vehicle
when operating in a governmental capacity under contract with or permit from any
governmental subdivision or under permit issued by the Public Utilities Commission of
the state when, in the performance of their duties, persons are required to stand or sit on
the exterior of the vehicle and the vehicle is equipped with adequate handrails and
safeguards.
C. Any person who violates any provision of this section commits a Class 3 traffic

10.60.030 Boarding or alighting from vehicles
No person shall board or alight from any vehicle while such vehicle is in motion. Any
person who violates any provision of this section commits a Class 4 traffic offense. (Ord.

10.60.040 Riding in trailers
No person or persons shall occupy a trailer while it is being moved upon a street or
highway. Any person who violates any provision of this section commits a Class 4 traffic

10.60.050 Opening and closing vehicle doors
No person shall open the door of a motor vehicle on the side available to moving traffic
unless and until it is reasonably safe to do so, and can be done without interfering with
the movement of other traffic, nor shall any person leave a door open on the side of a
vehicle available to moving traffic for a period of time longer than necessary to load or
unload passengers. Any person who violates any provision of this section commits a
10.60.060 Limitations on backing
A. The driver of a vehicle, whether on public property 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 traffic.
B. The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

10.60.070 Coasting prohibited
A. The driver of any motor vehicle when traveling upon a downgrade, shall not coast with the gears of such vehicle in neutral.
B. The driver of a truck or bus when traveling upon a downgrade shall not coast with the clutch disengaged.

10.60.080 Following fire apparatus
The driver of any vehicle other than an emergency vehicle shall not follow any fire apparatus traveling in response to a fire alarm or other alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm or other alarm. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-94-34 § 19, 1994; Ord. O-87-87 § 17, 1987; Ord. O-75-96 § 120, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.090 Crossing fire hose
No vehicle shall be driven over any unprotected hose of the Fire Department used at any fire, alarm of fire, or practice run laid down on any street, private driveway or highway without the consent of the Fire Department official in command. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 121, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.100 Foreign matter on street or highway prohibited
A. No person shall throw or deposit upon any street or highway within this municipality any glass bottle, glass, stones, nails, tacks, wire, cans, container of human waste, or any other substance likely to injure any person, animal or vehicle upon or along such highway.
B. No person shall throw, drop, or otherwise expel a lighted cigarette, cigar, match, or other burning material from a motor vehicle upon any highway.
C. No person shall throw or deposit upon any street or highway within this municipality any junk, rubbish, trash or debris.
D. Any person who drops, or permits to be dropped or thrown, upon any street or highway or structure within this municipality any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to removed.
E. Any person removing a wrecked or damaged vehicle from a street or highway within this municipality shall remove any glass or injurious substance dropped upon the street or highway from such vehicle.

F. 1. Except as provided in paragraph (2) of this subsection (F), any person who violates any provision of this section commits a Class 4 traffic offense.

2. Any person who violates any provision of subsection (C) of this section commits a Class 2 traffic offense.

3. Any person who violates subsection (A) or (B) of this section by throwing or depositing a container of human waste upon or along any highway shall be punished by a fine of five hundred dollars.

G. As used in this section:
1. "Container" includes, but is not limited to, a bottle, a can, a box or a diaper.

10.60.110 When permits required for parades or processions
No procession or parade, except funeral processions, forces of the United States armed services, military forces of this state, and the forces of the Police and Fire Departments, shall occupy, march or proceed along any street in the municipality except in accordance with a permit issued by the City Clerk and in compliance with such other regulations as are set forth in this title which may apply. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 123, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.120 Funeral processions
A. No permit is or shall be required for any funeral procession to occupy or proceed along the streets of this municipality.

B. Funeral processions which are escorted by escorts shall be permitted to occupy and proceed through stop signs without stopping, through red traffic-control lights without stopping, and through streets controlled by yield signs without yielding, and shall have the right-of-way, all as hereinafter provided, subject to and only upon compliance with the following terms, provisions and conditions:
1. Such funeral processions shall be identified by display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be required by the Police Department of this municipality, by order of its chief. Vehicles in such a procession shall also have their headlights lighted at all times.
2. Each driver in such a procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as practicable and safe.
3. Traffic at each intersection controlled by a signal light, stop or yield sign, during the occupancy of such intersection by such procession, shall be controlled by a uniformed escort upon or having descended from an emergency vehicle equipped with a flashing or rotating red light, which shall be placed in operation during the occupancy of such intersection by such procession. The flashing or rotating red light on such an emergency vehicle shall be extended vertically above the vehicle so that the same may be seen by vehicles approaching the intersection from all directions, despite intervening traffic between the escort vehicle and approaching vehicles.
4. All funeral processions traveling in the city shall have a minimum of two uniformed motorcycle escorts. If the procession consists of thirty or more vehicles, the procession must be escorted by three uniformed motorcycle escorts. In addition, if any procession consists of forty-five or more vehicles, the procession must be escorted by one uniformed motorcycle escort for each fifteen vehicles.

5. Whenever traffic is controlled by traffic-control signals exhibiting colored lights, or colored arrows, successively, one at a time, or in combination, no funeral procession shall initially enter any such intersection, or make any turn therein, contrary to the provisions of the Lakewood traffic code; provided, however, that after a procession has lawfully entered such intersection or commenced a turn therein, the procession may, in its entirety, proceed through the same, so long as there is an escort in the intersection whose vehicle shall be plainly marked by a flashing or rotating red light which can be plainly seen from a distance of five hundred feet in all directions during daylight hours. Such escort shall remain in the intersection until the last car in the procession has proceeded through the same.

6. If an intersection is controlled by a stop or yield sign, the lead vehicle in the procession shall come to a stop, or yield the right-of-way, as may be required, and shall proceed only in compliance with the provisions of the Lakewood traffic code. When a funeral procession has entered an intersection controlled by a stop or yield sign, it shall not be necessary for following vehicles to stop or yield, if the intersection is controlled by at least one uniformed motorcycle escort whose vehicle shall be plainly marked by a flashing or rotating red light that can be plainly seen from a distance of five hundred feet in all directions during daylight hours, which escort shall remain within the intersection until all vehicles within the procession have completely passed through.

7. The lead vehicle in a funeral procession shall not at any time proceed at a speed in excess of posted speed limits; and no vehicle within the procession, including escort vehicles, shall proceed in excess of the speed limit prescribed in the Lakewood traffic code.

8. All persons not in the procession shall yield the right-of-way to any funeral procession lawfully entering or within an intersection in accordance with the terms of this title. It is unlawful to enter that portion of any lane of traffic occupied by a funeral procession or to cross an intersection between vehicles in a procession that has lawfully taken the right-of-way in an intersection; provided, however, that authorized emergency vehicles shall have the right-of-way over funeral processions.

9. All funeral processions shall obey all traffic laws and ordinances, subject only to the exceptions heretofore set forth under the circumstances where such exceptions are permitted; provided, however, that such processions shall yield the right-of-way to authorized emergency vehicles.

10. In no event shall any funeral procession be allowed to take the right-of-way through any intersection, red stop light, stop sign or yield the right-of-way sign between the hours of seven-thirty a.m. and nine a.m. and between four-thirty p.m. and six p.m. During such hours all such processions shall obey all traffic regulations.

11. Nothing herein contained shall relieve any escort or driver of any vehicle within a funeral procession from the duty to proceed with due regard for the safety of all persons; nor shall any of the provisions hereof be a legal defense for any such escort or any such
driver from the consequences of a careless or reckless disregard for the safety of others.

C. Any person who violates any provision for this section commits a Class 3 traffic offense.


10.60.130 Riding on motorcycles – protective helmet

A. A person shall not drive a motorcycle on a public highway within this municipality unless the person and any passenger thereon is wearing goggles or eyeglasses with lenses made of safety glass or plastic; except this subsection (A) does not apply to a person wearing a helmet containing eye protection made of safety glass or plastic.

B. A person driving or riding a motorcycle need not wear eye protection if the motorcycle has:
1. Three wheels;
2. A maximum design speed of twenty-five miles per hour or less;
3. A windshield; and
4. Seat belts.

C. Subject to the exception in subsection D of this section, a person driving or riding a motorcycle need not wear a helmet if the motorcycle has:
1. Three wheels;
2. A maximum design speed of twenty-five miles per hour or less;
3. A windshield; and
4. Seat belts.

D. A person shall not drive or ride as a passenger on a motorcycle on a roadway unless each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of motorcycles.

E. Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passengers.

F. Every person driving a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this title, except as to special regulations herein and except as to those provisions of this title which by their nature can have no application.

G. A person driving a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such driver shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the driver.

H. A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

I. No person shall drive a motorcycle while carrying packages, bundles or other articles which prevent him from keeping both hands on the handlebars.

J. No person shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the driver.

K. 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 shall not apply to motorcycles two abreast in a single lane.
L. The driver of a motorcycle shall not overtake or pass in the same lane occupied by the vehicle being overtaken.
M. No person shall drive a motorcycle between lanes of traffic, or between adjacent lines or rows of vehicles.
N. Motorcycles shall not be driven more than two abreast in a single lane.
O. Subsections (L) and (M) of this section shall not apply to police officers in the performance of their official duties.
P. No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.
Q. Any person who violates any provision of this section commits a Class 3 traffic offense.

10.60.140 Emblem for slow-moving vehicles
A. All machinery, equipment and vehicles, except bicycles, electrical assisted bicycles, EPAMD or electric mobility device and other human-powered vehicles, designed to operate or normally operated at speed of less than twenty-five miles per hour on a public highway shall display a triangular slow-moving emblem on the rear. Bicycles, electrical assisted bicycles, EPAMD or electric mobility devices and other human-powered vehicles shall be permitted but not required to display the emblem specified in this subsection (A.)
B. Such emblem shall be of a type approved by the State Department of Revenue and shall be mounted in accordance with regulations issued by the department.
C. The use of the emblem required under this section shall be restricted to the use specified in subsection (A) of this section, and its use on any other type of vehicle or stationary object is prohibited.
D. Any person who violates any provision of this section commits a Class 4 traffic offense.

10.60.150 Impeding traffic
A. Notwithstanding any minimum speed that may be authorized and posted pursuant to Section 10.15.050 of this title, if any person drives a motor vehicle on any controlled-access highway at a speed less than the normal and reasonable speed of traffic under the conditions then and there existing and by so driving at such slower speed impedes or retards the normal and reasonable movement of vehicular traffic following immediately behind, then such driver shall:
1. Where the width of the traveled way permits, drive in the right-hand lane available to traffic or on the extreme right side of the roadway consistent with the provisions of Section 10.24.010(B) of this title until such impeded traffic has passed by; or
2. Pull off the roadway at the first available place where such movement can safely and lawfully be made until such impeded traffic has passed by.
B. Any person who violates any provision of this section commits a Class 3 traffic offense.

10.60.160 Use of multiple-beam headlights
A. Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the time specified in Section 10.57.030 of this title, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:
1. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in Section 42-4-216 (1)(b) C.R.S., shall be deemed to avoid glare at all times, regardless of road contour and loading.
2. Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light other than the uppermost distribution of light.
3. A low-speed electric vehicle may use the distribution of light authorized in Section 42-4-216 (1.5), C.R.S.


10.60.170 Driving on parklands
A. No person shall drive or park any motor vehicle, motorcycle or any self-propelled vehicle of any nature whatever in or upon any park, parkland or public open space within the city except on roadways or pathways specifically designed for travel or parking within or upon any such park, parkland or public open space.
B. Notwithstanding the provisions of subsection (A) of this section, no person shall drive or park any motor vehicle, motorcycle or any self-propelled vehicle of any nature whatever on roadways and pathways within or upon any park, parkland or public open space within the city when such roadways or pathways have been designated or posted with an official sign as being closed to public vehicular travel, or have been closed to public travel by a gate, chain barricade or any similar device.
C. The provisions of subsections (A) and (B) of this section shall in no event apply to persons or vehicles lawfully engaged in the maintenance, care or construction of said parks or public open space.
D. Any person who violates any provision of this section commits a Class 3 traffic offense. (Ord. O-75-96 § 129, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.175 Restrictions for minor drivers
A. 1. Except as provided in paragraph (3) of this subsection (A), a minor driver shall not operate a motor vehicle containing a passenger who is under twenty-one years of age and who is not a member of the driver's immediate family until such driver has held a driver's license for at least six months.
2. Except as provided in paragraph (3) of this subsection (A), a minor driver shall not operate a motor vehicle containing more than one passenger who is under twenty-one years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least one year.
3. Paragraphs (1) and (2) shall not apply if:
a. The motor vehicle contains the minor's parent or legal guardian or other responsible
adult described in Section 42-2-108, C.R.S.
b. The motor vehicle contains an adult twenty-one years of age or older who currently
holds a valid driver's license and has held such license for at least one year;
c. The passenger who is under twenty-one years of age is in the vehicle on account of
medical emergency;
d. All passengers who are under twenty-one years of age are members of the driver's
immediate family and all such passengers are wearing a seatbelt.
B. 1. Except as provided in paragraph (2) of this subsection (B), a minor driver shall not
operate a motor vehicle between 12 midnight and 5 a.m. until such driver has held a
driver's license for at least one year.
2. This subsection (B) shall not apply if:
a. The motor vehicle contains the minor's parent or legal guardian or other responsible
adult described in Section 42-2-108, C.R.S.
b. The motor vehicle contains an adult twenty-one years of age or older who currently
holds a valid driver's license and has held such license for at least one year;
c. The minor is driving to school or a school-authorized activity when the school does not
provide adequate transportation, so long as the driver possesses a signed statement from the
school official containing the date the activity will occur;
d. The minor is driving on account of a medical emergency; or
e. The minor is an emancipated minor.
C. Violation of this section is a Class 3 traffic offense.
D. For the purposes of this section:
1. "Emancipated minor" means an individual under eighteen years of age whose parents
or guardian has surrendered parental responsibilities, custody, and the right to the care
and earnings of such person, and are no longer under a duty to support such person.
2. "Immediate family" means a person who is related by blood, marriage, or adoption.
3. "Minor driver" means a person who is operating a motor vehicle and who is under
eighteen years of age.
E. No driver in a motor vehicle shall be cited for a violation of this section unless such
driver was stopped by a peace officer for an alleged traffic violation other than a violation
of this section. (O-2006-30 § 15, 2006).

10.60.176 Permitting unauthorized minor to drive
A. No parent or guardian shall cause or knowingly permit his or her child or ward under
the age of eighteen years to drive a motor vehicle upon any highway when such minor
has not been issued a currently valid minor driver's license or instruction permit or shall
cause or knowingly permit such child or ward to drive a motor vehicle upon any highway
in violation of the conditions, limitations, or restrictions contained in a license or permit
which has been issued to such child or ward.
B. Any person who violates any provision of this section commits a Class 4 traffic

10.60.177 Permitting unauthorized person to drive
A. No person shall authorize or knowingly permit a motor vehicle owned by such person
or under such person's hire or control to be driven upon any highway by any person who
has not been issued a currently valid driver's or minor driver's license or an instruction
permit or shall cause or knowingly permit such person to drive a motor vehicle upon any highway in violation of the conditions, limitations, or restrictions contained in a license or permit which has been issued to such other person.

B. Any person who violates any provision of this section commits a Class 4 traffic offense.


10.60.180 Mandatory use of safety belt system

A. As used in this section:

1. "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the public highways including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes, and pickups. The term does not include motorcycles, motor scooters, low-power scooters, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

2. "Safety belt system" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

B. Unless exempted pursuant to subsection (C) of this section, every driver of and every front seat passenger in a motor vehicle and every driver of and every passenger in an autocycle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this state.

C. The requirement of subsection (B) of this section shall not apply to:

1. A child required by Section 10.60.190 of this chapter to be restrained by a child restraint system;

2. A member of an ambulance team, other than the driver, while involved in patient care;

3. A peace officer, as described in § 16-2.5.101, C.R.S., while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as subsection (B) of this section and which only provide exceptions necessary to protect the officer;

4. A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;

5. A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;

6. A rural letter carrier of the United States Postal Service while performing duties as a rural letter carrier; and

7. A person operating a motor vehicle which does not meet the definition of “commercial vehicle” as that terms is defined in § 42-4-235(1)(a), C.R.S. for commercial or residential delivery or pickup service, except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.

D. Any person who operates a motor vehicle while he or any passenger is in violation of the requirement of subsection (B) of this section commits a Class 4 traffic offense. A
driver under eighteen years of age shall be punished in accordance with Section 10.60.195.

E. No driver in a motor vehicle shall be cited for a violation of subsection (B) of this section unless the driver was stopped for an alleged traffic violation other than a violation of this section.

F. Testimony at a trial for a violation of this section may include:
1. Testimony by a law enforcement officer that he observed the person charged operating a motor vehicle while said operator or any passenger was in violation of the requirement of subsection (B) of this section; or
2. Evidence that the driver removed the safety belts, or knowingly drove a vehicle from which the safety belts had been removed. (Ord. O-2012-9 § 39, 2012; Ord. O-87-87 § 18, 1987).

10.60.190 Child restraint system required
A. As used in this section, unless the context otherwise requires:
1. "Child care center" means a facility required to be licensed under the "Child Care Licensing Act," Article 6 of Title 26, C.R.S.
2. "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 CFR 571.213, as amended.
3. “Motor vehicle” means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand pounds. “Motor vehicle” does not include motorcycles that are not autocycles low-power scooters, motorscooters, motorbicycles, motorized bicycles, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.
4. "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 which 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. Proper use of a safety belt means the shoulder belt, if present, crosses the shoulder and chest and the lap belt crosses the hips, touching the thighs.
5. "Seating position" means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodations while the motor vehicle is in motion.
B. 1. Unless exempted pursuant to subsection (C) of this section, and except as otherwise provided in subparagraphs (a) and (b) of this paragraph, every child, who is under eight years of age and who is being transported in this city 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.
   a. 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 in a rear seat of the vehicle.
   b. 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 rear-facing or forward-facing child restraint system.

2. Unless excepted pursuant to subsection (C) of this section, every child, who is at least eight years of age but less than sixteen years of age who is being transported in this city 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.

3. 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.

C. Except as provided in Section 42-2-105.5(4), C.R.S., subsection B of this section does not apply to a child who:
1. Is less than eight 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;
2. 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;
3. Is the driver of a motor vehicle and is subject to the safety belt requirements provided in Section 42-4-237, C.R.S.; or
4. Is being transported in a motor vehicle that is operated by 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.

D. 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.

E. Any person who violates any provision of this section commits a Class 4 traffic offense.

F. The fine may be waived if the defendant presents the court with satisfactory evidence of the acquisition, purchase, or rental of a child restraint system by the time of the court appearance.


10.60.195 Seat belt restrictions on minor drivers under eighteen years of age

A. Occupants in motor vehicles driven by persons under eighteen years of age shall be properly restrained or wear seat belts as required in Section 10.60.190 and in Section 10.60.180.

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

C. Any person who operates a motor vehicle while he or any passenger is in violation of

10.60.200 Horns and signaling devices
No person shall sound any horn or signaling device on any truck, automobile, motorcycle or other vehicle on any street or highway within this municipality, except as a danger warning, and then only for a reasonable period of time. Any person who violates any provision of this section commits a Class 4 traffic offense. (Ord. O-75-96 § 132, 1975; Ord. O-74-44 § 1 (part), 1974).

10.60.210 Use of earphones while driving
A. No person shall operate a motor vehicle while wearing earphones.
B. For purposes of subsection (A), "earphones" includes any headset, radio, tape player, or other similar device, which provides the listener with radio programs, music, or other recorded information through a device attached to the head and which covers all of or a portion of the ears. "Earphones" does not include speakers or other listening devices which are built into protective headgear.
C. Any person who violates this section commits a Class 4 traffic offense. (Ord. O-87-87 § 20, 1987).

10.60.220 Compulsory insurance
A. No owner of a motor vehicle or low-power scooter required to be registered in this state shall operate the vehicle or permit it to be operated on a public street or highway of this city when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.
B. No person shall operate a motor vehicle or low-power scooter on a public street or highway of this city without a complying policy or certificate of self-insurance in full force and effect as required by law.
C. When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a police agent, no owner or operator of a motor vehicle or low-power scooter shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.
D. Any person who violates the provisions of subsection (A), (B), or (C) of this section is guilty of a Class 2 traffic offense and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required under Sections 10-4-619 and 10-4-624, C.R.S., has been obtained. Nothing in this subsection shall be construed to prevent the court from imposing a fine greater than five hundred dollars.
E. Upon a second or subsequent conviction under this section within a period of five years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to Section 1.16.020(B), the defendant shall be punished by a fine of not less than one thousand dollars. The court may establish a payment schedule for a person convicted of the provisions of subsection (A), (B), or (C) of this section. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required under Section 10-4-619 and 10-4-624, C.R.S., has been obtained.
F. Testimony of the failure of any owner or operator of a motor vehicle or low-power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law when requested to do so by a police agent, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (A) or (B) of this section, that such owner or operator of a motor vehicle violated subsection (A) or (B) of this section.

G. No person charged with violating subsection (A), (B), or (C) of this section shall be convicted if he produces in court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by law, at the time of the alleged violation.

H. Of the moneys collected from fines pursuant to subsections (D) and (E) of this section, fifty percent of these moneys shall be transferred to the general fund in support of the Lakewood Police Department.


10.60.230 Radar jamming devices prohibited
A. No person shall use, possess, or sell a radar jamming device.
B. No person shall operate a motor vehicle with a radar jamming device in the motor vehicle.

C. 1. For the purposes of this section, "radar jamming device" means any active or passive device, instrument, mechanism, or equipment that is designed or intended to interfere with, disrupt, or scramble the radar or laser that is used by law enforcement agencies and peace officers to measure the speed of motor vehicles. "Radar jamming device" includes but is not limited to devices commonly referred to as "jammers" or "scramblers."

2. For the purpose of this section, "radar jamming device" shall not include equipment that is legal under FCC regulations, such as a citizens' band radio, ham radio, or any other similar electronic equipment.

D. Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. O-2006-30 § 19, 2006).

10.60.240 Misuse of a wireless telephone
A. A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle. This subsection does not apply to acts specified in subsection B of this Section.
B. A person shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

C. Subsection (A) or (B) shall not apply to a person who is using a wireless telephone: (1) to contact a public safety entity; or (2) during an emergency.

D. A person who operates a motor vehicle in violation of subsection (A) commits a Class 3 traffic offense. A person who operates a motor vehicle in violation of subsection (B) of this section commits a Class 2 traffic offense.

E. For purposes of this section:
1. “Emergency” is defined as a situation in which a person:
a. Has reason to fear for such person’s life or safety or believes that a criminal act may be perpetrated against such person or another person requiring the use of a wireless telephone while the car is moving; or
b. 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 a person who is driving in a reckless, careless, or otherwise unsafe manner.
2. “Operating a motor vehicle” means driving a motor vehicle on a public highway, but “operating a motor vehicle” shall not mean maintain the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked
3. “Use” means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.
4. “Wireless telephone” means a telephone that operates without a physical, wireline connection to the provider’s equipment. The term includes, without limitation, cellular and mobile telephones.
F. 1. An operator of a motor vehicle shall not be cited for a violation of subsection (A) of this section unless the operator was under eighteen years of age and a law enforcement officer saw the operator use, as defined in paragraph (3) of subsection (E) of this section, a wireless telephone.
2. An operator of a motor vehicle shall not be cited for a violation of subsection (B) of this section unless a law enforcement officer saw the operator use a wireless telephone for the purpose or engaging in text messaging or other forms of manual data entry or transmission, in a manner that caused the operator 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 10.18.020.
G. The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.
H. This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission. (Ord. O-2012-9 § 42, 2012)

10.60.250 Failure to present a valid transit pass or coupon-fare inspector authorization-definitions
A. A person commits failure to present a valid transit pass or coupon if the person occupies, rides in, or uses a public transportation vehicle without paying the applicable fare or providing a valid transit pass or coupon.
B. A person shall not occupy, ride in, or use a public transportation vehicle without possession of proof of prior fare payment. A person shall present proof of prior fare payment upon demand of a fare inspector appointed or employed pursuant to Section 42-4-1416, C.R.S., a peace officer, or any other employee or agent of a public transportation entity.
C. As used in this section, unless the context otherwise requires:
1. “Proof of Prior Fare Payment” means:
a. A transit pass valid for the day and time of use;
b. A receipt showing payment of the applicable fare for use of a public transportation vehicle during the day and time specified in the receipt; or
c. A prepaid ticket or series of tickets showing cancellation by a public transportation entity used within the day and time specified in the ticket.
2. “Public Transportation Entity” means a mass transit district, a mass transit authority, or any other public entity authorized under the laws of this state to provide mass transportation services to the general public.
3. “Public Transportation Vehicle” means a bus, a train, a light rail vehicle, or any other mode of transportation used by a public transportation entity to provide transportation services to the general public.
4. “Transit Pass” means any pass, coupon, transfer, card, identification, token, ticket, or other document, whether issued by a public transportation entity or issued by an employer to employees pursuant to an agreement with a public transportation entity, used to obtain public transit.
D. A violation of this section is a Class 4 traffic infraction and is punishable by a fine of seventy-five dollars.

10.60.260 Driving under restraint—penalty
A. Any person who drives a motor vehicle or off-highway vehicle upon any highway of this state with knowledge that the person’s license or privilege to drive, either as a resident or a nonresident, is under restraint for an outstanding judgement is guilty of a Class A traffic infraction as defined in section 42-4-1701(3).
B. A violation of this section is punishable by a minimum fine of $15.00 and a maximum fine of $100.00.

III. Obedience and Enforcement

10.63.010 Authority of Police and Fire Department officials
A. Agents of the Police Department or such officers as are assigned by the Chief of Police are authorized to enforce all street traffic regulations of this municipality and all of the state laws applicable to street and highway traffic in this municipality.
B. Agents of the Police Department or such special officers as are assigned by the Chief of Police are authorized to direct traffic by voice, hand or signal in conformance with state traffic laws and this title; provided that, in the event of fire or other emergency or to expedite traffic or to safeguard pedestrians, agents of the Police Department and other special officers as are assigned by the Chief of Police may direct traffic as conditions may require notwithstanding the provisions of the state traffic laws and the provisions of this title.
C. Members of a fire department, when at the scene of a fire or other emergency or disaster, may direct or assist the police in directing traffic there at or in the immediate vicinity.
D. Officers of the Red Rocks Community College Campus Police Department shall have the nonexclusive power and authority to enforce all provisions of the Lakewood Traffic Code within the boundaries of the Red Rocks Community College, which are located within the City of Lakewood. (Ord. O-2002-47 § 4, 2002; Ord. O-94-34 § 23, 1994; Ord. O-74-44 § 1 (part), 1974).

10.63.020 Required obedience to traffic title
It is a violation of this title for any person to do any act forbidden or fail to perform any act required in this title. (Ord. O-74-44 § 1 (part), 1974).

10.63.030 Obedience to Police Department and Fire Department officials
No person shall willfully fail or refuse to comply with any lawful order or direction of any police agent, or member of the Fire Department at the scene of a fire, who is invested by the law or ordinance with authority to direct, control or regulate traffic. Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. O-94-34 § 24, 1994; Ord. O-75-96 § 133, 1975; Ord. O-74-44 § 1 (part), 1974).

10.63.040 Traffic laws apply to persons riding or leading animals or driving animal-drawn vehicles
A. Every person riding or leading an animal or driving any animal-drawn conveyance upon a street or roadway of this municipality shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle, except those provisions of this title which by their nature can have no application.
B. Persons riding or leading animals on or along any street or highway within this municipality shall ride or lead such animals on the left side of the street or highway facing approaching traffic. This shall not apply to persons driving herds of animals along a street or highway where such movement is permitted.

10.63.050 Restricted use of skates, skis, toboggans, toy vehicles, and all-terrain recreational vehicles
A. No person shall use any street or highway for traveling on any skis, toboggans, coasting sleds, or similar devices. It is also unlawful for any person riding in or by means of any coasters, scooters, motorized scooters, motorized skateboards, toy vehicles or similar devices or engaging in any skating activity utilizing skates, roller skates, in-line skates, roller blades, or skateboards to go upon any roadway except while crossing a street in a crosswalk. When crossing a crosswalk, such person shall be granted all the rights and shall be subject to all of the duties applicable to pedestrians.
B. No person shall operate a scooter, motorized scooter, motorized skateboard, roller skates, in-line skates, roller blades, skateboards, toy vehicle, or similar device upon a sidewalk anywhere within this municipality in a manner as to demonstrate a lack of control over such device or his direction and manner of travel or in a careless and imprudent manner, without due regard for the safety of persons or property. Any person operating any of the above-described devices shall yield the right-of-way to any pedestrian upon a sidewalk.
C. No person shall operate an all-terrain recreational vehicle on a highway; except that the provisions of this subsection shall not apply to a person operating an all-terrain recreational vehicle while the vehicle was being used primarily or exclusively in agricultural operations. For purposes of this subsection "all-terrain recreational vehicle" means any self-propelled vehicle which is designated to travel on wheels in contact with the ground, which is designed primarily for use off of the public highways, and which is
generally and commonly used to transport persons for recreational purposes.


10.63.060 Public employees to obey traffic regulations
The provisions of this title applicable to the drivers of vehicles upon the streets and highways in this municipality shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district or any other political subdivision of the state, except as otherwise provided in this title. (Ord. O-74-44 § 1 (part), 1974).

10.63.070 Authorized emergency vehicles
A. The driver of an authorized emergency vehicle, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
B. The driver of an authorized emergency vehicle may:
1. Park or stand a vehicle, irrespective of the provisions of this title;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the lawful speeds set forth in Section 10.15.010(B), (D) or exceed the maximum lawful speed limits set forth in Section 10.15.010(C) as long as said driver does not endanger life or property;
4. Disregard regulations governing the movement or turning in specified directions.
C. The exemptions granted in subdivisions (1) to (4) of subsection B of this section to an authorized emergency vehicle shall only apply when such vehicle is making use of audible and visible signals meeting the requirements of Section 42-4-213, C.R.S., and the exemption granted in subdivision (1) of subsection B of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of Section 42-4-213, C.R.S.; unless such visual signals would cause an obstruction to the normal flow of traffic, except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this title or any provision of state law applicable to drivers and vehicles in this municipality need not display or make use of audible and visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section shall be construed to require an emergency vehicle to make use of audible signals when such vehicle is not moving, whether or not the vehicle is occupied.
D. The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions be a legal defense for the driver from the consequences of his reckless disregard for the safety of others.
E. The driver of an authorized emergency vehicle shall carry in the vehicle at all times the designation required by state law attesting to the fact that such vehicle has been designated by state motor vehicle agency as an authorized emergency vehicle by virtue of its use for the preservation of life or property or for the execution of emergency governmental functions, but failure to carry the written designation shall not affect the

10.63.080 Operation of vehicles and actions of pedestrians approached by emergency vehicle – operation of vehicle approaching stationary emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle

A. Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of state law, the driver of every other vehicle shall yield the right-of-way and where possible shall immediately clear the farthest left-hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible, to the right-hand edge or curb of a roadway clear of any intersection, and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. 1. A driver in a vehicle shall exhibit due care and caution and proceed as described in paragraphs (2) and (3) of this subsection (B) when approaching or passing:
   a. A stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights, as permitted by § 42-4-213, C.R.S. or § 42-4-222, C.R.S.;
   b. A stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights; or
   c. A stationary public utility service vehicle that is giving a visual signal by means of flashing, rotating, or oscillating amber lights.

   2. On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stationary authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (3) of this subsection (B).

   3. On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (2) of this subsection (B), is not possible, the driver of the approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary authorized vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle; weather conditions, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

C. Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of the state law, every pedestrian shall yield the right-of-way to the authorized emergency vehicle and shall leave the roadway and remain off the same until the authorized emergency vehicle has passed, except when
otherwise directed by a police officer.
D. 1. A driver in a vehicle that is approaching or passing a maintenance, repair, or construction vehicle that is moving at less than twenty miles per hour shall exhibit due care and caution and proceed as described in paragraphs (2) and (3) of this subsection (D.)
2. On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary or slow-moving maintenance, repair, or construction vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the vehicle, unless directed otherwise by a peace officer or authorized emergency personnel. If movement to an adjacent moving lane is not possible, due to weather road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (3) of this subsection (D).
3. On a highway that does not have two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary or slow-moving maintenance, repair, or construction vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane as described in paragraph (2) of this subsection (D) is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary or slow-moving maintenance, repair, or construction vehicle, weather conditions, road conditions, and vehicular or pedestrian traffic, and shall proceed with due care and caution, or as directed by a peace officer or other emergency personnel.
E. 1. The driver in a vehicle that is approaching or passing a motor vehicle where the tires are being equipped with chains on the side of the highway shall exhibit due care and caution and proceed as described in paragraphs (2) and (3) of this subsection (E.)
2. On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where chains are being applied to the tires of a motor vehicle, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (3) of this subsection (E).
3. On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where chains are being applied to the tires of a motor vehicle, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (2) of this subsection (E), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the motor vehicle where chains are being applied to the tires, weather conditions, road conditions, and vehicular or pedestrian traffic, and shall proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.
F. Any person who violates any provision of subsection (A) of this section commits a Class 3 traffic offense. Any person who violates subsection (B), (D), or (E) of this section
commits careless driving as described in Section 10.18.020. Any person who violates any provision of subsection (C) of this section commits a Class 4 traffic offense.


10.63.090 Eluding or attempting to elude police officer or agent
It is unlawful for any operator of a motor vehicle, who a police officer or agent has probable cause to believe has violated a state law or an ordinance of this municipality and who has received a visual or audible signal such as a red light or a siren from such police officer or agent driving a marked vehicle showing the same to be an official police, sheriff or Highway Patrol car directing the operator to bring his vehicle to a stop, to willfully increase his speed or extinguish his lights in an attempt to elude such police officer or agent, or willfully to attempt or in fact to elude in any other manner the police officer or agent. Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. O-94-34 § 26, 1994; Ord. O-75-96 § 137, 1975; Ord. O-74-44 § 1 (part), 1974).

10.66.010 Traffic violations
A. It is unlawful for any person to violate any of the provisions of this title.
B. The Presiding Municipal Judge of the municipal court shall designate the specified offenses under the traffic ordinances of this municipality in respect to which payment of fines may be accepted by the traffic violations bureau in satisfaction thereof, and shall specify by suitable schedules the amount of such fines for first, second and subsequent offenses, provided such fines are within the limits declared by law, and shall further specify what number of offenses shall require appearance before the court. (Ord. O-74-44 § 1 (part), 1974).

10.66.020 Forms and notices of arrest or appearance
A. The municipal court of this municipality shall provide books to include traffic summonses for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances.
B. The books shall include serially-numbered sets of the summonses and complaints or notices, each set having such number of copies as may be required, and shall be in a form containing the information required by state law.
C. The books shall be issued to and receipted for by the Police Chief, or his designee, and the Police Chief shall be responsible for the issuance of such books to individual members of the Police Department.
D. The Police Chief shall cooperate with the State Department of Revenue in the development and use of a coding system for traffic citations which can be utilized in machine data processing and in the preparation of state reports.
E. The Lakewood Municipal Court shall accept parking summonses and complaints in an electronic form approved by the municipal court and shall accept electronic submission of the same information in a format approved by the municipal court. The traffic violations bureau shall be responsible for the storage and retention of said electronically transmitted parking summonses and complaints as mandated by Section 10.69.020. (Ord. O-2004-10 § 2, 2004; Ord. O-94-34 § 27, 1994; Ord. O-74-44 § 1 (part), 1974).
10.66.030 Parties to offense
Every person who commits, conspires to commit or aids or abets in the commission of any act declared herein to be an offense, whether individually or in connection with one or more other persons or as principal agent or accessory, is guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provisions of this title is likewise guilty of such offense. (Ord. O-74-44 § 1 (part), 1974).

10.66.040 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 to permit the operation of such vehicle upon a street or highway in this municipality in any manner contrary to this title. Any person who violates any provision of this section commits a Class 2 traffic offense. (Ord. O-97-62 § 53, 1997; Ord. O-74-44 § 1 (part), 1974).

10.66.050 When person arrested must be taken before court
Whenever a person is arrested and confined or detained in jail for a violation of any provision of this title, or whenever a person arrested demands an immediate appearance before a Judge of the Municipal Court, said person shall be taken without unnecessary delay before a Municipal Judge or other court having jurisdiction of such offense that is nearest or most accessible with reference to the place where such arrest is made. (Ord. O-74-44 § 1 (part), 1974).

10.66.060 When agent may take person before court
In every case of arrest for any violation of this title for which it is not required that a person be taken before a proper court, the person may be taken before the court in any of the following cases:
A. When the person does not furnish satisfactory evidence of identity; or
B. When the agent has reasonable and probable grounds to believe that the person will disregard a written promise to appear in court, except for traffic infractions which shall be governed by Chapter 10.76 of this code; or
C. When the person arrested refuses to accept a summons and complaint or notice to appear in court, except for traffic infractions which shall be governed by Chapter 10.76 of this code. (Ord. O-93-68 § 7, 1993; Ord. O-74-44 § 1 (part), 1974).

10.66.070 When Municipal Judge is unavailable
In the event that no Municipal Judge is available at the time that a person is taken into custody for the purpose of taking him before a proper court for any violation of this title, as authorized or required by this title or pursuant to state law, there shall be established by the court a bail bond schedule and available personnel to accept adequate security for such bail bonds upon satisfaction of which the person charged shall be released from custody pending his required appearance before the court. Whenever any person is taken into custody by an agent for the purpose of taking him before the Municipal Judge as authorized or required by this title and no judge is available at the time of arrest and there is no bail schedule established by such judge or
court which includes the violation with which a person in custody has been charged and no lawfully designated court clerk or other public officer who is available and authorized to accept bail on behalf of the court, such person shall be released from custody upon the issuance to him of a written summons. (Ord. O-74-44 § 1 (part), 1974).

10.66.080 When person charged may elect to appear at municipal court clerk’s office or before municipal court
A. Any person charged with an offense, violation, or traffic infraction under this title for which a summons and complaint or notice may be issued and for which payment of a fine, costs, and other court fees, may be made to the clerk of the municipal court, shall have the option of making such payment within the time and at the place specified on the summons and complaint or notice upon entering a plea of guilty and upon waiving appearance in court; or upon a plea of not guilty shall be entitled to a trial as authorized by law.
B. Acceptance and payment of the prescribed fine, costs, and other court fees, shall be deemed a complete satisfaction for the offense, violation, or traffic infraction, and said clerk of the municipal court upon accepting the prescribed payment shall issue a receipt to the violator acknowledging payment thereof. Checks tendered and accepted and on which payment is received by the clerk of the municipal court shall be deemed sufficient receipt. (Ord. O-93-68 § 8, 1993; Ord. O-74-44 § 1 (part), 1974).

10.66.090 Notice to appear in court
Except when authorized or directed to take a person before the municipal court, as provided in this title, any police agent upon making an arrest for any violation of this title shall take the name, address and operator's license number of said person, the registered number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall prepare and issue to him in writing on the form authorized in Section 10.66.020 a notice or summons to respond and answer to the charge against him at a place and at a time to be specified in the summons and complaint or notice. The police agent shall require said person to execute on the form provided his or her written promise to appear at the time and place indicated on the summons and complaint or notice for any violation of the Lakewood Municipal Code except for violations of the Lakewood traffic code when the person can provide to the police agent a valid Colorado driver's license. (Ord. O-84-60 § 11, 1984; Ord. O-74-44 § 1 (part), 1974).

10.66.110 Compliance with promise to appear
An appearance in court may be complied with by an appearance by counsel. (Ord. O-74-44 § 1 (part), 1974).

10.66.120 Notice on illegally parked vehicle
Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by the ordinances of this municipality, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a summons and complaint or notice on the form authorized in Section 10.66.020, directing the owner thereof to respond to and answer the charge against him at a place and at a time specified in the notice. (Ord. O-74-44 § 1 (part), 1974).
10.66.130 Presumption in reference to illegal parking
In any prosecution charging a violation of any provision of this title 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 regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner or renter of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner or renter was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred. (Ord. O-74-44 § 1 (part), 1974).

10.66.140 Authority of officer or agent at scene of accident
A police agent at the scene of a traffic accident may issue a written summons or notice, as provided in Section 10.66.090 to any driver of a vehicle involved in the accident when the agent has probable cause to believe that the person has committed any offense under the provisions of this title or state law in connection with the accident. (Ord. O-94-34 § 28, 1994; Ord. O-74-44 § 1 (part), 1974).

10.66.150 Notice charging speed violation
In every charge of violation relating to speed limits, the summons and complaint or notice to appear shall specify the speed at which the defendant is alleged to have driven, also the reasonable and prudent speed applicable at the location in this municipality or the maximum lawful speed limit. (Ord. O-94-34 § 29, 1994; Ord. O-84-60 § 12, 1984; Ord. O-74-44 § 1 (part), 1974).

10.66.160 Illegal cancellation of summons and complaint or notice
It is unlawful for any person to cancel or solicit the cancellation of any summons and complaint or notice in any manner other than by process of law. (Ord. O-74-44 § 1 (part), 1974).

10.66.170 When complaint to be issued
A. In the event any person fails to comply with the notice given to such person, or fails to respond to a summons directing an appearance in the court having jurisdiction or at the traffic violations bureau, the clerk of the court having jurisdiction shall have a complaint issued against such person and shall issue and have served a warrant for his arrest.
B. Subsection (A) of this section shall not apply to a failure to appear for a traffic infraction. Such a failure to appear for a traffic infraction shall be governed by Chapter 10.76 of this Code. (Ord. O-93-68 § 9, 1993; Ord. O-74-44 § 1 (part), 1974).

10.66.180 When a copy of summons and complaint or notice shall be deemed a lawful complaint
In the event the form of summons and complaint or notice provided under Section 10.66.020 includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offense alleged in the summons and complaint or notice to have been committed, then such summons and complaint or notice when filed with a court having jurisdiction shall be deemed to be a
lawful complaint for the purpose of prosecution under this title. (Ord. O-74-44 § 1 (part), 1974).

10.66.190 Authority to impound vehicles
A. Whenever a police agent finds any vehicle parked upon any public street or public right of way in violation of the parking restrictions or prohibitions contained on any official sign or signs or when any vehicle obstructs or interferes with the free flow of traffic, street maintenance, or access of emergency vehicles or equipment, or when any item, article, object, or vehicle which causes or tends to obstruct the free movement of pedestrians or other traffic upon a sidewalk, a police agent may order the vehicle towed to an impound lot or the item, article, or object removed.

10.66.195 Authority of police community service officers
A police community service officer shall have the authority to enforce all provisions contained in Title 10 of the Lakewood Municipal Code pertaining to the parking of vehicles and shall have the same authority as a police agent to order the towing of a vehicle. A police community service officer shall have the power and authority to issue and serve summonses and complaints in the municipal court for parking violations and any other violation set forth in Title 10 of the Lakewood Municipal Code as authorized by the Chief of Police. Nothing in this Section shall vest or be construed so as to vest in police community service officers other powers, duties, rights, and emoluments of sworn police agents of the City of Lakewood. (Ord. O-2008-4 § 1, 2008).

10.66.200 Retrieval of impounded vehicles
A. Upon presenting appropriate proof of identification and ownership of a vehicle which has been impounded under the provisions of this title in an impoundment lot and upon payment of the appropriate towing, storage and impoundment fees, the registered owner of an impounded vehicle may retrieve his vehicle.
B. The Chief of Police or his designee shall designate hours when payment of towing, storage and impoundment fees may be accepted and vehicles may be retrieved from impoundment lots.
C. Such payment or towing, impoundment and storage fees shall not relieve the owner of the impounded vehicle from any responsibility or liability to comply with the terms of any notice or citation issued for illegally parking the vehicle.
D. Disposal of Abandoned Vehicles. Vehicles towed from streets or highways and other property within this city and impounded as provided in this title, shall be disposed of in accordance with the provisions of Title 3, Article 11 of this code. (Ord. O-94-34 § 31, 1994; Ord. O-90-41 § 2, 1990; Ord. 84-60 § 14, 1984; Ord. O-77-86 § 35, 1977; Ord. O-74-44 § 1 (part), 1974).

10.66.210 Record of traffic cases
A. Pursuant to Section 42-4-1715, Colorado Revised Statutes, as amended, the municipal court shall keep or cause to be kept a full record of every case in which a person is charged with any violation of any of the traffic ordinances of this municipality.

B. Pursuant to Sections 42-2-121 and 42-4-1715, Colorado Revised Statutes, as amended, the municipal court shall forward to the State Department of Revenue a record of the conviction or judgment of liability by default of any person in the court for violation of any laws or ordinances after such conviction or judgment of liability by default, provided that report need not be made of any conviction involving a Class 4 traffic infraction.

10.66.220 Procedure not exclusive
The procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade. (Ord. O-74-44 § 1 (part), 1974).

10.66.230 Jury trials
Trial by jury shall not be allowed for those persons charged with a Class 3 or Class 4 traffic infraction. In the event a person charged with a Class 3 or Class 4 traffic infraction is also charged with a Class 2 traffic offense arising out of the same incident, the person so charged may have a trial by jury on all charges. (Ord. O-93-68 § 11, 1993; Ord. O-83-83 § 3, 1983).

10.66.250 Post-impoundment Hearings
As to any vehicle impounded by an employee of the Lakewood Police Department, pursuant to the provisions of Title 10 of the Lakewood Municipal Code, or pursuant to Section 42-4-1202, C.R.S., the owner of record and any lienholder has a right to an administrative hearing to determine whether there was probable cause to impound the vehicle pursuant to Title 10 of the Lakewood Municipal Code. Said person must file a written demand for a hearing with the Lakewood City Attorney’s Prosecution Office within thirty days after the date of the impoundment and storage of the vehicle or within ten days of the postmark date of any notice sent by certified mail in compliance with the terms of Section 42-4-1804(4), C.R.S. This written demand must include the owner’s or lienholder’s current address and a telephone number where the owner or lienholder can be reached between the hours of eight a.m. and five p.m. The Notice of Stored Vehicle shall be sent in the mail by the police department to the owner of record, if ascertained, and any lienholder, if ascertained, in compliance with Section 42-4-1804, C.R.S. unless a person who has legal entitlement to the vehicle retrieves it prior to the mailing of the notice. If the vehicle is retrieved prior to the mailing of the notice, written notice of the right to an administrative hearing shall be given by an employee of the Lakewood Police Department to the person retrieving the vehicle. (Ord. O-2010-9, § 7, 2010); Ord. O-97-62 § 56, 1997; Ord. O-94-34 § 32, 1994; Ord. O-86-71 § 1 (part), 1986).

10.66.260 Conduct of hearing
A. A hearing shall be conducted by a Lakewood Municipal Court Judge within seventy-two hours of receipt by the Lakewood City Attorney’s Prosecution Office of a written
demand from the person seeking the hearing, unless such person waives the right to a speedy hearing. Weekends, dates during which the Municipal Court is closed, and holidays are to be excluded from the calculation of the seventy-two hour period.

B. The sole issue before the Municipal Court Judge shall be whether there was probable cause to impound the vehicle in question. The Municipal Court Judge shall determine whether there was probable cause to conclude that the vehicle was subject to impoundment under the provisions of Title 10 of the Lakewood Municipal Code or the provisions of Title 42, C.R.S., which regulate the parking or abandonment of vehicles.

C. The hearing shall be conducted in an informal manner and shall not be bound by technical rules of evidence. The Municipal Court Judge may receive all or part of the evidence in written form. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The City shall carry the burden of establishing that there was probable cause to impound the vehicle in question. The burden of proof shall be by a preponderance of the evidence. Failure of the registered or legal owner, or his agent, to attend a scheduled post-impoundment hearing shall be deemed a waiver of the right to such a hearing and probable cause, in such instance, shall be conclusively presumed.

D. At the conclusion of the hearing, the Municipal Court Judge shall prepare a written decision. At that time, a copy of such decision shall be provided to the registered or legal owner or his agent. The Municipal Court Judge’s decision shall in no way affect any criminal proceeding in connection with the impound in question and any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the Court is final. (Ord. O-2010-9, § 7, 2010); (Ord. O-97-62 § 57, 1997; Ord. O-86-71 § 1 (part), 1986).

10.66.270 Reimbursement for improper towing

A. If the Municipal Court Judge determines that there was no probable cause to impound the vehicle, the Court shall prepare and date a Certificate of No Probable Cause. A copy of this certificate shall be given at the conclusion of the hearing to the registered or legal owner, or his agent, and to the police department.

B. Upon a determination of no probable cause, the City shall either fully reimburse the owner of the impounded vehicle for all towing and storage fees paid by the owner, or directly pay the Official Police Garage for the accrued fees. The Municipal Court Judge is not empowered to order reimbursement by the City for any expenses incurred by the owner due to the towing of the subject vehicle beyond the total sum of the towing and storage fees.

C. If the possessor fails to present such certificate to the official police garage having custody of the vehicle within twenty-four hours of its receipt, excluding such days when the Official Police Garage is not open for business, the possessor shall assume liability for all subsequent storage charges. The certificate shall advise the possessor of such requirement. (Ord. O-2010-9, § 8, 2010; Ord. O-86-71 § 1 (part), 1986).

10.67.010 Rules and regulations of the Colorado State Patrol-Adopted by reference-

Generally

Hazardous materials and hazardous wastes, as defined by the rules and regulations of the Colorado State Patrol, shall be transported and delivered within the City of Lakewood in accordance with the rules and regulations governing the transporting and shipping of
hazardous materials as promulgated by the Colorado State Patrol within the Colorado Department of Public Safety, found at 8 C.C.R. 1507-9, as the same may from time to time be amended, which are adopted by reference pursuant to Title 31, Article 16, of the Colorado Revised Statutes, subject to the deletions, amendments, and additions contained in this chapter. (Ord. O-90-4 § 1 (part), 1990).

10.67.020 Vehicle accidents and spills
If any hazardous materials or hazardous wastes are spilled from a motor vehicle, either on private property, the public right-of-way or public property, the operator shall immediately notify the police or fire department. The following information is necessary for proper identification under this section:
A. Location of the spill;
B. Proper shipping name of hazardous materials or hazardous wastes involved;
C. Amount of material involved;
D. Any information that is available concerning the hazardous materials or hazardous wastes; including such information as the toxicity, flammability, or reactivity of the hazardous materials and hazardous wastes involved; and
E. Any other information available that may either affect the cleanup of the material or the health and safety of individuals in or around the spill. (Ord. O-90-4 § 1 (part), 1990).

10.67.030 Immobilization of unsafe vehicles
Police agents shall have the power to immobilize, impound, or otherwise direct the disposition of motor vehicles transporting hazardous materials or hazardous wastes when any police agent deems that the motor vehicle or the operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under or required by the rules and regulations of the Colorado State Patrol. (Ord. O-90-4 § 1 (part), 1990).

10.67.040 Penalties
Any person convicted of a violation of any provision of this chapter or any person, corporation, partnership, or other entity which intentionally or knowingly authorizes, solicits, requests, commands, conspires in, or aids and abets in the violation of any provision of this chapter shall, for each offense, be fined in a sum of not more than nine hundred ninety-nine dollars or shall be imprisoned for a term of not more than one hundred and eighty days, or shall be both so fined and imprisoned. Each and every day which the violation is permitted to exist shall constitute a separate and distinct offense. The penalties herein shall not preclude the city from initiating any other action to abate or prevent the occurrence of any violation of this chapter. (Ord. O-90-4 § 1 (part), 1990).

10.67.050 Suspension of operations
The Chief of the Lakewood Police Department, or his designee, is authorized to reasonably restrict, or if necessary prohibit, the transportation of hazardous materials or hazardous wastes through the city, without notice, whenever road, weather, traffic, or other hazardous circumstances warrant that action. (Ord. O-90-4 § 1 (part), 1990).

10.68.100 Definitions
As used in this chapter:
"Commercial vehicle" means:
A. Any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of this state or is designed to transport sixteen or more passengers, including the driver, unless such vehicle is a school bus regulated pursuant to Section 42-4-1904, C.R.S. or any vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as such school district does not receive remuneration for the use of such vehicle. Not including reimbursement for the use of such vehicle; and
B. Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting, when such motor vehicle is used in commerce on the public highways of this state.
"Department" shall mean the Colorado Department of Public Safety.
"Motor Carrier" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in this section. (Ord. O-2002-47 § 5, 2002).

10.68.110 Rules and regulations of the CO Dept of Public Safety pertaining to the operation of a commercial vehicle, adopted by reference, generally
No person shall operate a commercial vehicle on any public highway unless such vehicle is in compliance with the rules and regulations governing the safety standards and specifications of all commercial vehicles as promulgated by the Colorado Department of Public Safety, as the same may from time to time be amended, which are adopted by reference pursuant to Title 31, Article 16, of the Colorado Revised Statutes, subject to the deletions, amendments, and additions contained in this chapter. (Ord. O-2002-47 § 5, 2002).

10.68.120 Immobilization of unsafe vehicles
Police agents shall have the power to immobilize, impound, or otherwise direct the disposition of commercial vehicles when any police agent deems that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment or disposition is appropriate under or required by the rules and regulation of the Colorado Department of Public Safety. (Ord. O-2002-47 § 5, 2002).

10.68.130 Penalties
Any person who violates a rule or regulation promulgated by the Department or who fails to comply with this chapter commits a class 2 traffic offense. (Ord. O-2002-47 § 5, 2002)

IV. Administration
10.69.010 Traffic duties of Police Department
It shall be the duty of the Chief of Police and other agents of the Police Department to enforce the provisions of this title and the state vehicle laws applicable to traffic in this municipality, to make arrests for traffic violations, to investigate traffic accidents, to
cooperate with the traffic engineer and/or other officials of this municipality in the administration of this title and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed by this title. (Ord. O-94-34 § 35, 1994; Ord. O-74-44 § 1 (part), 1974).

10.69.020 Records of traffic violations
A. The Police Department or the traffic violations bureau shall keep a record of all violations of the traffic ordinances of this municipality or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses.
B. The record shall be so maintained as to show all types of violations and the total of each.
C. The record shall accumulate during at least a three-year period and from that time on the record shall be maintained complete for at least the most recent three-year period.
D. All such records shall be public records. (Ord. O-94-34 § 36, 1994; Ord. O-74-44 § 1 (part), 1974).

10.69.030 Investigation of traffic accidents
It shall be the duty of the Police Department to investigate traffic accidents occurring within this municipality either by investigation at the time of or at the scene of the accident or thereafter by interviewing participants or witnesses, to issue summonses and complaints or notices for traffic violations in connection with traffic accidents, and to assist in the prosecution of those persons charged with violations of law or ordinance causing or contributing to accidents. (Ord. O-94-34 § 37, 1994; Ord. O-74-44 § 1 (part), 1974).

10.69.040 Traffic accident studies
Whenever the accidents at any particular location or along any particular street or highway within this municipality become numerous, the Police Department shall cooperate with the traffic engineer or other designated official responsible for traffic operations in conducting studies of such accidents and determining remedial or corrective measures. (Ord. O-94-34 § 38, 1994; Ord. O-74-44 § 1 (part), 1974).

10.69.050 Traffic accident reports
A. The Police Department shall obtain from the State Department of Revenue standard forms for accident reports required by state law, and thereon shall report sufficiently detailed information to disclose, with reference to a traffic accident which has been investigated by said department or concerning which said department has received notification, the contributing circumstances, conditions then existing and the persons and vehicles involved.
B. Every traffic accident report required to be made in writing shall be made on a form approved and furnished by the Department of Revenue.
C. The Police Department may require any driver of a vehicle involved in an accident of which written report must be given as provided by law to give additional information concerning the accident, whenever the information originally obtained is insufficient in the opinion of the department, and may require witnesses of accidents to give information concerning the accident.
D. The Police Department shall maintain a suitable system of filing copies of investigators' traffic accident reports with reference to drivers and accident locations and shall make such reports available to the traffic engineer and other officials having use of the records for accident prevention purposes. (Ord. O-94-34 § 39, 1994; Ord. O-74-44 § 1 (part), 1974).

10.69.060 Annual traffic-safety report
The Police Department shall annually prepare a traffic report which shall be filed with the City Manager and shall contain information on traffic matters in this municipality as directed by the City Manager. (Ord. O-94-34 § 40, 1994; Ord. O-74-14 § 1 (part), 1974).

10.69.070 Title of traffic engineer
The title of traffic engineer is established. At such times that the traffic engineer or his designee is unavailable to perform the duty of the traffic engineer, said duty shall be vested in the Director of the Department of Public Works or his designee. (Ord. O-94-34 § 41, 1994; Ord. O-91-55 § 15 (part), 1991; Ord. O-74-44 § 1 (part), 1974).

10.69.080 Duties and powers of traffic engineer or other designated traffic official
A. It shall be the general duty of the traffic engineer or other official vested with the responsibility for traffic as provided herein to determine the installation and proper timing and maintenance of official traffic control devices, to insure that all traffic-control devices required hereunder are uniform as to type and location as required by state law, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigations of traffic conditions, to plan the operation of traffic on the streets and highways of this municipality, and 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 title.

B. The traffic engineer or other official vested with the office as provided for herein is empowered and authorized, consistent with the provisions of this title, state law and the discretion vested within the Department of Planning, Permits and Public Works, to take whatever action the traffic engineer determines necessary for the proper regulation, control and facilitation of traffic in this municipality. (Ord. O-91-59 § 18, 1991; Ord. O-74-44 § 1 (part), 1974).

10.69.090 Division of authority over streets which are state highways
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 pursuant to Section 43-2-135(1)(g), Colorado Revised Statutes 1973, as amended, such regulations on said streets shall be subject to the approval of the State Department of Highways. (Ord. O-82-62 § 1, 1982; Ord. O-78-79 § 16, 1978; Ord. O-77-86 § 37, 1977; Ord. O-74-44 § 1 (part), 1974).

10.69.100 Special permits
Whenever any special permit is required or permitted by the terms of this title for curb-loading operations, the movement of vehicles having excess size or weight, parades or processions, or otherwise, any person, corporation, organization, partnership or association of persons desiring such a special permit shall make application to the City
Clerk for such permit, furnishing to the City Clerk with such application all information relating to the applicant, place, terms and limitations of the permit desired, and such further information as may be required by the City Clerk. Any such application for special permit shall be accompanied by a nonreturnable application fee in accordance with the fee schedule established by the City Manager; provided, however, that civic or charitable groups or organizations desiring parade permits for charitable, civic or patriotic purposes need not pay such application fee. Immediately upon the receipt of such application the City Clerk shall advise the City Manager, or Police Department, or traffic engineer, or two or more of them as the same may be involved according to the type of application, and the City Clerk shall issue or deny such permits as may be recommended by the City Manager, Police Department or traffic engineer, as appropriate, after investigation by those persons and agencies, or any or all of them. (Ord. O-94-34 § 42, 1994; Ord. O-74-44 § 1 (part), 1974).

10.72.010 Traffic violations bureau created
A. The Presiding Municipal Judge may establish a traffic violations bureau to assist the municipal court with the clerical work of traffic cases.
B. The bureau shall be in charge of such person or persons as the court may designate and shall be open on such days excluding Saturdays, Sundays and holidays and at such hours as may be established by the court. (Ord. O-74-44 § 1 (part), 1974).

10.72.020 Duties of traffic violations bureau
The following duties are imposed upon the traffic violations bureau in reference to traffic offenses:
A. To accept designated fines, issue receipts and present to the court the written evidence of the guilty pleas and waivers of appearance of violators who have requested and are permitted to so plead;
B. To receive and issue receipts for bail when applicable, enter the time of their appearance on the court docket, and notify the arresting agent and witnesses, if required, to be present;
C. To forward to the State Department of Revenue, as required by Section 42-2-121, Colorado Revised Statutes 1973, as amended, a record of the conviction of any person in said court for a violation of any of the traffic ordinances of this municipality;
D. To keep an easily accessible record of all violations of which each person has been guilty during the preceding thirty-six months, whether such guilt was established in court or by a plea of guilty and payment of fine at the traffic violations bureau. (Ord. O-78-79 § 17, 1978; Ord. O-77-86 § 38, 1977; Ord. O-74-44 § 1 (part), 1974).

10.72.030 Traffic violations bureau to keep records
A. The traffic violations bureau shall keep records and submit summarized monthly reports to the Presiding Municipal Judge of all summonses and complaints or notices issued and arrests made for violations of the traffic ordinances of this municipality, and of all fines collected by the traffic violations bureau or the court, and of the final disposition or present status of every case of violation of the provisions of the laws and ordinances.
B. The records shall be maintained to show all types of violations and the totals for each.
C. The records shall be public records. (Ord. O-74-44 § 1 (part), 1974).

10.72.040 Additional duties of traffic violations bureau
The traffic violations bureau shall follow such procedures and perform such duties as may be prescribed by the traffic ordinances of this municipality or as may be required by any laws of the state. (Ord. O-74-44 § 1 (part), 1974).

10.72.050 Disposition of traffic fines and forfeitures
All fines or forfeitures collected upon conviction or a finding of violation, or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this title, shall be handled as required by state law. (Ord. O-74-44 § 1 (part), 1974).

10.72.060 Official misconduct
Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any fine to comply with the provisions of Section 10.72.050 shall constitute misconduct in office and shall be grounds for removal therefrom. (Ord. O-74-44 § 1 (part), 1974).

10.75.010 Meanings of certain words and phrases
A. When used in this title the words and phrases defined in this chapter shall for the purpose of this title have the meanings respectively ascribed to them herein.
B. Whenever any words and phrases used in this title are not defined herein but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used in this title. (Ord. O-74-44 § 1 (part), 1974).

10.75.020 Definitions
The following definitions shall apply to this title:
"Acceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.
"Accident" means any unintended event that results in death, injury or any property damage attributable directly or indirectly to the motion of a motor vehicle or its load.
"Agent" means every officer authorized to direct or regulate traffic or make arrests for violations of traffic regulations.
"Alley" (or "alleyway") means a street or highway intended to provide access to the rear or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic.
"Authorized emergency vehicle" means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means the following if equipped and operated as emergency vehicles in the manner prescribed by state law:
A. Privately owned vehicles as are designated by the state motor vehicle licensing agency necessary to the preservation of life and property; or
B. Privately owned tow trucks approved by the public utilities commission to respond to vehicle emergencies.

"Authorized service vehicle" means such highway or traffic maintenance vehicles as are publicly owned and operated on a highway by or for a governmental agency the function of which requires the use of service vehicle warning lights as prescribed by state law and such other vehicles having a public service function, including, but not limited to, public utility vehicles and tow trucks as determined by the Department of Transportation. Some vehicles may be designated as both an authorized emergency vehicle and an authorized service vehicle.

“Autocycle” means a three-wheeled motorcycle that does not use handlebars or any other device that is directly connected to a single front wheel to steer and in which the driver and each passenger ride in a fully or partly enclosed seating area that is equipped with safety belts for all occupants that constitute a safety belt system, as defined in § 42-4-237(1)(b), C.R.S. For the purposes of this definition, “partly enclosed seating area” means a seating area that is entirely or partly surrounded on the sides by the frame or body of a vehicle but is not fully enclosed.

"Barricade" means a portable or fixed barrier having object markings, used to close all or a portion of the right-of-way to vehicular traffic.
"Bicycle" means a vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.
"Bicyclist" means any person operating a bicycle anywhere within the city.
"Bikeway-pedway" means that portion of an existing roadway surface or special surface set aside which is designated by traffic-control signs and/or pavement markings for exclusive use of bicycles and/or pedestrians.
"Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
"Business district" means the territory contiguous to and including a street or highway when within any six hundred feet along such street or highway there are buildings in use for business or industrial purposes, including but not limited to motels, banks, office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the street or highway.
"Bus stand or stop" means a designated area adjacent to a curb or edge of the roadway assigned for the use of buses during the loading or unloading of passengers.
"Centerline" means a line either marked or unmarked dividing the roadway between traffic moving in opposite directions.
"Chief of Police" means the head of the Lakewood Police Department.
"Commercial carrier" means any owner of a motor vehicle, truck, truck tractor or semi-trailer used in the business of transporting persons or property over the public highways for profit, hire or otherwise in any business or commercial enterprise.
"Commercial vehicle" means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise.
"Controlled-access street or highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

"Council" means the governing body of this municipality.

"Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Deceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit to turn from a roadway to slow to the safe speed on the ramp ahead after it has left the mainstream of traffic.

"Divided highway" means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbing, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic-control devices as prescribed in the State Traffic Control Manual.

"Driver" means every person, including a minor driver under the age of eighteen years and a provisional driver under the age of twenty-one years, who drives or is in actual physical control of the vehicle. “Electrical assisted bicycle” means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding seven hundred and fifty watts of power, and a top motor-powered speed of twenty miles per hour.

“Electric Mobility Device” means a device weighing less than 100 lbs., typically with handlebars and an electric motor that has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor. Electric mobility device does not include an electrically assisted bicycle, EPAMD, motorcycle, low-power scooter, toy vehicle, golf car, low speed electric vehicle, wheelchair or any device designed to assist people with mobility impairments who use the pedestrian rights-of-way.

“Electrical personal assistive mobility device” or “EPAMD” means a self-balancing, non-tandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.

"Farm tractor" means every implement of husbandry designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

"Freight or passenger loading zone" means a designated space for the exclusive use of vehicles during the loading or unloading of freight or passengers.

“Golf car” means a self-propelled vehicle not designed primarily for operation on roadways and that has:

A. A design speed of less than twenty miles per hour;
B. At least three wheels in contact with the ground;
C. An empty weight of not more than one thousand three hundred pounds; and
D. A carrying capacity of not more than four persons.
"Holidays," where used in this title or on official signs, in addition to Sundays, means New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and such additional statutory holidays as may by ordinance or state law be declared applicable.

"Implement of husbandry" means every vehicle that is designed, adapted, or used for agricultural purposes and used by the owner thereof in conduct of his agricultural operations. It also includes equipment used solely for the application of liquid, gaseous, and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment, and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways. Trailers specially designed to move such equipment on highways shall be considered as component parts of such implements of husbandry.

"Intersection" means the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict. Where a street or highway includes two roadways thirty feet or more apart, every crossing of each roadway of such divided street or highway by an intersecting street or highway shall be regarded as a separate intersection. In the event such intersecting street or highway also includes two roadways thirty feet or more apart, every crossing of two roadways of such streets or highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.

"Lane" means the portion of a roadway for the movement of a single line of vehicles.

"Lane-direction-control signal" means a traffic-control signal which is erected to control the direction of vehicular traffic movement in an individual lane.

"Laned street or highway" means a street or highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

"Lane line" means a line other than a centerline separating two lanes for traffic moving in the same direction.

"Litter" means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substance, solid or liquid, of every form, size, kind and description.

"Loading zone" means a designated space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.

“Low -power scooter” means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch and either of the following: (1) a cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or (2) a wattage not exceeding four thousand four hundred seventy-six if powered by electricity. “Low-power scooter” shall not include a toy vehicle, bicycle, electrical assisted bicycle, EPAMD or electric mobility device, wheelchair, or any device designed to assist mobility impaired people who use pedestrian rights-of-way. "Markings" means all lines, patterns, words, colors or other devices, except signs, set into the surface of, applied upon or attached to the pavement or curbing or to objects within or adjacent to the roadway, conforming to the state traffic control
manual and officially placed for the purpose of regulating, warning or guiding traffic.

“Low-speed electric vehicle” means a vehicle that is self-propelled utilizing electricity as its primary propulsion method, has at least three wheels in contact with the ground, does not use handlebars to steer and exhibits the manufacturer’s compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

“Markings” means all lines, patterns, words, colors, or other devices, except signs, set into the surface of, applied upon or attached to the pavement or curbing or to objects within or adjacent to the roadway, confirming to the state traffic control manual and officially placed for the purpose of regulating, warning or guiding traffic.

"Median or central dividing strip" means that portion of a divided street or highway separating the traveled ways for traffic in opposite directions.

"Motorcycle" means an autocycle or a motor vehicle that uses handlebars to steer or any other device connected to the front wheel to steer and that is designed to travel on not more than three wheels in contact with the ground, except that the term does not include a "farm tractor," low-speed electric vehicle, or “low power scooter” as defined in this section.

"Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed six brake horsepower and every bicycle with motor attached, but not trail bikes, mini-bikes, go-carts, golf carts, and similar vehicles which are not designed for or approved by the State Highway Department for use on the public roads or highways and not motorized bicycles as defined in this section.

"Motorized bicycle" means a vehicle having two or three wheels, a cylinder capacity not exceeding 50 C.C., and an automatic transmission which produces a maximum design speed of not more than thirty miles per hour on a flat surface.

"Motor scooter" and "motor bicycle" mean every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicles as may be included within the term "farm tractor" and any motorized bicycle as defined in this section, which motor vehicle is powered by an engine of not to exceed six brake horsepower.

"Motor vehicle" means any self-propelled vehicle that is designed primarily for travel on the public highways and 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 mobility devices, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of the offenses described in Sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401 for farm tractors and off-highway vehicles, as defined in section 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 the purposes of Sections 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, C.R.S. "motor vehicle" includes a low-power scooter.

“Multipurpose Trailer” means a wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle over the public highways. A “multipurpose trailer” is generally and commonly used for temporary living or sleeping accommodation and transporting property wholly upon its own structure and is registered as a vehicle.

"Municipality" means the City of Lakewood, Colorado.
"Neighborhood electric vehicle" means a self-propelled, electrically powered motor vehicle that meets the equipment standards set forth in Part 2 of Article 4 of Title 42, C.R.S., and has a speed attainable in one mile that does not exceed twenty-five miles per hour.

"Official time standard" means whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this municipality.

"Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this title, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

"Official traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

"Owner" means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of any agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner. The term also includes parties otherwise having lawful use or control or the right to use or control a vehicle for a period of thirty days or more.

"Park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

"Pedestrian" means any person afoot or any person using a wheelchair.

"Pedestrian-control signal" means a traffic-control signal which is erected for the purpose of directing pedestrian traffic at signalized locations.

"Person" means every natural person, estate, trust, firm, co-partnership, association, corporation, or business entity.

"Police Department" means the Lakewood Police Department.

"Presiding Municipal Judge" means that officer vested with judicial powers and in charge of the municipal courts of the city.

"Prima facie speed limit" means evidence which is sufficient proof that the speed was not reasonable or prudent under the conditions then existing, and will remain sufficient proof of such fact, unless contradicted and overcome by evidence bearing upon the question of whether or not the speed was reasonable and prudent under the conditions then existing.

"Private road" or "driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.

"Railroad" means a carrier of persons or property upon cars, other than streetcars, operated on stationary rails.

"Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

"Ramp" means a turning or interconnecting roadway of a traffic interchange.

"Residence district" means the territory contiguous to and including a street or highway not comprising a business district when the frontage on such street or highway for a
distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

"Right-of-way" means the right of one vehicle operator or pedestrian to proceed in a lawful manner in preference to another vehicle operator or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

"Road machinery" means those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons but which have been redesigned or modified by the mounting thereon of special equipment or machinery, and which may be only incidentally operated or moved over the public highways. This definition includes but is not limited to wheeled vehicles commonly used in the construction, maintenance and repair of roadways and the digging of ditches.

"Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles and exclusive of that portion of a highway designated for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians. In the event that a highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively.

"Safety zone" means the area or space officially set aside within a street or highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

"School bus" means a motor vehicle that is designed and used specifically for the transportation of school children to or from a public or private school or a school-related activity, whether the activity occurs within or without the territorial limits of any district and whether or not the activity occurs during school hours. "School bus" does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or any school related activity.

“School vehicle” means a motor vehicle, including, but not limited to a school bus, that is owned by or under contract to a public or private school and operated for the transportation of school children to or from school or a school-related activity. “School vehicle” does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or any school related activity; or a motor vehicle that is owned by or under contract to a child care center, as defined in Section 26-6-102(1.5), C.R.S., and that is used for the transportation of children who are served by the child care center. "Semi trailer" means any wheeled vehicle, without motive power, which is designed to be used in conjunction with a truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such truck tractor, and which is generally and commonly used to carry and transport property over the public highways.
"Sidewalk" or "sidewalk area" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

"Snowmobile" means a self-propelled vehicle primarily designed for travel on snow or ice, and supported in part by skis, belts or cleats.

"Stand" or "standing" means the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

"Stop" or "stopping," when prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police agent or official traffic-control sign or signal. "Stop." when required, means the complete cessation of movement.

"Stop line" (or "limit line") means a line which indicates where drivers shall stop when directed by an official traffic-control device or police agent.

"Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel; or the entire width of every way declared to be a public street or highway by any law of this state. (Editor's note: By this definition, "street" and "highway" are synonymous and interchangeable.)

"Toy vehicle" means any vehicle, that has wheels and is not designed for use on public highways or for off-road use. "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. "Toy vehicle" does not include off-highway vehicles, or snowmobiles or electric mobility devices.

"Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any street or highway for the purposes of travel.

"Traffic accident" means any accident involving any motor vehicle in motion while using a street or highway for the purpose of travel.

"Traffic-control signal" means any device whether manually, electrically or mechanically operated by which traffic is alternately directed to stop and permitted to proceed.

"Trailer" means any wheeled vehicle, without motive power which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways. The term includes, but is not limited to, multipurpose trailers.

"Trailer coach" means a wheeled vehicle having an overall length, excluding towing gear and bumpers, of not less than twenty-six feet, without motive power, that is designed and
generally and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations and that may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.

"Truck" means any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways.

"Truck tractor" means any motor vehicle which is generally and commonly designed and used to draw a semi-trailer and its cargo load over the public highways.

"Truck tractor- laden" or "laden truck tractor" means any motor vehicle carrying cargo or designed to carry cargo that is generally and commonly designed and used to draw a semi-trailer or trailer and its cargo load over the public highways.

"Truck tractor - unladen" or "unladen truck tractor" means any motor vehicle not carrying cargo that is generally and commonly designed and used to draw a semi-trailer or trailer and its cargo load over the public highways.

"Vehicle" means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes any bicycle, but such term does not include any wheelchair, off-highway vehicle, snowmobile, any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power, or moved exclusively over stationary rails or tracks or designed to move primarily through the air.

"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 includes 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.

"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 mobility device 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.

"Vessel" means every description of watercraft used or capable of being used as a means of transportation of persons and property on water, other than single-chambered air-inflated devices or seaplanes.

"Wheelchair" means a motorized or non-motorized wheeled device designed for use by a person with a physical disability.


10.76.010 Legislative intent
The purpose of this Chapter is to decriminalize certain traffic offenses by establishment of a system to treat Class 3 and Class 4 traffic infractions as civil matters in municipal court. (Ord. O-93-68 § 12 (part), 1993).
10.76.020 Definitions
As used in this chapter, the following definitions shall apply:
"Charging document" means the document commencing or initiating the traffic infraction matter, whether denoted as a complaint, summons and complaint, citation, or other document charging the person with the commission of a traffic infraction or infractions.
"Defendant" means any person charged with the commission of a traffic infraction.
"Judgment" means an admission of guilt or liability for any traffic infraction, the entry of judgment of guilt or liability, or the entry of default judgment as set forth in this chapter against any person for the commission of a traffic offense.
"Noncriminal traffic infraction," also referred to herein as "traffic infraction," means any offense which is classified as a Class 3 or Class 4 traffic offense in the Lakewood Municipal Code.
"Penalty" means a fine imposed by the municipal court for violation of a traffic infraction. (Ord. O-93-68 § 12 (part), 1993).

10.76.030 Application
A. This chapter shall apply to actions in which traffic infractions are charged.
B. In the case of a traffic infraction committed by a defendant who has caused or contributed to an accident resulting in injury or death to any person or in which damage sustained to the property of any one person is in excess of one thousand dollars, such offense shall not be treated as a traffic infraction and shall be subject to the procedures applicable to other municipal offenses, except the defendant shall have no right to a jury trial unless a jury trial is otherwise permitted pursuant to Section 10.66.230 of this code.
C. In any action in which the commission of a traffic infraction and a criminal offense are alleged in one complaint, all charges shall be treated as a criminal offense. (Ord. O-93-68 § 12 (part), 1993).

10.76.040 Commencement of action
An action under this chapter charging a traffic infraction is commenced by the tender of or service of a charging document upon a defendant, or in the case of a parking violation, by placing a charging document on the subject vehicle in a conspicuous place, and by filing of the charging document with the municipal court. (Ord. O-93-68 § 12 (part), 1993).

10.76.050 Payment before appearance date
A. The clerk of the municipal court shall accept payment of a penalty for a traffic infraction by a defendant without an appearance before the court, if payment is made and received by five p.m. of the day prior to the date set for the first hearing.
B. Payment in full of the fine, costs, and other court fees shall constitute a waiver of rights and acknowledgment of guilt or liability.
C. This procedure shall constitute an entry and satisfaction of judgment. (Ord. O-93-68 § 12 (part), 1993).

10.76.060 First hearing
A. If the defendant has not previously acknowledged guilt or liability and satisfied the judgment, he shall appear before the court at the time scheduled for first hearing which is
noted on the charging document.

B. The defendant may appear in person or by counsel, who shall enter an appearance in the case, provided, however, if an admission of guilt or liability is entered, the court may require the presence of the defendant for assessment of the penalty, costs, and other court fees.

C. If the defendant appears in person, the court shall advise him in court of the following:
1. The nature of the infractions alleged in the charging document;
2. The penalty, costs, and other court fees that may be assessed and the penalty points that may be assessed against his driving privilege;
3. The consequences of a failure to appear at any subsequent hearing including entry of judgment against the defendant, and the reporting of the judgment to the State Department of Revenue, Motor Vehicle Division, which may assess points against the defendant's driving privilege and which may result in the denial of an application for a driver's license;
4. The right to be represented by an attorney at the defendant's expense;
5. The right to deny the allegations and to have a hearing before the court;
6. The right to remain silent, because any statement made by the defendant may be used against him;
7. Guilt or liability must be proven beyond a reasonable doubt;
8. The right to testify, subpoena witnesses, present evidence, and cross-examine any witnesses for the city;
9. Any admission of guilt or liability by a defendant must be voluntary and not the result of undue influence or coercion on the part of anyone; and
10. An admission of guilt or liability constitutes a waiver of the foregoing rights and any right to appeal.

D. The defendant personally or by counsel shall answer the allegations in the charging document either by admitting guilt or liability or by denying the allegations.

E. If the defendant admits guilt or liability, the court shall enter judgment and assess the appropriate penalty, costs, and other court fees, after determining that the defendant understood the matters set forth in subsection (C) of this section and has made a voluntary, knowing, and intelligent waiver of rights. The clerk of the municipal court shall report the judgment and points, if any, to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.

F. If the defendant denies the allegations, the matter shall be set for a final hearing. (Ord. O-93-68 § 12 (part), 1993).

10.76.070 Subpoenas
The defendant and the city shall have the right to the issuance of subpoenas by the court clerk as in all other municipal prosecutions to secure the attendance of witnesses at the final hearing. (Ord. O-93-68 § 12 (part), 1993).

10.76.080 Dismissal before final hearing
The charges shall be dismissed if the final hearing is not held within the time requirements set out in Rule 248(b) of the Colorado Municipal Court Rules of Procedure. (Ord. O-93-68 § 12 (part), 1993).

10.76.090 Final hearing
The hearing of all traffic infractions shall be conducted pursuant to the Colorado Municipal Court Rules of Procedure. (Ord. O-93-68 § 12 (part), 1993).

10.76.100 Judgment after final hearing
A. If all the elements of a traffic infraction are proven beyond a reasonable doubt, the court shall find the defendant guilty or liable and enter judgment. The clerk of the municipal court shall report the judgment and the points, if any, to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.
B. If any element of a traffic infraction is not proven beyond a reasonable doubt the court shall dismiss the charge and enter judgment, provided, however, that the court may find the defendant guilty of or liable for a lesser included traffic infraction, if based on the evidence offered, and enter judgment.
C. If the defendant is found guilty or liable, the court shall assess the penalty, costs, and other court fees imposed in criminal municipal offenses.
D. The judgment shall be satisfied upon payment to the clerk of the municipal court of the total amount assessed by the court.
E. If the defendant fails to satisfy the judgment by payment to the clerk of the municipal court of the total amount assessed after the finding of guilt or liability, or within the time of a reasonable extension granted upon a showing of good cause by, and upon application of the defendant, then such nonpayment shall be treated as a default. (Ord. O-93-68 § 12 (part), 1993).

10.76.110 Posthearing motions
There shall be no posthearing motions except to set aside a default judgment as provided by Section 10.76.120 of this chapter. (Ord. O-93-68 § 12 (part), 1993).

10.76.120 Default
A. If the defendant fails to appear for any hearing, the court shall enter judgment against the defendant and, if appropriate, the clerk of the municipal court shall report the judgment and points to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.
B. The amount of the judgment shall be the appropriate penalty which would be assessed after a finding of guilt or liability, plus costs, and other court fees regularly imposed for municipal violations after a finding of guilt.
C. The defendant may satisfy a default judgment entered under this section by payment in full of the penalty, costs, and other court fees to the clerk of the municipal court.
D. No warrant shall issue for the arrest of a defendant who fails to appear at a hearing or fails to satisfy a judgment.
E. 1. Except as otherwise provided in this subsection, no person against whom a judgment has been entered for a traffic infraction shall move to set aside the default judgment unless such motion is filed within six months after the date of entry of judgment.
2. The only exceptions to the time limitations specified in subsection (E)(1) of this section shall be:
   a. A case in which the court did not have jurisdiction over the subject matter of the alleged traffic infraction;
b. A case in which the court did not have jurisdiction over the person of the defendant;  
c. Where the court, after hearing the motion to set aside the default judgment, finds by a  
preponderance of the evidence that the failure to seek relief within the applicable time  
period was caused by an adjudication of incompetence or by commitment of the  
defendant to an institution for treatment as a mentally ill person; or  
d. Where the court, after hearing the motion to set aside the default judgment, finds that  
the failure to seek relief within the applicable time period was a result of circumstances  
amounting to justifiable excuse or excusable neglect. (Ord. O-93-68 § 12 (part), 1993).

10.76.130 City attorney  
The city attorney or designee may appear in any traffic infraction to negotiate a plea  
agreement or to prosecute the traffic infraction before the municipal court. (Ord. O-93-68  
§ 12 (part), 1993).

10.76.140 Appeals  
An appeal from any finding of guilt or liability for a traffic infraction shall be taken to the  
District Court in accordance with Rule 237(b) of the Colorado Municipal Court Rules of  

10.76.150 Collection of judgments  
Upon entry of a judgment under this chapter, the municipal court may initiate collection  
proceedings against any defendant who has failed to pay any outstanding fines, court  
costs, court fees, or surcharges, which have been imposed by the municipal court. The  
defendant is responsible for the collection costs incurred by the City as a result of his  
failure to pay. In addition to all legal and administrative enforcement or collection  
procedures and remedies otherwise available, the city attorney is authorized to file a civil  
action with any state court having appropriate jurisdiction, which filing shall include a  
certified copy of the judgment, praying for judgment based on the total amount  
authorized to proceed with all judgment, execution, and collection procedures authorized  
by law for the amount of the judgment, costs, and fees incurred in such proceedings.  
STAFF MEMO

DATE OF COUNCIL MEETING: JANUARY 13, 2019 / AGENDA ITEM NO. 12
FEBRUARY 24, 2020 / AGENDA ITEM NO. 13

To: Mayor and City Council

From: Travis Parker, Department Director, 303-987-7908

Subject: 3900 S WADSWORTH BLVD. & 3939 S TELLER ST., CASE RZ-19-001

This ordinance was approved on 1st Reading by a vote of 11 ayes 0 nays.

SUMMARY STATEMENT: The applicant, David Marcotte with West Point, NCP LLC, is proposing to rezone the properties at 3900 S. Wadsworth Boulevard (Lot 1) and 3939 S Teller Street (Lot 2) from Planned Development with an underlying Mixed-Use zone district (PD/M-E-S) to Mixed-Use Employment Suburban (M-E-S) and Mixed-Use Residential Suburban (M-R-S). The land area is approximately 13.5 acres in size. If the rezoning request is approved, the property owner intends to redevelop a portion of the site with a for-sale townhome development.

The Planning Commission held a public hearing on September 4, 2019 and approved Resolution RZ-19-001, which adopted the Findings of Fact and Order with a recommendation that City Council approve the rezoning request. Rezoning applications are a quasi-judicial process and the role of the City Council is to review the Planning Commission recommendation to and make a final determination on the application.

BACKGROUND INFORMATION: The existing site improvements include a multistory office building (to remain) and two surface parking lots. The purpose of the rezoning request is to accommodate a future development on a portion of the eastern parking lot, which has been underutilized for years. To accomplish this, the applicant is proposing to rezone the property from the existing Planned Development zone district to M-E-S for 11.2 acres of the site and M-R-S for the remaining 2.3 acres.

The split zone district request is necessary to accommodate additional development for two primary reasons. First, the existing Academy Park Planned Development parking requirements will not allow significant reductions to the number of existing parking spaces. Second, recently adopted zoning regulations for residential land uses within the M-E-S zone district no longer permit a standalone residential land use/development. Therefore, rezoning the entire 13.5-acre site to the underlying M-E-S zone district is not an option to accommodate the proposed residential redevelopment.

Staff supports this rezoning request because it will accommodate a redevelopment proposal that will increase the diversity of land uses within the Academy Park Growth Area. In addition, the
land uses permitted within the two proposed zone districts are compatible with the existing surrounding land uses as well as the land uses envisioned within the Comprehensive Plan.

If the rezoning request is approved, the property owner intends to redevelop the 2.3-Acre M-R-S site with a for-sale townhome development. The property owner is willing to enter into a Developer’s Agreement with the City to provide an additional guarantee that the M-R-S site is developed with townhomes instead of another permitted use within the zone district. The agreement (signed by the property owner) and draft resolution are included with this packet for Council’s consideration. Although not required, City Council may approve the voluntary agreement by resolution following an approval of the rezoning request.

**BUDGETARY IMPACTS:** N/A

**STAFF RECOMMENDATIONS:** Both the Planning Commission and staff recommend approval because the proposed rezoning satisfies the review criteria.

**ALTERNATIVES:** City Council may approve, deny or continue the rezoning application. More specifically, the Council may approve the rezoning application because it agrees with the findings of the Planning Commission. Council may also have additional reasons why the application satisfies the review criteria.

Or, City Council may deny the rezoning application based on a determination that the application does not satisfy the rezoning review criteria. A determination that the review criteria has not satisfied could be based on findings discovered during the public hearing or based on not promoting the purpose of the Zoning Ordinance or not having compatibility with existing surrounding land uses (or the land uses envisioned in the Comprehensive Plan) or not meeting one of the additional review criteria (promoting implementation of the Comprehensive Plan, material change in neighborhood, or zoned in error).

City Council may also continue the public hearing because additional information is needed. If continued, staff recommends picking a date certain for the continuation of the hearing. Please note that it is staff’s understanding that the rezoning should not be approved with conditions because it would be contrary to case law.

**PUBLIC OUTREACH:** As required by the Zoning Ordinance, a neighborhood meeting was held on January 10, 2019. One Lakewood resident attended the neighborhood meeting and was in support of rezoning the site to accommodate future development, as well as, increase the mix of land uses that currently exist within the Academy Park development. Because of the low attendance, the applicant worked to solicit additional feedback regarding the rezoning and development proposal from business owners, residents and non-residents that are either looking for housing in Lakewood and/or commute to Lakewood for work. This effort resulted in more than 65 letters of support that were provided to staff and included in the Planning Commission packets.

**NEXT STEPS:** The 1st reading is scheduled for January 13th and the public hearing is scheduled for January 27th.
ATTACHMENTS:  
Ordinance O-2020-2  
PC Staff Report Attachments A-H  
Public Correspondence  
Planning Commission Resolution  
Planning Commission Meeting Minutes  
Draft Resolution  
Developers Agreement

REVIEWED BY:  
Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Timothy P. Cox, City Attorney
O-2020-2

AN ORDINANCE

REZONING LAND LOCATED AT 3900 S. WADSWORTH BLVD. AND 3939 S. TELLER ST., LAKEWOOD, CO 80235, COUNTY OF JEFFERSON, STATE OF COLORADO

BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Upon application by David Marcotte, Applicant and duly authorized representative of the Owner, in Rezoning Case RZ-19-001, and upon a recommendation of approval by the Lakewood Planning Commission following a duly noticed public hearing on September 4, 2019, Lakewood Zoning Maps are hereby amended to exclude from the Academy Park Planned Development (PD/M-E-S) zone district and to include:

In the Mixed-Use Employment Suburban (M-E-S) the land described in Exhibit A attached hereto and made a part hereof; and

In the Mixed-Use-Residential Suburban (M-R-S) the land described in Exhibit B attached hereto and made a part hereof.

SECTION 2. The Mayor and City Clerk are hereby authorized and directed to certify the within and foregoing approval and record with the Clerk and Recorder of Jefferson County a certified copy of this Ordinance and the Developer’s Agreement attached thereto, pursuant to the effective date thereof, and upon satisfaction of the conditions for recording relating to the property described in Exhibits A and B.

SECTION 3. This Ordinance shall take effect forty-five (45) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 13th day of January 2020; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 16th day of January 2020; set for public hearing on the 24th day of February 2020; read, finally passed and adopted by the City Council on the 24th day of February 2020; and signed and approved by the Mayor on the __________ day of ____, 2020.

__________________________
Adam Paul, Mayor

ATTEST:

_____________________________
Michele Millard, City Clerk

APPROVED AS TO FORM:

_____________________________
Timothy P. Cox, City Attorney
Exhibit A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 1 AND LOT 2, BLOCK 1, ACADEMY PARK FILING NO. 5 & 6 LOT LINE ADJUSTMENT NO. 1 PLAT, IN THE CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO, PER THE PLAT RECORDED JANUARY 16, 2015 AT RECEPTION NO. 2015004585, IN THE OFFICE OF THE CLERK AND RECORDER FOR THE COUNTY OF JEFFERSON, STATE OF COLORADO, LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 1, FROM WHICH THE SOUTH LINE OF SAID LOT 2 BEARS SOUTH 89°34’47” WEST, WITH ALL BEARINGS CONTAINED HEREIN BEING REFERENCED TO SAID SOUTH LINE;

THENCE ALONG SAID SOUTH LINE, SOUTH 89°34’47” WEST, A DISTANCE OF 304.93 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE SOUTH LINE OF SAID BLOCK 1, SOUTH 89°33’11” WEST, A DISTANCE OF 532.63 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, SAID POINT ALSO BEING ALONG THE EAST RIGHT OF WAY LINE OF SOUTH WADSWORTH BOULEVARD;

THENCE ALONG THE WEST, NORTHERLY AND EAST LINES OF SAID LOT 1, BLOCK 1 THE FOLLOWING 13 COURSES:

1) NORTH 00°04’56” EAST, A DISTANCE OF 724.38 FEET;
2) NORTH 63°11’24” EAST, A DISTANCE OF 33.68 FEET;
3) NORTH 88°27’44” EAST, A DISTANCE OF 121.96 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY;
4) THENCE ALONG SAID TANGENT CURVE, HAVING A RADIUS OF 232.12 FEET, THROUGH A CENTRAL ANGLE OF 18°47’21”, AN ARC DISTANCE OF 76.12 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHEASTERLY;
5) THENCE ALONG SAID REVERSE CURVE, HAVING A RADIUS OF 232.12 FEET, THROUGH A CENTRAL ANGLE OF 18°53’56”, AN ARC DISTANCE OF 76.56 FEET;
6) THENCE NORTH 89°33’11” EAST, A DISTANCE OF 232.92 FEET;
7) THENCE SOUTH 00°14’12” WEST, A DISTANCE OF 299.79 FEET;
8) THENCE NORTH 89°34’19” EAST, A DISTANCE OF 263.69 FEET;
9) THENCE NORTH 00°13’26” EAST, A DISTANCE OF 271.70 FEET TO THE BEGINNING OF A NON-TANGENT CURVE SOUTHWESTERLY, FROM WHICH A RADIAL LINE BEARS SOUTH 13°17’01” WEST;
10) THENCE ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 985.85 FEET, THROUGH A CENTRAL ANGLE OF 00°23’18”, AN ARC DISTANCE OF 6.68 FEET;

11) THENCE SOUTH 76°20’49” EAST, A DISTANCE OF 136.08 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY;

12) THENCE ALONG SAID TANGENT CURVE, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 89°46’01”, AN ARC DISTANCE OF 39.17 FEET;

13) THENCE SOUTH 13°39’35” WEST, A DISTANCE OF 307.76 FEET

THENCE SOUTH 89°34’47” WEST, A DISTANCE OF 213.57 FEET;

THENCE SOUTH 00°13’18” WEST, A DISTANCE OF 66.72 FEET;

THENCE SOUTH 89°34’47” WEST, A DISTANCE OF 25.61 FEET;

THENCE SOUTH 00°13’18”, A DISTANCE OF 70.17 FEET;

THENCE SOUTH 89°34’47” WEST, A DISTANCE OF 110.40 FEET;

THENCE SOUTH 00°13’17” WEST, A DISTANCE OF 238.25 FEET TO THE POINT OF BEGINNING.

CONTAINS 487,318 SQUARE FEET OR 11.187 ACRES, MORE OR LESS.

AS SHOWN ON THE EXHIBIT ATTACHED HERETO, MADE A PART HEREOF.
Exhibit B

LEGAL DESCRIPTION

PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 1 AND LOT 2, BLOCK 1, ACADEMY PARK FILING NO. 5 & 6 LOT LINE ADJUSTMENT NO. 1 PLAT, IN THE CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO, PER THE PLAT RECORDED JANUARY 16, 2015 AT RECEPTION NO. 2015004585, IN THE OFFICE OF THE CLERK AND RECORDER FOR THE COUNTY OF JEFFERSON, STATE OF COLORADO, LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 1, FROM WHICH THE SOUTH LINE OF SAID BLOCK 1 BEARS SOUTH 89°34'47" WEST, WITH ALL BEARINGS CONTAINED HEREIN BEING REFERENCED TO SAID SOUTH LINE;

THENCE ALONG SAID SOUTH LINE OF BLOCK 1, SOUTH 89°34'47" WEST, A DISTANCE OF 304.93 FEET;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00°13'17" EAST, A DISTANCE OF 238.25 FEET;

THENCE NORTH 89°34'47" EAST, A DISTANCE OF 110.40 FEET;

THENCE NORTH 00°13'18" EAST, A DISTANCE OF 70.17 FEET;

THENCE NORTH 89°34'47" EAST, A DISTANCE OF 25.61 FEET;

THENCE NORTH 00°13'18" EAST, A DISTANCE OF 66.72 FEET;

THENCE NORTH 89°34'47" EAST, A DISTANCE OF 213.57 FEET TO THE EASTERLY LINE OF SAID BLOCK 1, ACADEMY PARK FILING NO. 5 & 6 LOT LINE ADJUSTMENT NO. 1 PLAT;

THENCE ALONG SAID EASTERLY LINE OF BLOCK 1 THE FOLLOWING TWO (2) COURSES:

1) SOUTH 13°39'35" WEST, A DISTANCE OF 171.07 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 510.00 FEET;

2) SOUTHERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 23°40'59", AN ARC LENGTH OF 210.81 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 1 AND THE POINT OF BEGINNING.

CONTAINS 100,668 SQUARE FEET OR 2.311 ACRES, MORE OR LESS.
AS SHOWN ON THE EXHIBIT ATTACHED HERETO, MADE A PART HEREOF.
PLANNING COMMISSION STAFF REPORT

REZONING CASE NO. RZ-19-001
CASE NAME: 3900 S. Wadsworth Blvd. Rezoning

ADDRESS OF REZONING:
3900 S. Wadsworth Blvd. & 3939 S. Teller St.
Lakewood, CO 80235

REPORT DATE: August 21, 2019
PC DATE: September 4, 2019

APPLICANT:
Donald Marcotte, Manager
West Point, NCP LLC
1999 Broadway, Suite 3500
Denver, CO 80202

PROPERTY OWNERS:
West Point, NCP LLC
1999 Broadway, #3500
Denver, CO 80202
Vista Buena Holdings, LLC
505 14th Street
Manhattan Beach, CA 90266

REQUEST:
The request is to rezone Lot 1 (3900 S. Wadsworth Blvd.) and Lot 2 (3939 S. Teller St.) of the Academy Park Filing 5 & 6 Lot Line Adjustment Plat from Planned Development with the underlying zone district of Mixed-Use Employment (PD/M-E-S) to Mixed-Use Employment Suburban (M-E-S) and Mixed-Use Residential Suburban (M-R-S) to allow for an infill development project on Lot 2 and a portion of Lot 1.

CITY STAFF:
Development Review Planning
Development Review Engineering
Transportation Engineering
Property Management
Community Resources
Brea Pafford, Case Planner
Shawn DeJong, Development Assistance Coordinator
Toni Bishop, Engineering Technician
Garrett Downs, Right-of-Way Agent
Ross Williams, Parks Planner

STAFF RECOMMENDATION:
That the Planning Commission recommends that the City Council approve Case No. RZ-19-001.

Brea Pafford, Case Planner
Planning – Development Assistance

Paul Rice, Manager
Planning – Development Assistance

CONTENTS OF THE REPORT:
Attachment A – Conceptual Land Use Plan
Attachment B – Applicant’s Written Description
Attachment C – Aerial Map
Attachment D – Zoning Map
Attachment E – Neighborhood Meeting Summary
Attachment F – Letters in Support
Attachment G – M-E-S Boundary/Legal Description
Attachment H – M-R-S Boundary/Legal Description
Attachment I – Draft Resolution
SUMMARY OF REQUEST

The applicant, Donald Marcotte, is requesting to rezone the properties at 3900 S. Wadsworth Blvd. & 3939 S. Teller St. from Planned Development with the underlying Mixed-Use Employment Suburban (PD/M-E-S) zone district to Mixed-Use Employment Suburban (M-E-S) and Mixed-Use Residential Suburban (M-R-S). Combined, the two existing lots are approximately 13.5 acres in size.

As depicted in Figure 1 below, the subject site is located at the southeast corner of S. Wadsworth Boulevard and W. Mansfield Avenue. This area (located south of US 285/Hampden Avenue) is identified in the Lakewood Comprehensive Plan as part of the Mission Trace & Academy Park Growth Area.

![Aerial Image](image-url)
PROCESS – REQUIRED CITY APPROVALS

Overview: The purpose of the rezoning request is to accommodate future development on a portion of the existing office building parking lot that has been underutilized for years. If the rezoning request is approved, the property owner intends to redevelop the area that is proposed to be rezoned to M-R-S with a for-sale townhome development. At this time, staff is not aware of any additional redevelopment proposals for the remaining office building and surface parking lot that is proposed to be rezoned to M-E-S and depicted in Figure 2 below. The proposed rezoning from PD/M-E-S to M-E-S for the remainder of the office building complex is directly related to the parking ratio approved per the Academy Park Planned Development, which requires a minimum of 5 parking spaces for each 1,000 square feet of office building gross floor area (GFA).

![Figure 2 – Proposed Zoning](image)

The rezoning process includes a neighborhood meeting, formal application, public hearing with the Lakewood Planning Commission and a public hearing with the Lakewood City Council. The Planning Commission reviews the rezoning request at a public hearing and then make its recommendation to City Council. The City Council will review the Planning Commission recommendation, meeting minutes, staff report, and then hold a second public hearing, after which they will make a final decision on the rezoning application.

If the rezoning application is approved, a 45-day referendum period is required. If there is no referendum, the applicant may proceed with a redevelopment proposal, which will include a Major Site Plan and Minor Subdivision/Lot Line Adjustment applications for the proposed development.

Plans: All rezoning applications are required to include a Conceptual Land Use Plan. The Conceptual Land Use Plan for this case is included as Attachment A to this staff report. The Conceptual Land Use Plan outlines the specific elements that are unique to the site. It is intended to supply enough information about the rezoning request for the Planning Commission to make
its recommendation and the City Council to make a decision.

A Major Site Plan, which is not a part of the rezoning application process, will determine final layout of site access, buildings, parking, open space, building architecture, landscape design and other site elements. The Major Site Plan will be reviewed against the standards in the Zoning Ordinance, the Engineering Regulations and the Conceptual Land Use Plan. The Major Site Plan may be approved administratively provided the proposal(s) meet the City’s development standards.

A Minor Subdivision application is required to create for-sale townhome lots. The minor subdivision may also be approved administratively if the plat is in compliance with the City of Lakewood Subdivision Ordinance. The minor subdivision and major site plan applications may be submitted concurrently.

**ZONING AND LAND USE**

<table>
<thead>
<tr>
<th>Adjacent Zoning Designation</th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
</table>

* Rezoning request to M-G-S at 3840 S. Wadsworth Blvd. was approved by City Council on 7/22/2019

(See Attachment C - Aerial Map and Attachment D - Zoning Map)

**Existing Conditions:** The existing site is comprised of two lots with an office building and two large surface parking lots that are separated by a private shared driveway. Generous landscape buffers line the perimeter of the site. According to building permit records, the office building was constructed in 1973, which predates the Planned Development Zone District approved in 1978. The two parking lots provide ample parking for tenants and visitors of the office building. Most of the eastern parking lot remains vacant on a daily basis despite the existing office building maintaining a lease rate above 92%.

Access to the site is taken from W. Mansfield Avenue. An additional access point will be allowed off of S. Teller Street with the final location to be determined through the Major Site Plan application process. The site has sloping topography with the highest point near the Wadsworth/Mansfield intersection and lower elevations located in the southeast portion of the site. What appears to be a stormwater detention facility is located at the north east corner of the site near the W. Mansfield/S. Teller Street intersection.

**AGENCY REVIEW AND NOTIFICATION**

Notice of the Planning Commission public hearing for the rezoning request was mailed to 645 tenants and owners of property within 500 feet and to 4 registered neighborhood organizations within a 1/2 mile of the subject property, as required by the Lakewood Zoning Ordinance. The rezoning application was also sent to 7 outside referral agencies for review, as indicated in the table below.
<table>
<thead>
<tr>
<th>Agency</th>
<th>Notification for Neighborhood Meetings Sent</th>
<th>Notification for Planning Commission Hearing</th>
<th>Referral Sent</th>
<th>Comments Received</th>
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<tr>
<td>West Metro Fire Protection District</td>
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<td></td>
</tr>
<tr>
<td>Lakehurst Water &amp; Sanitation District</td>
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<td>Jefferson County Public Schools</td>
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<td></td>
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<tr>
<td>Property Owners within 500 feet</td>
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<td>Executive 9 Club Estates on Fairway 5 HOA</td>
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<td>Marston Slopes HOA</td>
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<td>South Lakewood Business Association</td>
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<td>Lochmoor Property Owners Association</td>
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<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Referral Agencies’ Comments:** The City received five responses from referral agencies. The following is a summary of the comments received in response to the agency referral documented in the chart above.

1. West Metro Fire Protection District had no objection to the proposed rezoning and stated fire service will be provided as long as the provisions in the 2015 International Fire Code are satisfied.

2. Lakehurst Water & Sanitation District had no objection to the proposed rezoning and stated that the design and construction of the water and sanitary services must be in accordance with the District’s standards.

3. Xcel Energy had no objection to the proposed rezoning, contingent upon their ability to maintain all existing rights.

4. Century Link had no objection to the proposed rezoning.

5. The Police Department responded that a Crime Prevention Through Environmental Design (CPTED) review could not be completed for the rezoning application. The PD will receive future referrals on any site plan submittals for the CPTED review.

**Neighborhood Comments:** A neighborhood meeting was held on January 10, 2019. At the time of the neighborhood meeting, the applicant was proposing to rezone the property to Mixed-Use General Suburban (M-G-S) to be consistent with the rezoning application for 3840 S. Wadsworth Blvd. Additionally, there was not a specific development proposal for the site at that time. One Lakewood resident attended the meeting and was in support of the rezoning to accommodate future development on the site and liked the idea of increasing the mixture of uses that currently exist within the Academy Park development.

The rezoning proposal was modified by the applicant, from the initially proposed M-G-S zone district to the M-E-S and M-R-S, following staff’s review of the formal rezoning application and the evolution of the current townhome development proposal.
Letters of Support: Staff also received 68 letters of support for the rezoning application from business owners, Lakewood residents, people that commute to Lakewood for work, people in support of reducing the size of the exiting paved surface parking lot and non-residents that would like to live in Lakewood.

See Attachment E for summary of the neighborhood meeting and Attachment F for the letters of support.

PROJECT ANALYSIS

Overview: The subject site is currently zoned PD/M-E-S and was developed in the 1970’s as a multi-story office building with 825 surface parking spaces. The applicant has indicated that even with the high occupancy rate for the office building, the parking lot is rarely (if ever) full and that the eastern parking lot consistently has approximately 200 unoccupied spaces on a daily basis. The applicant’s analysis of aerial imagery from the past 20 years also supports this claim. The property owners are interested in exploring additional redevelopment opportunities for the unused parking lot, however, the existing parking standards that were adopted when the property was rezoning to Planned Development in 1978 will not currently allow any significant parking reductions to accommodate further development on this site.

Pursuant to the Academy Park Planned Development Standards, the minimum parking ratio for an office use is 5 spaces per 1000 square feet of gross floor areas (GFA). In comparison, the current parking ratios for an office use per the City of Lakewood Zoning Ordinance requires a minimum of 1.5 spaces per 1000 square feet of GFA with a maximum of 5 spaces per 1000 square feet of GFA in Mixed-Use zone districts with a suburban context. The lower parking ratios in the City’s current zoning ordinance better reflect the current trends and technologies available for office workers where flexible work schedules and working from home certain days of the week are becoming more common. The proposed rezoning request is intended to address the outdated parking ratios and other development standards contained within the Academy Park Planned Development.

The proposed zoning for the property reflects the development potential that is being explored by the property owners, Vista Buena Holdings, LLC and West Point, LLC. At this time, there are no plans to modify the existing office building or the exiting use. The office building is currently leased at a 96% occupancy rate and there is no desire or need to change the exiting office use. In addition, there are no plans to modify the larger parking lot (directly south of the office building) where most of the office tenants and employees currently park. As such, this portion of the site is proposed to be rezoned from the PD/M-E-S to the underlying zone district of Mixed-Use Employment Suburban (M-E-S), which allows a variety of non-residential land use and up to 50% of the total building GFA to be a residential use. Refer to Attachment G for the legal description and exhibit of the land area associated with the proposed M-E-S portion of the site.

The remaining 2.3 acres of the site that includes all of Lot 2 and a portion of Lot 1 is proposed to be rezoned to the Mixed-Use Residential Suburban (M-R-S) zone district to accommodate a proposed for-sale townhome development. Refer to Attachment H for the legal description and exhibit of the land area associated with the proposed M-R-S portion of the site. The applicant has also included the proposed fee-simple townhome development pattern on sheet 2 of the Conceptual Land Use Plan (Attachment A). Although this information was included to support the rezoning request, the Planning Commission should keep in mind that a rezoning approval does not constitute the approval of a specific development proposal or land use.
Comprehensive Plan - The primary document for guiding land use decisions is the Lakewood 2025: Moving Forward Together Comprehensive Plan. The Comprehensive Plan is a long-range plan that looks 10 years into the future. It is a policy document that provides guidance to City Council, Planning Commission, City staff, residents, businesses, and developers to make informed decisions about the current and future needs of the community. The Comprehensive Plan is available on the City’s website under the following URL: http://www.lakewood.org/CommunityPlans/

The purpose of the Comprehensive Plan is to identify and articulate the residents' values and goals to help the community achieve its desired future through a vision statement, guiding principles, goals and actions steps. The City’s Vision Statement is articulated on pages 3-5 & 3-6 of the Comprehensive Plan and it is intended to set a direction for the future of Lakewood rather than being simply a prediction.

The Comprehensive Plan has a Land Use Vision Map (Map 3-d, page 3-21) that indicates Growth Areas, Neighborhood and Community Activity Areas. The Growth Areas are intended to accommodate the vast majority of the employment, retail and residential growth anticipated for the City. This property is located within the Mission Trace & Academy Park Growth Area and is designated for Mixed-Use Office. The growth area summary states that the Academy Park Area will continue to develop with a mix of non-residential and residential uses.

![Figure 3 – Mission Trace/Academy Park Growth Area Land Use Map](image)

Staff has evaluated the rezoning proposal and found that it is consistent with the Comprehensive Plan Growth Area Land Use. The rezoning proposal will require a true mixture of uses within an existing development site. The M-E-S zone district will ensure that a percentage of non-residential uses shall be maintained. Additionally, the M-R-S zone district will ensure that a portion of any future development must be a residential use permitted in that zone district. Further,
accommodating both residential and office uses in close proximity will provide local housing options for non-residents that work in Lakewood and would like to become Lakewood residents, as expressed in several of the Letters of Support that were received for this rezoning application (Attachment F).

Lakewood Zoning Ordinance: The Lakewood Zoning Ordinance provides information about zone district standards, specific development regulations and the planning process. As stated in Article 3 - Zone Districts:

- The M-E district is intended to provide for office and campus development, with ancillary retail and residential uses along arterial and collector streets. The district may also act as a buffer between higher intensity mixed-use districts and adjacent residential neighborhoods. The district provides for medium to high-density employment opportunities, as well as educational and institutional campuses. Employment uses are key components of this district, and are required in certain instances where the parcel and/or district is of a certain size; and

- The M-R district is intended to allow for compact multifamily residential development with a variety of densities. This district will also allow for office and retail uses that are integrated into residential projects. Minimum residential densities are established as part of the district to maximize the potential number of transit riders and business users within adjacent transit and urban development areas, while limiting the impact on existing surrounding neighborhoods.

The proposed suburban context in both zone districts reflects a more auto-oriented environment, where the existing surrounding street pattern and access to adjacent residential neighborhoods is not conducive to the highest level of pedestrian connectivity.

For a comparison of the PD/M-E-S, M-E-S and M-R-S zone district standards, see Attachment A.

Review Criteria: The review criteria for rezoning requests are outlined in Section 17.2.3.3.A of the Lakewood Zoning Ordinance. Staff's analysis of the rezoning request against these standards is provided below in Section A.

A. Conformance with Standards for Rezoning Criteria §17.2.3.3.A:

1. The proposed rezoning promotes the purposes of the Zoning Ordinance as stated in Section 17.1.2.

The proposed rezoning will support the purpose and intent of the Zoning Ordinance as follows:

- Maintaining/improving public health, safety and welfare of the citizens of the City of Lakewood through a mixture of uses within walking distance.
- Implementing the vision, goals and recommendations of the Comprehensive Plan by providing quality infill development that is compatible in form with surrounding uses within the Academy Park development.
- Providing a range of housing types and costs to meet the current and future needs of citizens within an existing employment park development.
- Promoting orderly development through a public process.
- Accommodating the effective integration of a mixture of uses and redevelopment with surrounding land uses.
• Promoting a mixture of commercial and residential uses within mixed-use zone districts.

2. The proposed rezoning is compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan.
   • The proposed rezoning is compatible with the existing surrounding land uses that include office, multifamily, institutional/school and ministorage.
   • The proposed rezoning is also compatible with the land uses envisioned in the Comprehensive Plan. The property is located within the Mission Trace and Academy Park Growth Area with a land use designation of Mixed-Use Office.

3. The proposed rezoning meets at least one of the following:
   The zoning ordinance requires that one of the following three factors must exist.

i. The proposed rezoning promotes implementation of the Comprehensive Plan.
   The proposed rezoning will promote the implementation of Lakewood Comprehensive Plan as follows:
   • The proposed rezoning will support the community's guiding principles, goals and actions steps by:
     o Goal I-CS3 – Enhance commercial and mixed-use district to create quality working, living, shopping and dining experiences.
       • Creating an opportunity to work with the owners of an older commercial property to reinvigorate projects through reinvestment and redevelopment. (Action Step b).
       • Promoting commercial and mixed-use investment and reinvestment in designated Growth Areas. (Action Step c).
     o Goal I-CS7 – Continue to diversify Lakewood’s economy to strengthen and stabilize the tax base and maintain viability through fluctuating economic cycles.
       • Replacing the outdated parking ratios and development standards required by the Academy Park PD with the City’s current parking ratios and development standards. This will allow for a greater mix-of-uses within this Growth Area by creating redevelopment potential within the unused portions of the surface parking lot.
     o Goal I-GA17 – Enhance the existing office and regional retail environment of the growth area.
       • Providing opportunities for additional residential uses within the Academy Park Growth Area. (Action Step b)
     o The Goal L-PS6 – Ensure adequate utilities are available for Lakewood’s current and future residents and businesses.
       • Ensuring coordination of services with applicable utility and service providers is occurring early in the development process. (Action Step a)
     o The Goal M-MT7– Strategically provide additional capacity and operational efficacies on roadways to limit congestion and expand multi-modal options.
       • Monitoring intersections for capacity limits and improving the intersections as necessary. (Action Step e)
ii. There has been a material change in the character of the neighborhood or in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change.

Evidence of a material change within the Mission Trace & Academy Park Growth Area has been demonstrated though the recent multifamily development (located to the south of the subject property) and the conversion of the old TravelersExpress / MoneyGram office building into the Addenbrooke Classical Academy Public K-12 charter school. A rezoning request (from PD to M-G-S) for the property to the north the subject property was also recently approved by City Council to allow the remainder of the vacant office building to be converted and repurposed for a ministorage use.

With respect to the existing Academy Park Planned Development (PD), staff finds that the customized zoning and development standards (that may have made sense when they were established in 1978) have become outdated and no longer provide the flexibility needed to ensure that the Academy Park Planned Development can remain viable through fluctuating economic cycles, changing market demands for traditional office space, evolving development trends/best practices and the implementation of new technology.

Further, Article 9 of the existing PD establishes a 5-member Architectural Design Committee (ADC) to review and either approve or reject development plans pursuant to the design standards contained within the zoning document. It is staffs’ understanding that there has not been an active ADC for Academy Park for several years. As such, with the combination of outdated standards and the lack of an ADC to manage the character of new development, the Academy Park PD requires a significant amount of city staff time to review and approve any new development proposal or building/sign permit application.

Based on the above analysis, staff finds that:

a) There has been a material change in the character of the existing office park; and

b) With the numerous letters of support received for the proposed rezoning and the additional cost incurred by tax payers for staff to continue to implement the outdated customized PD zone district standards, the proposed rezoning is in the public interest.

iii. The property was rezoned in error.

Not applicable.

B. Engineering Analysis. Engineering was not required as part of this rezoning request. Engineering documents will be required with future redevelopment of this site.

FINDINGS OF FACT AND ORDER
Based upon the information and materials, the neighborhood meeting, and this staff report, staff supports the rezoning request. Therefore, City of Lakewood staff recommends that the Planning Commission find that:

A. The applicant, Donald Marcotte, is proposing to rezone Lot 1 and 2 of the Academy Park Filing 5 & 6 Lot Line Adjustment Plat from Planned Development with the underlying Mixed-Use Employment Suburban (PD/M-E-S) zone district to Mixed-Use Employment Suburban (M-E-S) and Mixed-Use Residential Suburban (M-R-S).

B. Notice of the Public Hearing was provided to the fee owners of property and residents within 500 feet; and registered neighborhood organizations within a 1/2 mile as required
by the Lakewood Zoning Ordinance; and
C. Notice was published in the official City newspaper at least six days prior to the hearing; and
D. Notice was posted at the property at least 14 days prior to the hearing; and
E. The request was reviewed by the appropriate referral agencies; and
F. The proposed rezoning promotes the purposes of this Zoning Ordinance as stated in Section 17.1.2.; and
G. The proposed rezoning is compatible with existing surrounding land uses and the land uses envisioned in the Comprehensive Plan; and
H. The proposed rezoning promotes the implementation of the Comprehensive Plan; and
I. There has been a material change in the neighborhood and the rezoning is in the public interest;

AND

The Planning Commission adopts the findings of fact and order, A through I, as presented in this staff report and recommends that the City Council APPROVE Rezoning Case No. RZ-19-001.

cc: Case File- RZ-19-001
    Donald Marcotte, Applicant
CONCEPTUAL LAND USE PLAN
REZONE 3900 S. WADSWORTH BLVD.
AND 3939 S. TELLER ST., LAKEMOUTH, CO
CASE RZ-19-001

STATEMENT OF INTENT

The intent of the rezoning request is to revise the current 13.5 acre parcels, Lot 1 and Lot 2 of the Academy Park, planned development (PUD) from its current (PUD) zoning and conceptual land use zoning of Lot 1 solely as M-5-E (mixed employment suburban), and Lot 2 to M-R-8 (mixed residential suburban) to allow for better use of the lot by parcel, which has been consistently underutilized over the last 30 years as a vacant parking lot. The office complex will remain within Lot 1 along with 82 parking spaces necessary for the office use. The M-5-E zoning of Lot 1 would allow for a lower parking space requirement to better match the actual number of parking stalls needed for the 175,000 SF building.

Lot 2 would also undergo a lot line adjustment to redefine its boundary from 1.5 acres to 2.3 acres and be rezoned to M-R-8 to create opportunity for redevelopment of the vacant parking lot into a more favorable land use that can provide a community of mixed-use with a residential component allowable within the M-R-8 zoning category. The current conceptual land use plan presents a proposed single family attached townhome development within the 2.3 acre parcel with added green spaces, attractive pedestrian connections and improved community aesthetics through quality architectural design. The M-R-8 zoning has a greater open space criteria at 30% for residential uses and similar setback requirements to the M-R-8 and PUD zoning but lower parking space requirements.

The proposed rezoning of Lot 1 to M-R-8 and reconfigured Lot 2 to M-R-8 is compatible with the surrounding land uses as evidenced by other rezoning requests trending in this area. This area has 210 neighboring M-R-8 (mixed use general suburban) and M-R-5 (mixed use residential suburban) to the northwest, PUD-6 (mixed use employment suburban) to the northeast, and M-5-E (mixed use employment suburban) (apartments) to the south.

The rezoning of the parcel supports the Lakewood comprehensive plan and specifically promotes redevelopment within the Lakewood mission trace academy park growth area, which is one of the Lakewood 2025 plans seven identified growth areas for redevelopment. Regional water, sanitation, and drainage infrastructure is within the vicinity of the site with capacity to serve the additional demands of a small outparcel of 31 single family attached dwelling units.

LEGAL DESCRIPTION

Lots 1 and 2, Academy Park filing no. 546 lot line adjustment no. Q plat, recorded January 16, 2015, at reception no. 2015004585, located in the southeast quarter of section 2, township 5 south, range 69 west of the 6th P.M., city of Lakewood, county of Jefferson, state of Colorado.

ZONING DISTRICT STANDARDS

**EXISTING ZONE DISTRICT CONTEXT

SCALE = N.T.S.**

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<tr>
<th>Zoning Standard</th>
<th>PD Zone District (Existing Zoning)</th>
<th>M-R-8 Zone District (Existing Underlying Zoning)</th>
<th>M-R-5 Zone District (Proposed Zoning)</th>
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<tbody>
<tr>
<td>Special Land Uses</td>
<td>4%</td>
<td>Hospital/Utility Facility/Bus/Entertainment Facilities</td>
<td>Entertainment Facility/Annual Concert Facilities</td>
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<tr>
<td>Limited Use</td>
<td>Retail Rental/Storage/Tracking Terminal</td>
<td>Accessory Dwelling Unit / Accessory Care Center / Contractor Shop / Parking / Stand alone</td>
<td></td>
</tr>
<tr>
<td>138th St. &amp; W. Mendenhall Ave.</td>
<td>Max 500 feet</td>
<td>Min 10 feet</td>
<td>Min 10 feet</td>
</tr>
<tr>
<td>Rear Side Setback **</td>
<td>Max 0 feet</td>
<td>Max 50 feet</td>
<td>Min 10 feet</td>
</tr>
<tr>
<td>Height Requirements</td>
<td>Max 150 feet</td>
<td>Max 100 feet</td>
<td>Min 40 feet</td>
</tr>
<tr>
<td>Building Height</td>
<td>Max 150 feet</td>
<td>Max 100 feet</td>
<td>Min 40 feet</td>
</tr>
</tbody>
</table>
| Open Space | Max 50% | Max 20% | Max 25%-

**NOTES**

- All dimensions not located at the 0-foot setback shall be located a minimum of 5 feet from property line.
July 31, 2019

Ms. Brea Pafford  
City of Lakewood  
Planning and Development  
470 S. Allison Parkway  
Lakewood, CO 80226

RE: 3900 S. Wadsworth Boulevard & 3939 S. Teller St. Rezoning  
Academy Park Filing No. 5 & 6 Lot 1 and Lot 2, Block 1

Dear Ms. Pafford,

Please see the attached land development rezoning application package for the proposed rezoning for the above-referenced property. The current owner, VBH WP, LLC, is requesting a rezoning of the 13.5 acre parcel comprised of Lot 1 (11.99 ac.) and Lot 2 (1.51) currently under the Academy Park Planned Development (PD) zoning, with underlying Mixed-Employment-Suburban (MES) zoning. The applicant is seeking to rezone the office complex parcel within Lot 1 to MES as its sole zoning, while Lot 2 and a small portion Lot 1 would be rezoned to Mixed-Residential-Suburban (M-R-S). The PD established for Academy Park in 1979 included more than 27 properties for various allowed uses under the PD zoning criteria such as schools, medical buildings, hotels and office complexes. The purpose of the rezoning is due to the excessive number of parking stalls required under the PD zoning requirements for office complexes, which requires 5 parking stalls for every 1000 square feet (SF) of gross floor area (GFA), resulting in more than 200 vacant parking spaces consistently unused over the last 20 years. Given today’s modern modes of transportation and advanced computer technologies, including telecommuting, public transportation, and rideshare, the applicant seeks to establish a lower parking requirement allowable on the MES zoning criteria ranging from 1.5 stalls to 5 stalls per 1000 SF GFA (maximum), enable more effective use of the vacant parking lot primarily in Lot 2 and a portion of Lot 1. The 175,000 SF office complex has an estimated GFA of 154,004 SF (after 10% reduction for accessory uses such as elevator shafts, maintenance rooms, etc.), requiring 770 parking spaces based on 5 stalls per 1000 SF. The office complex has a total of 825 parking stalls and tends to occupy no more than 600 parking spaces on a regular basis. The building is typically at 90-92% occupancy, and currently leased at 96% occupancy as of July 2019.

Rezoning to MES will allow the applicant to update the parking space requirements to more effectively establish what is truly needed for the office complex under today’s conditions, freeing-up approximately 2.3 acres for redevelopment in this growth area in City of Lakewood. As part of this rezoning application, the 2.3-acre parcel would be rezoned to Mixed Residential (M-R-S) zoning which has many similar criteria as
compared to MES, but the MRS allows for a residential component such as single-family attached dwelling units, which is the desired use for this parcel. A Conceptual Land Use Plan (CLUP) has been prepared to present the rezoning concept for the Lots 1 and 2 and identifies a Lot Line Adjustment to create a 2.3 acre-parcel intended for redevelopment as luxury townhomes. MRS zoning also allows other uses as well, but the intension is for the single-family attached dwelling unit as presented in the CLUP accompanying this rezoning application. Both the MES and MRS zonings promote a true mixed-use of office and residential uses, where office workers and business executives can live and work and shop within the neighborhood community. Other benefits include to creation of more open space (green space), pedestrian connectivity, and improved neighborhood aesthetics with impressive architectural design of the proposed townhome buildings.

Please see accompanying rezoning package and supporting information for the Lot 1 and Lot 2, Block 1 Academy Park property. We look forward to your review and consideration of our applicant’s rezoning request.

Respectfully Submitted,

Dewberry | J3

Donna Barrentine, P.E.
Project Manager
ATTACHMENT E – NEIGHBORHOOD MEETING NOTES

CASE NUMBER: ZP-18-088 – Preplanning application for a proposed rezoning
Project Manager: Brea Pafford
Applicant: Donald Marcotte, Manager – West Point, NCP LLC
Owners: West Point, NCP LLC
Case Address: 3900 S Wadsworth Blvd. and 3939 S. Teller St.
Request: The applicant has expressed an interest in rezoning the property from PD/M-E-S to M-G-S.
Date: January 10, 2019
Time: 6:00PM – 7:00PM
Location: 3900 S. Wadsworth Blvd., Suite 150
Lakewood, CO 80235

Neighborhood Groups Notified: South Lakewood Business Association
City Staff: Brea Pafford, Planning - Development Assistance
Paul Rice, Planning Manager - Development Assistance

In Attendance: 1 Lakewood resident, 3 members from the applicant’s team, and 2 City Staff members were in attendance.

This is a summary of the neighborhood meeting. It is not inclusive of all the details, but rather a summary of the main points discussed at the meeting.

Meeting Agenda:

- Introduction
- Purpose of Meeting
- Explanation of the Rezoning Process
- Presentation by the Applicant
- Questions and Discussion with Citizens
- Closing Comments and Next Steps

At 6:13 PM Staff opened the meeting with an explanation of the purpose, notice requirements, and an explanation of the rezoning application process. Then staff turned the meeting over to Donna Barrentine for the applicant’s presentation.

Following staff’s introduction, the applicant presented information about the project site and existing parking needs of the office building. The applicant provided aerial images spanning from 1999 through 2018 which depict the parking lot for the existing office building. These images show that the smaller lot adjacent to Teller Street is primarily vacant, with the larger lot ranging from 25 – 75% full. The excess and unused parking is related to the minimum required parking ratios for an office use.
that were established with the Planned Development in 1978.

The applicant also indicated that there is a desire by the property owner to explore additional development opportunities for the existing parking lot adjacent to S. Teller Street, however, the parking ratios of the Planned Development requires a minimum of 5 parking spaces per 1,000 feet of gross floor area (GFA). This results in required parking spaces which remain largely unused over the past 20 years. By rezoning to the M-G-S zone district, where the minimum parking ratio for an office use is 1.5 spaces per 1,000 SF of gross floor area and the maximum is 5 spaces per 1,000 SF of GFA.

The applicant explained that the proposed rezoning to M-G-S:

- Will allow a lower parking ratio so that the required parking is more in line with the parking needs of the office use. It will also allow
- Free up unused parking to do something better with the land
- Provides allowable uses in the M-G-S that may be viable on this site include attached dwelling units, multifamily, day care, fitness and restaurant uses, would complement and help support the existing office use on this site and the other existing uses in the Academy Park development.
- Is supported by the Lakewood Comprehensive Plan as it is in the Mission Trace/Academy Park Growth Area. Specifically, it is in-line with the Plan goals to: promote mixed-use developments, improve redevelopment opportunities and enhance community through live/work opportunities though additional investment and redevelopment of the site.

The applicant identified the following community benefits:

- Allows better use of a vacant parking lot
- Enables other beneficial land use opportunities to enhance the community
- Promotes redevelopment and private investment opportunities
- Allows for potential single-family attached (townhome) development, supporting current trends in a growth area
- Creates mixed-use area with offices, retail and residential
- Market support the changes character with trending rezoning within the area.

Following the presentation, the applicant opened the floor for questions/comments. The following lists the questions and comments that were received by those in attendance.

Question (Q): It doesn't look like there is a specific development that is currently proposed?
Answer (A): Correct - the owner would like to secure entitlements and remove the existing parking requirements that are required by the ODP.

Q: Are there any traffic concerns?
A: A Traffic Study is required with the formal application and will identify any issues with land uses allowed in the M-G-S zone district.

The meeting ended at 6:38PM. Staff provided a summary of the applicant’s ‘next steps’:
- Submit formal application
- Notification
- Public Hearing

CC: Case File ZP-18-088
Case File RZ-19-001
July 10, 2019

City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood City Staff:

I was made aware that the property at the WestPoint Office Plaza at 3900 S Wadsworth Blvd is scheduled for rezoning. I am an owner of a small business in Lakewood and would benefit from more people moving into our community. It would help my employees by giving them a chance to live closer to work and for my customers who wish they could be closer to our office.

Respectfully,

Jared Theis
CEO
Community Management Specialists, Inc.
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Council,

The property scheduled for rezoning at 3939 S Teller Street is why we are reaching out to you. We currently own a rental property in the Lakewood area and fully support the development of new residential homes in the area. This would give us the opportunity to purchase another home to provide a quality and affordable option for renters who cannot buy.

Best Regards,

Signature/Date: 7/12/17

Name: Justin B. Adams

Address: 12429 W. Virginia Ave

Lakewood, CO 80228
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

It is my understanding that the property at the WestPoint Office Plaza at 3900 S Wadsworth Blvd. is scheduled for rezoning. We currently own a business in the Lakewood area and fully support the development of residential homes nearby. Our business has been doing well, and the potential for growth with the addition of new members to the community would be very beneficial.

Yours Truly,

[Signature/Date:]

Name: Michael Hoover
Address: 8365 S Young St.

Lakewood, CO 80127
City of Lakewood  
470 S Allison Way  
Lakewood, Colorado 80226

Dear Lakewood Council,

The property scheduled for rezoning on Case #RZ-19-001 is why we are reaching out to you. We currently own a business in the Lakewood area and are in full support of residential homes being developed nearby. Our business has begun to slow over the last few years and the potential for growth through community support would be the ultimate benefit.

Yours Truly,

[Signature]

Name: Jack Phillips  
Address: 3355 S Wadsworth  
Lakewood, CO 80226
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Council,

The property scheduled for rezoning on Case #RZ-19-001 is why we are reaching out to you. We currently own a business in the Lakewood area and are in full support of residential homes being developed nearby. Our business has begun to slow over the last few years and the potential for growth through community support would be the ultimate benefit.

Yours Truly,

Signature/Date: 25-18
Name: [Signature]
Address: 7887 W. Tuffs Island, Littleton, CO 80127
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

It is my understanding that the property at the WestPoint Office Plaza at 3900 S Wadsworth Blvd. is scheduled for rezoning. We currently own a business in the Lakewood area and fully support the development of residential homes nearby. Our business has been doing well, and the potential for growth with the addition of new members to the community would be very beneficial.

Yours Truly,

Signature/Date: 1/25/16

Name: [signature]

Address: 3355 S Wadsworth Blvd, Unit 23

[Redacted]
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

It is my understanding that the property at the WestPoint Office Plaza at 3900 S Wadsworth Blvd. is scheduled for rezoning. We currently own a business in the Lakewood area and fully support the development of residential homes nearby. Our business has been doing well, and the potential for growth with the addition of new members to the community would be very beneficial.

Yours Truly,

[Signature/Date: 6-25-19]

[Name: DONALD HELL]

[Address: 3978 S. WADSWORTH +109 LAKewood 80235]
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood City,

I am reaching out regarding the property scheduled for rezoning on Case #RZ-19-001. I currently own a business in Lakewood and fully support the development of residential homes in the area. The potential growth through increased members in the community would be beneficial to my business.

Sincerely,

[Signature]

Name: Tuan Tran (Lilyfowers)
Address: 3355 S Wadsworth Blvd

H-107 Lakewood, CO 80227
City of Lakewood  
470 S Allison Way  
Lakewood, Colorado 80226  

Dear Lakewood Council,  

The property scheduled for rezoning on Case #RZ-19-001 is why we are reaching out to you. We currently own a business in the Lakewood area and are in full support of residential homes being developed nearby. Our business has begun to slow over the last few years and the potential for growth through community support would be the ultimate benefit.  

Yours Truly,  

Signature/Date:  [Signature]  6/25/19  
Name: SHANE BALL (CLUTCH GAMING)  
Address: 3355 S YARROW ST. #133  
Lakewood, CO 80227
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood City,

I am reaching out regarding the property scheduled for rezoning on Case #RZ-19-001. I currently own a business in Lakewood and fully support the development of residential homes in the area. The potential growth through increased members in the community would be beneficial to my business.

Sincerely,

Signature/Date: 6/23/19
Name: Ed Powell
Address: 2035 W. Alameda Pl

Lakewood Co
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood City,

I am reaching out regarding the property scheduled for rezoning on Case #RZ-19-001. I currently own a business in Lakewood and fully support the development of residential homes in the area. The potential growth through increased members in the community would be beneficial to my business.

Sincerely,

Signature/Date: [Signature] [Date - 2019]
Name: [Name]
Address: [Address] Lakewood CO 80228
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood City,

I am reaching out regarding the property scheduled for rezoning on Case #RZ-19-001. I currently own a business in Lakewood and fully support the development of residential homes in the area. The potential growth through increased members in the community would be beneficial to my business.

Sincerely,

[Signature]
Signature/Date: 6/20/19
Name: [Handwritten Name]
Address: 12840 S Almeda Pl
Lakewood Co 80435
Dear Lakewood Staff,

It is my understanding that the property at the WestPoint Office Plaza at 3900 S Wadsworth Blvd. is scheduled for rezoning. We currently own a business in the Lakewood area and fully support the development of residential homes nearby. Our business has been doing well, and the potential for growth with the addition of new members to the community would be very beneficial.

Yours Truly,

[Signature/Date: 6/22/19]

Name: [Name]

Address: [Address]

---

Care for your loved one in a home-like setting

6143 S. Willow Drive, Suite 401  Greenwood Village, CO 80111  303-996-6886
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood City,

I am reaching out regarding the property scheduled for rezoning on Case #RZ-19-001. I currently own a business in Lakewood and fully support the development of residential homes in the area. The potential growth through increased members in the community would be beneficial to my business.

Sincerely,

Signature/Date: Adrian Stalbaum
Name: Adrian Stalbaum
Address: 3805 Wardsworth
Lakewood Co 80227
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood City,

I am reaching out regarding the property scheduled for rezoning on Case #RZ-19-001. I currently own a business in Lakewood and fully support the development of residential homes in the area. The potential growth through increased members in the community would be beneficial to my business.

Sincerely,

[Signature]

[Name]

Address: [Address]

Peking - Tokyo Restaurant
3355 S. Wadsworth H103-106
Lakewood, CO 80227
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood City,

I am reaching out regarding the property scheduled for rezoning on Case #RZ-19-001. I currently own a business in Lakewood and fully support the development of residential homes in the area. The potential growth through increased members in the community would be beneficial to my business.

Sincerely,

[Signature/Date: 6/27/19]

Name: [Signature]

Address: 3000 S Wadsworth Blvd Unit A

Lakewood, Co 80227
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood City,

I am reaching out regarding the property scheduled for rezoning on Case #RZ-19-001. I currently own a business in Lakewood and fully support the development of residential homes in the area. The potential growth through increased members in the community would be beneficial to my business.

Sincerely,

Signature/Date: 6/26/19
Name: Karen Irving
Address: 3214 S. Wadsworth Blvd
Unit A
Lakewood, Co 80227
City of Lakewood

470 S Allison Way

Lakewood, Colorado 80226

To Lakewood City,

I am reaching out regarding the property scheduled for rezoning on Case #RZ-19-001. I currently own a business in Lakewood and fully support the development of residential homes in the area. The potential growth through increased members in the community would be beneficial to my business.

Sincerely,

[Signature/Date: ]

Name: [Trent Carrier]

Address: [9987 Morrison Rd. CO. Lakewood]
To Lakewood City,

I am reaching out regarding the property scheduled for rezoning on Case #RZ-19-001. I currently own a business in Lakewood and fully support the development of residential homes in the area. The potential growth through increased members in the community would be beneficial to my business.

Sincerely,

Signature/Date: 7-2-19
Name: J. George
Address: Lockheed Martin employee
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Council,

The property scheduled for rezoning on Case #RZ-19-001 is why we are reaching out to you. We currently own a business in the Lakewood area and are in full support of residential homes being developed nearby. Our business has begun to slow over the last few years and the potential for growth through community support would be the ultimate benefit.

Yours Truly,

Signature/Date: [Signature] 6-26-19

Name: [Signature] MIKE JORDAN

Address: 2555 S. Kipling St

Lakewood CO 80227
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood City and Staff,

It is our understanding that the property at the WestPoint Office Plaza at 3900 S Wadsworth Blvd. is scheduled for rezoning. We currently own property in the Lakewood area and support the construction of new residential homes nearby. We feel this would not only strengthen the community, but increase the value of all the homes nearby.

Sincerely,

Signature/Date: Edward Lance Chayet
Name: Edward Lance Chayet
Address: 12485 W. Virginia Ave
Lakewood, CO 80228
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Council,

We are reaching out regarding the property scheduled for rezoning at 3939 S Teller Street. We currently own a home in Lakewood and fully support this project. The construction of quality townhomes would increase the value of our property and give us financial security for the future.

Sincerely,

Signature/Date: 12 July 2019

Name: Mona Adams

Address: 13085 W. Cedar Drive

Unit 115 Lakewood Co. 80226
To Lakewood Council,

We are reaching out regarding the property scheduled for rezoning at 3939 S Teller Street. We currently own a home in Lakewood and fully support this project. The construction of quality townhomes would increase the value of our property and give us financial security for the future.

Sincerely,

[Signature/Date: 9 July 2019]

[Name: Simon Drummond]

[Address: 12771 W Nevada Pl, Lakewood, CO 80228]
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Staff,

The property scheduled for rezoning on Case #RZ-19-001 is why we are reaching out to you. We currently own a home in Lakewood and fully support this new development. These new homes will increase the value of our home and give us some financial stability and safety concerning our home.

Regards,

Signature/Date: Connie M Groves 7/2/19
Name: Connie M Groves
Address: 2575 Queen St
Lakewood, Co 80215
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff and Council,

It is my understanding that the property at the WestPoint Office Plaza at 3900 S Wadsworth Blvd is scheduled for rezoning. We currently live in Lakewood and are in full support of this project. The size and quality of the homes with a low maintenance option is something we would love as we grow older.

Sincerely,

Signature/Date: Terri Facinelli / 7/12/19
Name: Terri Facinelli
Address: 2575 Queen St.
         Lakewood, Colo. 80215
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out in regards to the property at the WestPoint Office Plaza at 3900 S Wadsworth Blvd. that is scheduled for rezoning. We currently live in Lakewood and attend Pinehurst Country Club and fully support the development of these new homes. These homes would allow people to live closer to the country club and would make for an easier commute for those who attend Colorado Academy.

Sincerely,

Signature/Date: [Signature] 6-25-19

Name: [Name]

Address: 4851 S. Stribling
Morrison, CO 80465
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Council,

The property scheduled for rezoning at 3939 S Teller Street is why we are reaching out to you. We currently live in the Lakewood area and fully support the development of new homes nearby. The addition of these townhomes would bring with them new business, new people, and more life to our community.

Sincerely,

Signature/Date: Mark Ellis 6-26-19

Name: Mark Ellis

Address: 10 So Garland

Lakewood CO 80226
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Council,

The property scheduled for rezoning at 3939 S Teller Street is why we are reaching out to you. We currently live in the Lakewood area and fully support the development of new homes nearby. The addition of these townhomes would bring with them new business, new people, and more life to our community.

Sincerely,

Signature/Date: [Signature] 6/26/19

Name: Justin B. Adams

Address: 12929 W. Virginia Ave

Lakewood, CO 80228
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Council,

The property scheduled for rezoning at 3939 S Teller Street is why we are reaching out to you. We currently live in the Lakewood area and fully support the development of new homes nearby. The addition of these townhomes would bring with them new business, new people, and more life to our community.

Sincerely,

Signature/Date: [Signature]
Name: Dane Volkel
Address: 2733 Zang St.

Lakewood 80226
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Council,

The property scheduled for rezoning at 3939 S Teller Street is why we are reaching out to you. We currently live in the Lakewood area and fully support the development of new homes nearby. The addition of these townhomes would bring with them new business, new people, and more life to our community.

Sincerely,

[Signature]

Signature/Date: [June 24, 2018]

Name: [Laura Jones]

Address: 9322 W. Council Pl

Lakewood, Co 80227
City of Lakewood  
470 S Allison Way  
Lakewood, Colorado 80226

To Lakewood Council,

The property scheduled for rezoning at 3939 S Teller Street is why we are reaching out to you. We currently live in the Lakewood area and fully support the development of new homes nearby. The addition of these townhomes would bring with them new business, new people, and more life to our community.

Sincerely,

Signature/Date: Rick Pollard  06/26/19
Name: Rick Pollard
Address: 12840 W Alamosa Pl
Lakewood, CO 80228
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Council,

The property scheduled for rezoning at 3939 S Teller Street is why we are reaching out to you. We currently live in the Lakewood area and fully support the development of new homes nearby. The addition of these townhomes would bring with them new business, new people, and more life to our community.

Sincerely,

Signature/Date: 

Name: IAN JAMESON

Address: 14157 W CORNELIUS
LAKewood CO 80228
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Council,

The property scheduled for rezoning at 3939 S Teller Street is why we are reaching out to you. We currently live in the Lakewood area and fully support the development of new homes nearby. The addition of these townhomes would bring with them new business, new people, and more life to our community.

Sincerely,

[Signature]

Signature/Date: 6/27/19

Name: [Name]

Address: 40167 Morrison Rd.
Lakewood, Co. 80227
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Council,

The property scheduled for rezoning at 3939 S Teller Street is why we are reaching out to you. We currently live in the Lakewood area and fully support the development of new homes nearby. The addition of these townhomes would bring with them new business, new people, and more life to our community.

Sincerely,

[Signature/Date]

Name: Tanya Martinez

Address: 14138 W Yale Pl

Lakewood, CO 80228
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Council,

The property scheduled for rezoning at 3939 S Teller Street is why we are reaching out to you. We currently live in the Lakewood area and fully support the development of new homes nearby. The addition of these townhomes would bring with them new business, new people, and more life to our community.

Sincerely,

Signature/Date: 

Name: STEVEN A. Liska

Address: 3439 S. Ipis DR
Lakewood, Colo, 80221
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Council,

The property scheduled for rezoning at 3939 S Teller Street is why we are reaching out to you. We currently live in the Lakewood area and fully support the development of new homes nearby. The addition of these townhomes would bring with them new business, new people, and more life to our community.

Sincerely,

Signature/Date: 06-26-19

Name: [Signature]

Address: 8125 W Floyd Ave Apt 11-105 Lakewood CO 80227
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Council,

    The property scheduled for rezoning at 3939 S Teller Street is why we are reaching out to you. We currently live in the Lakewood area and fully support the development of new homes nearby. The addition of these townhomes would bring with them new business, new people, and more life to our community.

Sincerely,

Signature/Date: [Signature] 6-26-19

Name: Ebony Terrones

Address: 12465 W Dakota Ave 4-D Lakewood CO 80228
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood City and Staff,

We are so glad to hear that you are considering removing all of the excessive pavement at 3939 S Teller Street. This area would greatly benefit from the addition of homes with green spaces.

Yours Truly,

Signature/Date: 7/2/2019
Name: JOSHDUB
Address: 1247 W. Virginia Ave
Lakewood Co. 80228
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

Regarding Case #RZ-19-001, we are so happy to hear that you are considering reducing all of the excessive pavement areas to be homes with green spaces.

Sincerely,

Signature/Date: [Signature]

Name: Rebecca Nichols

Address: 12775 W. Nevada Ave
Lakewood, CO 80227
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood City and Staff,

We are so glad to hear that you are considering removing all of the excessive pavement at 3939 S Teller Street. This area would greatly benefit from the addition of homes with green spaces.

Yours Truly,

Signature/Date:

Name: Jordan Pendulum

Address: 12867 W. Meadola Pl.

Lakewood, CO 80228
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Staff and Council,

Regarding the property at 3939 S Teller Street, we are pleased to hear that you are considering adding new homes and green spaces to our neighborhood and removing the excessive pavement.

Best Regards,

Signature/Date: [Signature]

Name: Shane Carroll

Address: 12419 W Virginia Ave

Lakewood CO 80228
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Council,

I am so happy to hear that you are willing to remove the oversized parking lot at the WestPoint Office Plaza at 3900 S Wadsworth Blvd. and replace it with homes and beautifully landscaped green spaces.

Sincerely,

Signature/Date: [Signature]
Name: Jeff Plachko
Address: 1253 W Virginia Ave
Lakewood, CO 80228
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

Regarding Case #RZ-19-001, we are so happy to hear that you are considering reducing all of the excessive pavement areas to be homes with green spaces.

Sincerely,

Signature/Date: [Signature]

Name: Katherine Pollard Wallis

Address: 12225 W. Alameda Dr.
Lakewood CO 80228
July 2, 2019

City of Lakewood  
470 S. Allison Way  
Lakewood, CO  80226

Dear Lakewood Staff,

I am writing regarding rezoning case #RZ-19-001, for the property at the West Point Office Plaza. As a long-term tenant of the West Point building, I am in favor of rezoning the property in question for the purposes of building townhomes, as doing so will provide local housing options for Lakewood workers. One of our staff moved to a similarly zoned apartment complex near West Point, and he walks to work! Adding additional homes at this rezoned property will provide more incentives for staff to consider moving to Lakewood.

Thank you for your consideration.

Sincerely,

Joel George  
Office Manager, Computronix

Work in Lakewood  
& Some Live In  
Lakewood
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

Signature/Date: [Signature] 6.28.19
Name: Ellie Dugle
Address: 3900 S. Wadsworth Blvd suite 600 Lakewood, CO 80235
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

[Signature]
Signature/Date: 26 JUNE 19

Name: STEPHEN W. ANTHONY
Address: 3775 N. RALEIGH ST.

DENVER, CO 80212
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at 3939 S Teller Street. We currently work in Lakewood but have to travel from outside the Lakewood area to do so. We have been looking for a townhome product like this that would give us the ability to live that much closer to work but we have been unsuccessful or not satisfied with our options.

Regards,

Signature/Date: [Signature] 6/26/19

Name: [Name] S. A

Address: 2970 S. Steele ST

Denver CO 80210
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at 3939 S Teller Street. We currently work in Lakewood but have to travel from outside the Lakewood area to do so. We have been looking for a townhome product like this that would give us the ability to live that much closer to work but we have been unsuccessful or not satisfied with our options.

Regards,

Signature/Date: 

Name: Brittnie Haynes

Address: 365 S. Danube Way
#105, Aurora, CO 80017
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

Signature/Date: Athena Valdez

Name: Athena Valdez

Address: 2615 S. Krameria St
Denver, CO 80219
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

Signature/Date: 01/10/13

Name: [Signature]

Address: 3900 S. Wadsworth

Lakewood 80227
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

Signature/Date: 6-27-19
Name: Alexa Lamb
Address: 934 W Peauville Cir
Littleton, CO 80120
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

Signature/Date: [Signature] 6/27/19

Name: Kessia Petersen

Address: 10847 Snow Cloud Tr
Littleton, CO 80125
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

Signature/Date:  

Name:  

Address:  

Lakewood Co, 80227
City of Lakewood

470 S Allison Way

Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

Signature/Date: Austin Bumanek 6/27/19
Name: Austin Bumanek
Address: 8080 E. 55th Ave
Denver, CO 80238
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

Signature/Date: [Signature]
Name: [Jesse Carter]
Address: 9040 E 65th Ave
Denver, CO 80230
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

Signature/Date: 6/27

Name: [Signature]

Address: 250 S Sur Fereral

80219
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

[Signature]

[Name]

[Address]

Signature/Date: 12-27-19

Name: [Signature]

Address: 3900 S. Wadsworth

Lakewood, CO 80227
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

[Signature]

Signature/Date: Joseph P. Kelly 6/27/19

Name: Joseph P. Kelly

Address: 2865 Akron St

Denver, CO 80238
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

Signature/Date: [Signature] [Date]

Name: Jane Smith

Address: 2650 S. Moore Dr

Lakewood CO 80227
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

Signature/Date: 6/6/19

Name: Jin Yin
Westgate Tailors
Address: 3225 S. Wadsworth Blvd

Lakewood, CO 80227
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

Signature/Date: 6-24-19

Name: Last Name

Address: 388 E 88th Ave #428

Thornton, CO 80229
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

Dear Lakewood Staff,

We are reaching out regarding the property scheduled for rezoning at the West Point Office Plaza at 3900 S Wadsworth Blvd. We currently work in Lakewood and are searching for a new home. We fully support the development of these new homes because it gives us the opportunity to stay and work in Lakewood while being a part of the growing community.

Yours Truly,

[Signature/Date: __________________]

Name: Tyler Angelo
Address: 2332 S Xavier St
Denver, CO,
City of Lakewood  
470 S Allison Way  
Lakewood, Colorado 80226  

To Lakewood Staff and Council,

It is my understanding that the property at the WestPoint Office Plaza at 3900 S Wadsworth is scheduled for rezoning. My family and I currently live outside of the Lakewood area but must commute to Lakewood for work. We support this project because it would allow us to live closer to our work and give us the ability to buy a home in a location that is convenient and practical.

Sincerely,

Signature/Date: Selena Spear 6/27/19

Name: Selena Spear

Address: 9100 E Florida Ave
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Council,

The property scheduled for rezoning on Case #RZ-19-001 is why we are reaching out to you. The lack of quality homes in the Lakewood area has made it difficult to find a home close to work resulting in a long daily commute. We fully support this project because it would give us the ability to purchase a home closer to work.

Regards,

Signature/Date: [Signature] [Date: 6-26-19]

Name: RUBEN MARTIN-CARRILLO

Address: 1373 S. GENET ST.

DENVER CO 80210
City of Lakewood  
470 S Allison Way  
Lakewood, Colorado 80226  

To Lakewood Council,  

The property scheduled for rezoning on Case #RZ-19-001 is why we are reaching out to you. The lack of quality homes in the Lakewood area has made it difficult to find a home close to work resulting in a long daily commute. We fully support this project because it would give us the ability to purchase a home closer to work.  

Regards,  

[Signature/Date: 6/27/19]  

[Name: Vanessa B]  

[Address: 3371 W. 67th Pl  
Denver CO 80227]
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Staff and Council,

It is my understanding that the property at the WestPoint Office Plaza at 3900 S Wadsworth is scheduled for rezoning. My family and I currently live outside of the Lakewood area but must commute to Lakewood for work. We support this project because it would allow us to live closer to our work and give us the ability to buy a home in a location that is convenient and practical.

Sincerely,

[Signature]

Signature/Date: 06-26-2001

Name: Joseph Butler

Address: 3194 Vincenose Cir

Parker, CO 80138
City of Lakewood  
470 S Allison Way  
Lakewood, Colorado 80226  

To Lakewood Council,  

The property scheduled for rezoning at 3939 S Teller Street is why we are reaching out to you. We currently live in the Lakewood area and fully support the development of new homes nearby. The addition of these townhomes would bring with them new business, new people, and more life to our community.  

Sincerely,  

[Signature/Date]  

Name: Jon E. T. Hermann  
Address: 2820 S. Colorado Ave  
Denver, CO 80220
City of Lakewood
470 S Allison Way
Lakewood, Colorado 80226

To Lakewood Council,

The property scheduled for rezoning on Case #RZ-19-001 is why we are reaching out to you. The lack of quality homes in the Lakewood area has made it difficult to find a home close to work resulting in a long daily commute. We fully support this project because it would give us the ability to purchase a home closer to work.

Regards,

Signature/Date: [Signature]  6-25-19
Name: James Stoddart
Address: 8827 West Floyd Ave
Lakewood, CO  80227
PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 1 AND LOT 2, BLOCK 1, ACADEMY PARK FILING NO. 5 & 6 LOT LINE ADJUSTMENT NO. 1 PLAT, IN THE CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO, PER THE PLAT RECORDED JANUARY 16, 2015 AT RECEPTION NO. 2015004585, IN THE OFFICE OF THE CLERK AND RECORDER FOR THE COUNTY OF JEFFERSON, STATE OF COLORADO, LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 1, FROM WHICH THE SOUTH LINE OF SAID LOT 2 BEARS SOUTH 89°34'47" WEST, WITH ALL BEARINGS CONTAINED HEREIN BEING REFERENCED TO SAID SOUTH LINE;

THENCE ALONG SAID SOUTH LINE, SOUTH 89°34'47" WEST, A DISTANCE OF 304.93 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE SOUTH LINE OF SAID BLOCK 1, SOUTH 89°33'11" WEST, A DISTANCE OF 532.63 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, SAID POINT ALSO BEING ALONG THE EAST RIGHT OF WAY LINE OF SOUTH WADSWORTH BOULEVARD;

THENCE ALONG THE WEST, NORTHERLY AND EAST LINES OF SAID LOT 1, BLOCK 1 THE FOLLOWING 13 COURSES:

1) NORTH 00°04'56" EAST, A DISTANCE OF 724.38 FEET;
2) NORTH 63°11'24" EAST, A DISTANCE OF 33.68 FEET;
3) NORTH 88°27'44" EAST, A DISTANCE OF 121.96 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHW ESTERLY;
4) THENCE ALONG SAID TANGENT CURVE, HAVING A RADIUS OF 232.12 FEET, THROUGH A CENTRAL ANGLE OF 18°47'21", AN ARC DISTANCE OF 76.12 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHEASTERLY;
5) THENCE ALONG SAID REVERSE CURVE, HAVING A RADIUS OF 232.12 FEET, THROUGH A CENTRAL ANGLE OF 18°53'56", AN ARC DISTANCE OF 76.56 FEET;
6) THENCE NORTH 89°33'11" EAST, A DISTANCE OF 232.92 FEET;
7) THENCE SOUTH 00°14'12" WEST, A DISTANCE OF 299.79 FEET;
8) THENCE NORTH 89°34'19" EAST, A DISTANCE OF 263.69 FEET;
9) THENCE NORTH 00°13'26" EAST, A DISTANCE OF 271.70 FEET TO THE BEGINNING OF A NON-TANGENT CURVE SOUTHW ESTERLY, FROM WHICH A RADIAL LINE BEARS SOUTH 13°17'01" WEST;
10) THENCE ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 985.85 FEET, THROUGH A CENTRAL ANGLE OF 00°23'18", AN ARC DISTANCE OF 6.68 FEET;
11) THENCE SOUTH 76°20'49" EAST, A DISTANCE OF 136.08 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY;
12) THENCE ALONG SAID TANGENT CURVE, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 89°46'01", AN ARC DISTANCE OF 39.17 FEET;
13) THENCE SOUTH 13°39'35" WEST, A DISTANCE OF 307.76 FEET

THENCE SOUTH 89°34'47" WEST, A DISTANCE OF 213.57 FEET;
THENCE SOUTH 00°13'18" WEST, A DISTANCE OF 66.72 FEET;
THENCE SOUTH 89°34'47" WEST, A DISTANCE OF 25.61 FEET;
THENCE SOUTH 00°13'18", A DISTANCE OF 70.17 FEET;  
THENCE SOUTH 89°34'47" WEST, A DISTANCE OF 110.40 FEET;  
THENCE SOUTH 00°13'17" WEST, A DISTANCE OF 238.25 FEET TO THE POINT OF BEGINNING.  
CONTAINS 487,318 SQUARE FEET OR 11.187 ACRES, MORE OR LESS.  
AS SHOWN ON THE EXHIBIT ATTACHED HERETO, MADE A PART HEREOF.

8/20/19  
JESUS A. LUGO, PLS 38081  
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR  
FOR AND BEHALF OF ALTURA LAND CONSULTANTS, LLC  
6950 SOUTH TUCSON WAY, UNIT C  
CENTENNIAL, COLORADO  80112
EXHIBIT TO ACCOMPANY PROPERTY DESCRIPTION
PORTION SE1/4, SECTION 2
T5S, R69W, 6TH P.M.
COUNTY OF JEFFERSON, STATE OF COLORADO

W. MANSFIELD AVE.

LOT 1, BLOCK 1
ACADEMY PARK
FILING NO. 5 & 6
LOT LINE
ADJUSTMENT NO. 1
PLAT

PROPOSED LOT 3, BLOCK 1
ACADEMY PARK FILING NO. 5 & 6
LOT LINE ADJUSTMENT NO. 2 PLAT
CONTAINING 487,318 SQ. FT.±
OR 11.187 ACRES±

NEW BOUNDARY LINE
LOT 3, BLOCK 1

EXISTING LOT 2
BLOCK 1

Point of Commencement
Southeast Cor. Lot 2

UNPLATTED

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
JESUS A. LUQ
No. 78081
8/20/19

NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. THE PURPOSE OF THIS EXHIBIT IS SOLELY TO DETECT THE ATTACHED PROPERTY DESCRIPTION.

GRAPHIC SCALE
FEET

SHEET 3 OF 3

JOB NO. 19150
DATE: 8/1/19
SCALE: 1" = 160'
PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 1 AND LOT 2, BLOCK 1, ACADEMY PARK FILING NO. 5 & 6 LOT LINE ADJUSTMENT NO. 1 PLAT, IN THE CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO, PER THE PLAT Recorder JANUARY 16, 2015 AT RECEIPT NO. 2015004585, IN THE OFFICE OF THE CLERK AND RECORDER FOR THE COUNTY OF JEFFERSON, STATE OF COLORADO, LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 1, FROM WHICH THE SOUTH LINE OF SAID BLOCK 1 BEARS SOUTH 89°34’47” WEST, WITH ALL BEARINGS CONTAINED HEREIN BEING REFERENCED TO SAID SOUTH LINE;

THENCE ALONG SAID SOUTH LINE OF BLOCK 1, SOUTH 89°34’47” WEST, A DISTANCE OF 304.93 FEET;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00°13’17” EAST, A DISTANCE OF 238.25 FEET;

THENCE NORTH 89°34’47” EAST, A DISTANCE OF 110.40 FEET;

THENCE NORTH 00°13’18” EAST, A DISTANCE OF 25.61 FEET;

THENCE NORTH 89°34’47” EAST, A DISTANCE OF 66.72 FEET;

THENCE NORTH 89°34’47” EAST, A DISTANCE OF 213.57 FEET TO THE EASTERLY LINE OF SAID BLOCK 1, ACADEMY PARK FILING NO. 5 & 6 LOT LINE ADJUSTMENT NO. 1 PLAT;

THENCE ALONG SAID EASTERLY LINE OF BLOCK 1 THE FOLLOWING TWO (2) COURSES:

1) SOUTH 13°39’35” WEST, A DISTANCE OF 171.07 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 510.00 FEET;

2) SOUTHERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 23°40’59”, AN ARC LENGTH OF 210.81 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 1 AND THE POINT OF BEGINNING.

CONTAINS 100,668 SQUARE FEET OR 2.311 ACRES, MORE OR LESS.

AS SHOWN ON THE EXHIBIT ATTACHED HERETO, MADE A PART HEREOF.

8/20/19

JESUS A. LUGO, PLS 38081
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND BEHALF OF ALTURA LAND CONSULTANTS, LLC
6950 SOUTH TUCSON WAY, UNIT C
CENTENNIAL, COLORADO 80112
PARCEL MAP

A PART OF THE NORTHEAST 1/4 OF SECTION 2, TAPPIANE & SOUTH, RANGE 26, WEST OF THE
EAST HALF OF TOWNSHIP 3 NORTHLY, RANGE 26, ACADeMY ADDRESS (PRIVATE), COUNTY OF Drenel
WHAT IS HEREBY EXEMPTED AS GRANTED.

ON THE OFFICE OF THE ROSA OF UNTACED, IF DRE, UP TO A POINT ON THE EAST SIDE OF THE
EAST END OF THE MAIN STREET, CITY OF DENVER, COUNTY OF Drenel, SHERIFF OF DENVER, COUNTY OF Drenel,
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AND UP TO THE MAIN STREET, CITY OF DENVER, COUNTY OF Drenel, SHERIFF OF DENVER, COUNTY OF Drenel,
9/4/19

Dear Planning Commission and City Council,

I am speaking/writing in opposition to the proposed rezoning of 3900 Teller St as proposed in RZ-19-001.

I have been a resident of Lakewood for almost 20 years. I understand your role to look out for the development and expansion of our great city. I also understand your desire to represent our resident's community needs and concerns, so I am hoping you will consider these points being made today in your decision.

As a Lakewood resident and frequent traveler into the area under discussion, I have concerns about ANY development and rezoning which would create an influx of pedestrian or vehicular traffic. Over the last 5 years, this area has experienced exponential growth with the addition of 2 schools. Both of these schools are highly beneficial and increase the educational appeal of our community. Due to this, both of these schools have grown in their attendance since their initial introduction to this neighborhood. Current traffic into the area exceeds over 500 families for Denver Christian and over 600 to Addenbrooke Classical Academy. This does not include local business traffic or traffic in and out of the newest addition, the Pinehurst Apartments. A complex that accommodates 350 units.

In the morning and afternoon, traffic often backs up all the way from both school entrances off Teller St, to the west up Mansfield all the way to Wadsworth Boulevard. Daily I see cars that are unable to utilize the left turn signal at the proper time while heading south on Wadsworth Blvd in order to turn west on Mansfield because there is no available space to turn into the line. Often cars attempt to run the yellow light and remain caught in the intersection until the traffic below moves. This back up then poses a safety concern and traffic obstacle to commuter traffic to the Lakewood area at large. Over the last five years, I have witnessed an increase in the number and severity of accidents during this time of day along the Wadsworth corridor from Quincy to 285. The safety concern increases when one pauses to recognize that there are also students who catch the bus on this corner or cross the street at this intersection.

Since Teller is the main street without a required stop, many commuters utilize Jefferson St and Teller as the entrance into this neighborhood instead. Current traffic patterns demonstrate back up all the way from the Pinehurst and Addenbrooke entrances to this 4 way stop over a half a mile away.

All of this requires daily skill, patience and fortitude of families commuting this route. As we consider many of our teenage drivers may also be driving to school this cause added concern for young, inexperienced drivers dealing with the stressors and demands of this amount of congestion. It is a common occurrence for impatient drivers to create their own lane up the middle of the road in order to by-pass the que line of cars in order to access the entrance of their desired destination. This creates incidents of traffic heading directly into one another, especially when there are any vehicles parked on either side of the road. Weekly I've seen times where cars need to maneuver and create space for an out of sync driver.

This year, with the parking lot unavailable to Denver Christian families, there were cars parked alongside both sides of Teller all the way from the Mansfield corner up to the Addenbrooke and Pinehurst entrances creating a bottleneck of traffic 4 lanes wide. While we need to consider the long-term impact
of adding 31 townhomes and residents to this traffic pattern, we must also carefully consider the amount of time involved in constructing a project of this magnitude. I was around during the construction of the Pinehurst apartments and imagine it would be an ongoing issue for commuters to maneuver in the same manner with 4 lanes. This is a great example of what we could expect with construction traffic for a year while the proposed townhomes are constructed.

As it stands, there is only a T stop at the intersection of Mansfield and Teller, the same locations proposed for the entrances to the new development. Despite previous efforts to coordinate with Denver City Council, the gate at the end of Teller St onto Pierce remains closed and creates a traffic bottleneck and extreme safety situation. Emergency responders to concerns in that area are often routed through Emergency Services down to Pierce St and this creates an extra 5-6 minute response time to go down and around Quincy and back north on Wadsworth. This is precious time in a true emergency situation.

I noticed in the presentation slides that the timing of the aerial photos of the parking lot create an image of a desolate, abandoned area that creates an unsightly image of Lakewood. These photos seemed to crop out or be captured at a time of day that failed to fairly represent the surrounding thriving entities. This area is a thriving neighborhood of activity, life, and development that contributes to the quality of Lakewood.

I have explored the public documents, and noted that at least one participant, my father in law, was included in the signed supportive paperwork without any real connection or understanding of the re-zone area in question. He lives 8 miles from the proposed re-zone and does not often travel to that area. After discussing the situation with him, he conceded that he would not have signed if had been more aware and asked more detailed questions before signing. I have concerns about how many of the other “in favor” responses that were submitted truly had understanding of the impact of this development on hundreds of families and employees in the area.

If we continue to build wherever there are open spaces, will we will ultimately create a community with less and less open spaces for the residents who live here to explore and enjoy? If our traffic continues to increase commute time to local businesses, what impact will that have on our long- term desirability for new residents?

City Officials, we urge you to consider all interests involved in the development and expansion of our city. Have we really fully explored all the wonderful, potential uses for this land? We want Lakewood to be a safe place and know that our officials are concerned about the things that concern us. Please consider all aspects and not just allow the potential financial benefits to outweigh the safety and concerns for all citizens.

Without a concerted study into these issues and creation of a strategic plans to address these concerns, please suspend rezoning efforts until these are reasonably addressed. This area cannot safely sustain an increase in traffic from 31 new townhomes.

Thank you for your consideration. Sincerely,

Carrie Ellis
350 S. Parfet St
Lkw, CO 80226
RESOLUTION OF CITY OF LAKewood PLANNING COMMISSION

On September 4, 2019 the Lakewood Planning Commission reviewed rezoning Case No. RZ-19-001, to rezone the properties at 3900 S. Wadsworth Blvd. and 3939 S. Teller St. from Planned Development with the underlying Mixed-Use Employment Suburban (PD/M-E-S) zone district to Mixed-Use Employment Suburban (M-E-S) and Mixed-Use Residential Suburban (M-R-S).

Motion was made by COMMISSIONER COHN and seconded by COMMISSIONER SINKS to recommend APPROVAL by City Council, which passed by a vote of 6 to 0. The roll having been called, the vote of the Lakewood Planning Commission was as follows:

Alex Bartlett  Aye
Johann Cohn    Aye
Alan Heald     Aye
Henry Hollender Aye
Dale Miller    Aye
Glenda Sinks   Aye

FINDINGS OF FACT AND ORDER

The Planning Commission finds that:

A. The applicant, Donald Marcotte, is proposing to rezone Lot 1 and 2 of the Academy Park Filing 5 & 6 Lot Line Adjustment Plat from Planned Development with the underlying Mixed-Use Employment Suburban (PD/M-E-S) zone district to Mixed-Use Employment Suburban (M-E-S) and Mixed-Use Residential Suburban (M-R-S).

B. Notice of the Public Hearing was provided to the fee owners of property and residents within 500 feet; and registered neighborhood organizations within a 1/2 mile as required by the Lakewood Zoning Ordinance; and

C. Notice was published in the official City newspaper at least six days prior to the hearing; and

D. Notice was posted at the property at least 14 days prior to the hearing; and

E. The request was reviewed by the appropriate referral agencies; and

F. The proposed rezoning promotes the purposes of this Zoning Ordinance as stated in Section 17.1.2.; and

G. The proposed rezoning is compatible with existing surrounding land uses and the land uses envisioned in the Comprehensive Plan; and

H. The proposed rezoning promotes the implementation of the Comprehensive Plan; and

I. There has been a material change in the neighborhood and the rezoning is in the public interest;

AND

The Planning Commission adopts the findings of fact and order, A through I, as presented in this staff report and recommends that the City Council APPROVE Rezoning Case No. RZ-19-001.

Dale Miller, Chair

Glenda Sinks, Secretary of the Planning Commission
CERTIFICATION

I, DIANA BROWN-EVENS, Secretary to the City of Lakewood Planning Commission, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Planning Commission at a Public Hearing held in Lakewood, Colorado, on the 4th day of September, 2019 as the same appears in the minutes of said meeting.

September 4, 2019
Date approved

Diana Brown-Evens, Secretary to the Planning Commission
LAKEWOOD PLANNING COMMISSION
PUBLIC MEETING
MINUTES

COMMISSIONERS PRESENT:
Alex Bartlett
Johann Cohn
Alan Heald
Henry Hollender
Dale Miller
Glenda Sinks

STAFF PRESENT:
Paul Rice, Manager, Planning-Development Assistance
Brea Pafford, Planner, Planning-Development Assistance
Toni Bishop, Transportation Engineering Tech II, Public Works
Diana Brown-Evens, Secretary to the Planning Commission

The following are the minutes of the September 4, 2019 Lakewood Planning Commission Public Meeting. A permanent set of these minutes is retained in the office of the City Clerk.

Minutes are not a verbatim transcription, but rather an attempt by the Secretary to capture the intent of the speakers.

ITEM 1: CALL TO ORDER

ITEM 2: ROLL CALL
The roll having been called, a quorum was declared and the following business was conducted:

ITEM 3: RZ-19-001, 3900 S. WADSWORTH BLVD & 3939 S. TELLER ST
DONNA BARRENTINE introduced the property owner, Doug Healy to speak before her presentation.

DOUG HEALY thanked the Planning Commission for their time. He stated that the property and existing office building is family owned. Their goal is to develop the unused/vacant parking lot with single-family owner-occupied units. Ms. Barrentine then proceeded with the applicant’s presentation.

DONNA BARRENTINE then presented on behalf of the property owner and applicant of the rezoning request. She started her presentation by showing an aerial view of the 13.5-acre property and stated it is comprised of 2 lots and is currently zoned Planned Development with an underlying mixed-use zone district. She explained that lot 1 includes the office complex with
over 175,000 square feet of building gross floor area (GFS) and 518 parking spaces; while lot 2 has only a parking lot with 307 spaces for a total of 825 parking spaces on the two lots. Ms. Barrentine also indicated that for the past 20 years, only 620 parking spaces were being utilized despite the office building’s occupancy rate of 90% or more for the past several years.

Ms. Barrentine stated that the objectives of the rezoning request are three-fold. First to rezone a portion of lot 1, the 11.99-acre parcel, to M-E-S or Mixed-Use Employment Suburban zone district. Second, to rezone lot 2, the smaller 1.5-acre parcel, and remainder of lot 1 to M-R-S or Mixed-Use Residential Suburban. Third, to reconfigure the internal lot line to reduce the size of lot 1 and increase the size of lot 2 to a 2.3-acre parcel, for a proposed luxury townhome development. The purpose of requesting to rezone lot 1 to M-E-S is to allow for a reduction in the minimum parking requirement. The M-E-S requires 1.5 to 5 parking stalls for every 1000 square feet of office GFA. This rezoning will reduce the number of required parking stalls and free up more than 200 parking spaces that are consistently vacant. The rezoning of the reconfigured lot 2 to M-R-S, will create the opportunity to redevelop the vacant parking lot. Ms. Barrentine stated that the M-R-S zone district allows for single-family attached dwelling units as well as other uses. She also acknowledged that a Lot Line Adjustment Plat would be required to reconfigure the two existing lots, based on the two proposed zone district boundaries.

Ms. Barrentine continued by explaining some of the constraints from the existing Planned Development zoning. She mentioned that the Planned Development is over 30 years old, which reflects more stringent parking requirements for an office building. At a minimum of 5 spaces per 1,000 square feet of floor area, the Planned Development requires a minimum of 770 parking spaces, which is far more than is needed for the existing use. She stated that the decreased need for parking is probably related to a combination of modern technology that allows people to work remotely and available public transportation options.

Ms. Barrentine proceeded to show a series of aerial photos of the two lots from 1999 – 2018, which depicts fluctuation in parking demands over the 20-year period. These images showed that the smaller parking lot was consistently vacant. She added that these photos help to demonstrate that the existing larger parking lot directly south of the office building is sufficient for the existing office use.

Moving on, Ms. Barrentine stated that the intent behind the proposed rezoning request is to develop 30 single-family attached townhomes with a minimum of 30% open space on the reconfigured lot 2 parcel under the M-R-S zoning. The proposed development would provide enhanced pedestrian connectivity within the site. She added that the proposed development will meet all frontage and setback requirements. Together, the two lots will provide a true mix of uses. Access to the proposed townhome development would be taken from S. Teller St.

Ms. Barrentine gave community benefits of the rezoning which include allowing better use of vacant, unattractive, asphalt parking lot. It enables other beneficial land use opportunities to enhance the community, promote redevelopment, create open space, and provide pedestrian connectivity. She added the rezoning request is in compliance with the Comprehensive Plan. Ms. Barrentine showed photos of the proposed townhome products and showed the
Conceptual Land Use Plan with a townhome layout, parking and a perimeter fence around the property.

BREA PAFFORD stated the applicant is proposing to rezone Lot 1 and Lot 2 of the Academy Park Filing 5 & 6 Lot Line Adjustment Plat from Planned Development with the underlying Mixed-Use Employment Suburban (PD/M-E-S) zone district to Mixed-Use Employment (M-E-S) and Mixed-Use Residential Suburban (M-R-S). All rezoning applications follow a process outlined in the Lakewood Zoning Ordinance. The process includes a preplanning application, neighborhood meeting, formal application, public hearing before the Planning Commission and then a final public hearing before the Lakewood City Council.

Ms. Pafford showed an aerial view of the subject site, located south of W. Mansfield Avenue, east of S. Wadsworth Blvd. and west of S. Teller Street. The aerial image depicted the location of the subject site in context with the Academy Park Planned Development, which is located south of US 285 and east of S. Wadsworth Blvd. In a comparison of the original Academy Park Planned Development Boundary, Ms. Pafford pointed out that the subject site is the only remaining property in the PD that has street frontage along S. Wadsworth Blvd. All of the other properties have been rezoned over the years and are no longer within the PD Zone District.

Ms. Pafford stated the existing site is comprised of two lots with a multistory office building (located near the S. Wadsworth/W. Mansfield intersection) and two blocks of surface parking lots that are separated by a private shared driveway. Access to the site is taken from W. Mansfield Avenue. The site has sloping topography with the highest point near the Wadsworth/ Mansfield intersection and lower elevations located in the southeast portion of the site. Most of the site is located approximately 20 plus feet below the elevation of the Wadsworth Blvd. The current PD/M-E-S zoning allows a range of non-residential and residential uses. The properties located to the northeast and east of the subject site have the same Planned Development zoning. The property to the west is zoned PD/R-1-6, which is a single-family residential zone district. To the north of the site is a property that was recently rezoned to Mixed-Use General Suburban (M-G-S) and the property to the south is zoned Mixed Use Employment Suburban.

Ms. Pafford showed the Conceptual Land Use Plan and provided information on the existing facilities and improvements on the site. If approved, the existing property line between lot 1 and lot 2 would be adjusted based on the proposed M-E-S and M-R-S zone district boundaries. She outlined the property boundary and showed the street connectivity. If approved, the applicant intends to move forward with a formal Subdivision and Major Site Plan process where staff would review pedestrian and street connectivity, detention and water quality, and compliance with all applicable development regulations.

Ms. Pafford stated the neighborhood meeting was held on January 10, 2019. One Lakewood resident attended and was generally supportive of the development and liked the idea of incorporating residential uses.
Ms. Pafford explained that notification for the public hearing was provided pursuant to the requirements of the City of Lakewood Zoning Ordinance. She added staff received 68 letters of support for the rezoning. Ms. Pafford went over the rezoning review criteria and stated this proposal meets the requirements.

Staff Recommends that the Planning Commission adopt the findings of fact as presented in the staff report and recommend that the City Council APPROVE rezoning case No. RZ-19-001.

Public Comment OPENED at 7:56 p.m.

KAY WALLIS is a Lakewood school teacher. She owns a property in the Creekside Development. She stated this is a quality property and has good accessibility in the area which appeals to many people. She added many teachers live outside of Lakewood. It is important for them to be able to have a place that is close to schools. She is in support of the project and stated it is important for diversity and for the community to increase quality and affordable housing within Lakewood.

STEPHANIE VANDENBERG has lived in Lakewood for 4 years. Her children attend Addenbrook Classical Academy and stated the school has around 800 students. Denver Christian School is also on S. Teller St. Ms. Vandenburg stated the first day of school was stressful due to all the traffic. She is concerned with adding additional traffic in the area and added parents with students that attend the adjacent schools like to park in the vacant parking lot on this site.

JOEL GEORGE is a tenant in the existing office building (the West Point Building) and confirms there is a vacant lot on the property. He is in support of the rezoning. He believes the impact to tenants would be minimal and added local residents could walk to work. He expressed concern with traffic on W. Mansfield Ave. and S. Teller St. and recommended a roundabout. He does not believe traffic should be a reason to deny the application.

MERRY HANSEN states she works in the building at 3900 S Wadsworth Blvd. She stated that she has concerns with traffic in the area. She showed on a map where parents have to turn for the schools and also pointed out the intersection of S. Pierce Way that meets with W. Quincy Ave. She stated there is a gate that is closed and locked and added that the gate needs to come down.

BARB CHAYET purchased a new townhome from Creekside homes and stated she could not find this style of townhome anywhere in Lakewood. Renting in Lakewood is very expensive and her mortgage is less than what she would pay for the same type of property. She knows of others that would like to own this product in Lakewood. She believes the empty parking lot would be a good place to put this development. It is an enhancement for the community. She believes it would be fair for others to have the opportunity to purchase a home. She is in favor of the rezoning.

CARRIE ELLIS has been a resident of Lakewood for 20 years. Her concern is the traffic in the area. The schools are a great benefit to the community. She stated traffic is hazardous on S.
Wadsworth Blvd. There has been an increase in the number and severity of accidents. Ms. Ellis believes that different driving lanes need to be created. She also wanted to know how long will it take for the construction of this product. Ms. Ellis stated her father-in-law signed a form letter in support, however, he would not have done this had he known what he was signing.

MAXWELL MARCUM stated that he was raised in the north Lakewood/south Wheat Ridge area. He stated that he has had issues finding an affordable home in Lakewood and added there needs to be affordable housing for a young person to remain in the community where you grew up. He is in favor of the project but thinks there should be a traffic study.

WILLIAM MCCOLM lives in Windsor at Pinehurst Apartment Complex to the south of the proposed project. He has concerns with the topography and slope of the area. He stated the detention pond area floods with water when it rains. He added there is a lot of wildlife in the area and would not survive with more construction. He added the traffic on S. Teller St. is awful. He does not support the rezoning as it is just to support the development. He would like to see the vacant lot redeveloped into a park or open space.

DAVID LEWIS is a business owner in Lakewood and is in favor of the rezoning. He says this development would increase the probability of his employees buying in the area and remaining with the company. It would be a benefit for his employees to not have a long commute to get to work.

SARAH RODRIGUEZ has children go to Addenbrooke Classical Academy and stated the traffic is awful. She stated that Colorado Academy is also a school in the same area. The traffic is bad at the intersection at W. Quincy Ave. and S. Wadsworth Blvd. She believes there is a way for more than one entrance to be constructed. She would like to see a reconfiguration of the road and for the locked gate to be opened.

DOUG HEALEY stated this is the first time he heard the issue regarding traffic. He added that the school is causing the traffic problem and added they are happy to help in any way. He does not believe that adding 30 units will have a negative impact on traffic.

Public Comment CLOSED at 8:27 p.m.

COMMISSIONER SINKS asked what process the applicant went through to get the letters of support.

STEVEN SUNBERG speaking on behalf of Creekside Communities (the developer that is proposing to build townhomes on this site) stated that they wanted to get out into the community to see where the public stood on the project. He added they prepared form letters to make it easy for people who were in support of the proposed townhome project. These letters were based on the input of the public. He added most were in support of the project.

COMMISSIONER SINKS stated she thinks it was rather sloppily done and does not like the form letters.
STEVEN SUNBERG stated they took the input from the outreach efforts and drafted standard templates to make it easier for people to participate. No one pushed back. He added that most of the letters were geared to businesses.

COMMISSIONER SINKS added to her, it looks like it was orchestrated with the form letters. There is nothing specific in the information. She asked if there was an age limit for the residential letters.

STEVEN SUNBERG answered that only adults were able to sign a letter of support.

COMMISSIONER SINKS stated there was a lot of paper that the Planning Commission received and stated the letters were rubber stamped and did not have a lot of information. She stated in the future she would like staff to go through the letters to make sure there is information on the type of business and that it is presented in a different form.

PAUL RICE answered that the letters are public comment and these types of form letters are received when there is an organized effort for support as well as opposition for a specific project. When public comment is submitted, it is not sorted through and staff does not give applicants direction on how to gather public comment. The letters were submitted to the Planning Commission as part of the packet material.

COMMISSIONER SINKS asked if there is a way to make a list and summary of the public comment that is received.

PAUL RICE answered the letters are public record and need to be included in the packet in the form that they are received.

COMMISSIONER MILLER noted it is acceptable for both opponents and proponents to organize and communicate with one another. All the people have the right to sign and send letters. He asked if a person can rescind a letter they signed.

PAUL RICE stated they can retract the signed letter through testimony or submit a retraction in writing.

COMMISSIONER COHN stated he witnessed the traffic around 3:30 and stated Addenbrooke Classical Academy had many empty parking spaces. He asked why there is a locked gate in the public right of way.

TONI BISHOP stated the City of Lakewood would like to have S. Teller St. go through; however, the S. Pierce Way right-of-way is located within the City and County of Denver’s jurisdictional boundary. The City of Lakewood has asked to remove the locked gate, but the City and County of Denver will not allow access in this location to S. Pierce Way. Staff is currently looking at the enrollment records of the adjacent schools and hopes to present new data to the City of Denver to persuade them to allow access.
COMMISSIONER COHN asked if the locked gate is in the public right-of-way.

TONI BISHOP answered it is dedicated public right-of-way however, you cannot take access to S. Pierce at this time.

COMMISSIONER BARTLETT asked how it provides emergency access if it is gated.

TONI BISHOP answered there is a knox box which is approved by West Metro Fire Protection District, allowing them emergency access.

COMMISSIONER BARTLETT stated it sounds like it could cause a delayed emergency response.

PAUL RICE stated the fire departments will have keys to knox boxes. Police and ambulance typically do not have the keys and would have had to drive around.

COMMISSIONER COHN asked if Denver Fire and Health have keys to the box.

TONI BISHOP stated she believes area is serviced by West Metro Fire and is not sure if it is a universal key.

COMMISSIONER MILLER asked if there is access to S. Pierce St. from W. Mansfield Ave.

TONI BISHOP answered no.

COMMISSIONER MILLER asked if a roundabout would mitigate the problems?

TONI BISHOP answered there would require an engineering study, it was not a recommendation with the traffic study. A roundabout would require a lot of land and would require property from adjacent property owners.

COMMISSIONER MILLER asked if S. Pierce St. at Hampden is in Lakewood.

TONI BISHOP answered yes it is.

COMMISSIONER COHN asked if the retention pond in northeast corner will remain.

DONNA BARRATINE stated it is a storm water detention pond and has been sized for all the impervious area for lot 1 and lot 2. She stated with the proposed development and the additional open space, it will likely reduce the storm water runoff to the pond.

COMMISSIONER COHN asked if there would be an alteration with the wilderness that is present currently.

DONNA BARRENTINE stated they would reestablish vegetation and trees around the pond.
COMMISSIONER COHN asked if the detention area on conceptual land use plan all belongs to the applicant and asked if it is all part of the rezoning request.

DONNA BARRENTINE stated yes, the detention area it is currently part of lot 1, with the M-E-S Zone District request. This area will remain part of lot 1 for the purpose of site detention and will be maintained by the property owner.

COMMISSIONER COHN asked if there are current plans to build to the south of the office building or asked if it would remain a parking lot.

DONNA BARRATINE answered it would remain a parking lot. There is no current plan to do anything with the larger parking lot as this is a necessary facility for the office tenants.

DOUG HEALLY stated it is not economically feasible to redevelop the parking lot on lot 1.

COMMISSIONER COHN asked if there is a plan to make any part of the lot a public right-of-way.

DONNA BARRENTINE answered there are no plans to convert the private internal drive to public right-of-way, it is necessary to the flow of traffic in and out of the parking lot.

COMMISSIONER COHN asked how long the lot 2 parking lot has been roped off.

DOUG HEALLY answered it was closed off approximately 8-9 months ago for liability reasons.

COMMISSIONER HEALD asked for clarification on the material change in the character of the neighborhood rather than just the material change in the office park.

BREA PAFFORD answered the terms neighborhood and Academy Park development are used synonymously with respect to changes in the character of the area.

COMMISSIONER HEALD asked why there was not a second neighborhood meeting held after the applicant changed their request for zoning.

BREA PAFFORD stated that staff had initially discussed potential modifications to the PD to adjust the parking standards; however, that would have required coordination with all of the remaining property owners within the Academy Park PD. Later, when the City received an application to rezone the property to the north of this site at 3840 S. Wadsworth Blvd. to M-G-S, it seemed like that would be an appropriate zone district for this proposal as a continuation of the existing M-G-S zoning along the Wadsworth corridor. After further analysis of the formal rezoning request, the proposed townhome development and the proposed residential land use restrictions from the Lakewood Development Dialogue process, the split M-E-S and M-R-S zone districts and their land use limitations seemed to be a better fit. Specifically, because the applicant had no intent on introducing land uses that are allowed under the M-G-S, but not allowed under the two proposed zone districts.
PAUL RICE answered staff did look at having a second meeting, but felt that the proposed change in the rezoning request from M-G-S to M-E-S and M-R-S effectively removed potential land uses that would have been allowed under the M-G-S proposal at the time of the neighborhood meeting. As such, staff determined that a second meeting was not warranted. Because there was only one neighbor that showed up to the first meeting, staff recommended that the applicant work on additional outreach to business owners, tenants and property owners in the area for additional feedback.

COMMISSIONER HEALD stated there was not a conceptual land use plan for the neighborhood meeting and asked if is it custom to have a conceptual land use plan to discuss uses.

PAUL RICE answered staff’s suggestion to applicants is to talk about what they want to do with the property; however, they can present a concept plan if they choose. The reason staff advises applicants not to show a conceptual land use plan, is because this is a rezoning request. The rezoning process does not evaluate or approve a specific development proposal or a specific land use.

COMMISSIONER HOLLENDER asked if the parking south the existing office building will remain.

BREA PAFFORD answered that she was not aware of any proposal to remove any parking to the south of the office building. Per the current PD zoning, there are only a few dozen spaces that can be eliminated from either parking lot before the parking for the office building would become non-compliant.

COMMISSIONER HOLLENDER asked if lot 2 was taken out of the equation, would parking requirements still be met.

BREA PAFFORD answered there are minimum and maximums parking requirements in straight zone districts proposed by the applicant. In the proposed M-E-S zone district, the minimum parking ratio for an office use is 1.5 spaces per 1,000-square feet. However, since most of the south parking lot is used by the office building; it appears that there may be a higher demand for parking on Lot 1 than the minimum that is required within the proposed zone district.

COMMISSIONER HOLLENDER asked how about the types of jobs in the area and asked for the prices of the proposed homes.

STEVEN SUNDBERG answered the price point would be in the $300,000 range. The marketing team has done their due diligence.

DOUG HEALLY stated within Academy Park there are a variety jobs. In his building there is a Computer and Land Planning Company, Attorneys, Engineers, and Title Companies. There are a variety of companies with employees that can afford the homes.
COMMISSIONER HOLLENDER asked if there was a traffic study done.

TONI BISHOP answered there was traffic study done with the development proposal. They included the trip generation for a residential development as well as another land use that would be allowed under the proposed zone district, which would also be a higher trip generator with respect to daily traffic trips.

COMMISSIONER HOLLENDER asked what did the traffic study show?

TONI BISHOP answered there would be about half trips generated by this proposed development than if this was developed as an office use.

COMMISSIONER HOLLENDER asked if the traffic problem would be solved if the gate was open.

TONI BISHOP answered that she does not know as that was not a factor of the traffic study.

COMMISSIONER MILLER asked what jurisdictions surround this development.

TONI BISHOP answered City and County and Denver and Jefferson County.

CHRIS MAGRANIHAN stated he did the traffic study for the development. He added with the townhome project, that there would be very few trips generated from the proposed development during the peak morning hours when students are arriving at school. The commuter peak hours around 5 pm was fine, because the afternoon school traffic occurs earlier in the afternoon. The schools are the main culprit for the existing traffic problems. The residential units are more compatible with respect to traffic generation than the existing businesses and schools.

COMMISSIONER HOLLENDER asked what a denser use showed in the traffic study.

CHRIS MAGRANIHAN state a 12,000 square foot daycare center was looked at and it would generate 570 trips. A multifamily housing development would generate 250 trips.

COMMISSIONER HOLLENDER asked if un-locking the gate was considered.

PAUL RICE answered that the traffic study parameters are given. He stated that the connection from Teller to Pierce was not an option, since this is not something that the City of Lakewood can control. Therefore, potential traffic movements at this intersection would not have been looked at in the traffic study.

COMMISSIONER SINKS asked if it was because of parking that two separated cases not made.

BREA PAFFORD answered both properties are under the same ownership and added without
the second parking lot the office building would be non-conforming with the current zone
district. Both lots required a rezoning to accommodate the proposed development.

COMMISSIONER MILLER asked for clarification on why working with a Planned Development
requires more time, effort and money for staff.

BREA PAFFORD answered that navigating the Academy Park PD is difficult and requires a
signficant amount of staff time to review both small and large development proposals. The text
within the PD is also is not searchable (like our current zoning ordinance) and the organization
of the document is not user friendly.

PAUL RICE also mentioned that the land uses contained within the Planned Development are
more permissive than the land uses that are permitted in both the M-E-S and M-R-S zone
districts.

COMMISSIONER MILLER stated there was a discussion in the 2014 zoning code discussion
to remove Planned Developments.

PAUL RICE answered there was a proposal to remove the PD zoning for Academy Park as
part of the legislative rezoning. The property owners on southern 3rd of Academy Park had
specifically requested to be removed from the PD, which they were through that legislative
rezoning process. The remaining 2/3rds of the property owners were fragmented, so the PD
was maintained on those parcels.

COMMISSIONER BARLETT asked why the Architectural Design Committee dissolved.

BREA PAFFORD answered it was her understanding that there has not been an active design
committee for at least 5 years. A key member of that group decided to retire and there was no
one that wanted to take over the management of the design committee. Most members that sit
on committees get paid for their services and it can become costly for developments to
maintain an active design review committee.

COMMISSIONER SINKS stated on the conceptual land use plan it states 518 parking spaces
remain, and it also states 11.99 acres. She asked how many acres is 518 parking spaces?

DONNA BARRETINE answered the lot 1 parcel includes parking spaces to the north of the lot
2 parcel. There are 518 parking spaces on the west of the site.

COMMISSIONER SINKS asked if lot 1 will continue to look the same.

DONNA BARRETINE answered yes, lot 1 will remain the same.

COMMISSIONER HOLLENDER asked if a more intense use is proposed, will there be any
new traffic studies required.
TONI BISHOP answered if there is a proposal for more an intense use for lot 1, they would need to revisit the traffic study.

COMMISSIONER HOLLENDER asked if there are any traffic improvements proposed for the area.

TONI BISHOP answered there are no improvements required.

PAUL RICE answered the proposed M-R-S zone district allows for a mix of uses but these are limited. These other non-residential uses can only be 20% of the total square footage of the building. The daycare could be allowed as an accessory use to another permitted use.

COMMISSIONER HEALD asked if it is intended to have a 2 car garage per townhome along with visitor parking.

DONNA BARRETINE answered the concept is to have 2 spaces within each garage. There will be 8 visitor parking spaces and 1 which is ADA accessible.

COMMISSIONER MILLER asked how many square feet of office space is in the building.

DONNA BARRETINE answered there is 175,000 square feet, once maintenance rooms and elevators shafts are subtracted out, the effective gross floor area of the building is 154,000. This is the number used to calculate parking space requirements.

COMMISSIONER MILLER asked how many parking spaces are on the west side.

DONNA BARRETINE answered there are 518 spaces on the west side.

COMMISSIONER MILLER asked if the office building was 96% occupied, DONNA BARRETINE answered, as of June or July, that is correct.

COMMISSIONER MILLER stated there are unfinished connections in the area. Are pedestrian and bicycle lines in the bicycle master plan?

TONI BISHOP stated in the bicycle master plan there are no on street bike lanes proposed or existing. Most of the sidewalk systems are based on older standards. When developments are proposed, the requirement for new facilities is assessed at that time.

COMMISSIONER MILLER what would be required for pedestrian and bicycle access.

BREA PAFFORD answered pedestrian connectivity has specific requirements in the Zoning Ordinance. This would be reviewed during the Major Site Plan process.

COMMISSIONER MILLER asked if the developer would be required to put in improvements beyond the site.
PAUL RICE answered new developments are responsible for connectivity within the development.

COMMISSIONER MILLER stated the City should be proactive with pedestrian connectivity. He stated there should be some creative traffic solutions for the area.

COMMISSIONER COHN made a MOTION to adopt the findings of fact and order as presented in the staff report and recommend that City Council APPROVE Rezoning Case No. RZ-19-001.

SECONDED by COMMISSIONER SINKS

COMMISSIONER COHN stated this proposal would add housing and employ land that is standing idle at the present time. He would urge staff to see what they can do with the various neighborhood groups, schools and City and County of Denver to solve the traffic situation. He looked across Pierce Way saw a golf course and recognizes the City and County of Denver is concerned with their roads. The schools have quite a bit of land and maybe they can rearrange their land for a more efficient drop off.

COMMISSIONER HOLLENDE finds it appalling the City of Denver and City of Lakewood can't come to an agreement to remove the gate. With the possible exception of a daycare, the traffic generated of the development would not be at the same time as the school and would not impact traffic. He added residential units for the employees would reduce traffic.

COMMISSIONER HEALD agrees with Commissioner Cohn and Commissioner Hollender. He proposed a change for the finding of fact and order that the states there is a material change in the neighborhood. He believes it would be more accurate to state there has been a material change in the Academy Park Office Park.

PAUL RICE stated rezoning criteria states neighborhood and which in this case is essentially the office park. Section 17.2.3.3 states the review criteria. A.3.B reads there has been a material change in the character of the neighborhood or in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change. The criteria is codified and cannot be modified. Focus on second part of the statement and not the first part.

COMMISSIONER MILLER asked if there can be a clarification in the staff report that would go to City Council.

PAUL RICE stated it will be documented in the minutes. The staff report cannot be changed.

COMMISSIONER HEALD stated he just wanted it clarified how it was viewed by staff and feels that it being documented in the minutes is sufficient.
COMMISSIONER SINKS stated she will be supporting the rezoning. This product is what Lakewood needs. It is a great product in a place where Lakewood needs it. She stated it is a growth area on a vacant lot.

COMMISSIONER BARLETT reiterated what COMMISSIONER SINKS. He stated this conforms with rezoning criteria as he knows it. He believes the proposal is a good use for the vacant parking lot.

COMMISSIONER MILLER stated he will support the rezoning. He added the character of the neighborhood has changed and the development would be nice. He likes the better use of the property. He added the vacant land is owned by someone and is not open space. It is consistent with the Comprehensive Plan and Sustainability Plan. He understands the comments from people that do not want more housing, but will be supporting this rezoning.

COMMISSIONER HOLLENDER confirmed form letters are received in a lot of cases. To him it says there is more support than opposition.

COMMISSIONER SINKS would like to explore other options for how materials are presented.

VOTE TAKEN –

Six Ayes – Commissioners BARTLETT, COHN, HEALD, HOLLENDER, MILLER, SINKS,

Zero Nays.

MOTION PASSED

ITEM 4: APPROVAL OF MINUTES
Minutes from the July 17, 2019 Regular Meeting were approved by unanimous voice vote with one change.

ITEM 5: General Business
PAUL RICE stated packet materials can be added as a discussion at the retreat.

COMMISSIONER MILLER stated a thought would be to only receive some paper and others emailed as a PDF.

PAUL RICE added it can be discussed what is printed. City council receives their packets online.

COMMISSIONER BARTLETT stated a summary of comment report is more work for staff.

PAUL RICE stated staff could misinterpret comments and this is why staff does not touch public comment. Discussion regarding packet material can be done at the retreat.

COMMISSIONER COHN asked if the Development Dialogue is still underway.
PAUL RICE stated there are a series of topics that they want to address but have not come back to. City Council has other issues they are addressing, so the Development Dialogue is on pause.

**ADJOURNMENT**
Meeting adjourned at 10:10 PM.

12/16/19
Date Approved

[Signature]
Paul Rice, Secretary to the Planning Commission
AUTHORIZING THE REZONING DEVELOPMENT AGREEMENT FOR 3939 S. TELLER STREET AND 3939 S WADSWORTH BOULEVARD, LAKEWOOD, CO 80235

WHEREAS, VBH WP, LLC, a Delaware limited liability company (the “Owner”) owns the property known as 3939 S. Teller Street and 3939 S. Wadsworth Boulevard, Lakewood, CO; and the Owner is seeking to develop a portion of that property, approximately 2.31-acres, more or less, as more particularly described on Exhibit 1 attached hereto (the “Property”); and

WHEREAS, the Property is currently zoned Planned Development with Underlying Mixed-Use Employment Suburban (PD/M-E-S); and

WHEREAS, the Owner seeks to rezone the Property to the Mixed-Use Residential Suburban (M-R-S) zone district in order to develop attached dwelling units (the “Proposed Project”); and

WHEREAS, per Section 17.4.2 of the Lakewood Zoning Ordinance, townhomes or Attached Dwelling Units are a permitted land use in the M-R-S zone district. However, per Section 17.4.2, several other uses, including multifamily residential, school, community building and religious institution uses are also permitted in the M-R-S districts; and

WHEREAS, the Owner desires to ensure that the Proposed Project is built and desires to restrict other uses on the Property that would otherwise be allowed within the M-R-S zone district; and

WHEREAS, the Owner and the City wish to enter into this Agreement to ensure the Property is developed as the Proposed Project; and

WHEREAS, the City Council’s approval of the rezoning of the Property by Ordinance [ O-2020-_____ ] (the “Rezoning Ordinance”) on February 24, 2020, made this Agreement legally effective; and

WHEREAS, the Parties agree that the rights and obligations of the Parties to this Agreement will be binding on each of the Parties’ successors, assigns, and heirs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The Rezoning Development Agreement for 3939 S. Teller Street and 3939 S. Wadsworth Boulevard, Lakewood, Colorado 80235 is hereby approved.

SECTION 2. The fully executed Rezoning Development Agreement shall be recorded by the City.

SECTION 3. This Resolution shall become effective immediately upon adoption.
INTRODUCED, READ AND ADOPTED by a vote of ____ for and ____ against at a regular meeting of the City Council on February 24, 2020 at 7 o’clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

__________________________________________
Adam Paul, Mayor

ATTEST:

________________________________________________________________________
Michele Millard, City Clerk

APPROVED AS TO FORM:

________________________________________________________________________
Timothy P. Cox, City Attorney
EXHIBIT 1
(Legal Description of the Property)

PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 1 AND LOT 2, BLOCK 1, ACADEMY PARK FILING NO. 5 & 6 LOT LINE ADJUSTMENT NO. 1 PLAT, IN THE CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO, PER THE PLAT RECORDED JANUARY 16, 2015 AT RECESSION NO. 2015004585, IN THE OFFICE OF THE CLERK AND RECORDER FOR THE COUNTY OF JEFFERSON, STATE OF COLORADO, LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 1, FROM WHICH THE SOUTH LINE OF SAID BLOCK 1 BEARS SOUTH 89°34'47" WEST, WITH ALL BEARINGS CONTAINED HEREIN BEING REFERENCED TO SAID SOUTH LINE;

THENCE ALONG SAID SOUTH LINE OF BLOCK 1, SOUTH 89°34'47" WEST, A DISTANCE OF 304.93 FEET;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00°13'17" EAST, A DISTANCE OF 238.25 FEET;

THENCE NORTH 89°34'47" EAST, A DISTANCE OF 110.40 FEET;

THENCE NORTH 00°13'18" EAST, A DISTANCE OF 70.17 FEET;

THENCE NORTH 89°34'47" EAST, A DISTANCE OF 25.61 FEET;

THENCE NORTH 00°13'18" EAST, A DISTANCE OF 66.72 FEET;

THENCE NORTH 89°34'47" EAST, A DISTANCE OF 213.57 FEET TO THE EASTERLY LINE OF SAID BLOCK 1, ACADEMY PARK FILING NO. 5 & 6 LOT LINE ADJUSTMENT NO. 1 PLAT;

THENCE ALONG SAID EASTERLY LINE OF BLOCK 1 THE FOLLOWING TWO (2) COURSES:

1) SOUTH 13°39'35" WEST, A DISTANCE OF 171.07 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE EASTERNLY, HAVING A RADIUS OF 510.00 FEET;

2) SOUTHERLY ALONG SAID TANGENT CURVE THROUGH A CENTRAL ANGLE OF 23°40'59", AN ARC LENGTH OF 210.81 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 1 AND THE POINT OF BEGINNING.

CONTAINS 100,668 SQUARE FEET OR 2.311 ACRES, MORE OR LESS.

AS SHOWN ON THE EXHIBIT ATTACHED HERETO, MADE A PART HEREOF.
REZONING DEVELOPMENT AGREEMENT
FOR 3939 S TELLER STREET AND 3900 S WADSWORTH BOULEVARD,
LAKEWOOD, CO 80235

THIS REZONING DEVELOPMENT AGREEMENT (this “Agreement”) is made by and between VBH WP, LLC (the “Owner” and respective heirs, successors and assigns), and the CITY OF LAKEWOOD, a home rule municipal corporation of the State of Colorado (the “City”). The Owner and the City are collectively referred to herein as the “Parties.” The Effective Date of this Agreement shall be the date of the last party to sign.

Recitals

A. The Owner is seeking to develop approximately 2.31-acres, more or less, located within the City, known by the street addresses of 3939 S. Teller Street and part of 3900 S. Wadsworth Boulevard as more particularly described on Exhibit 1 attached hereto (the “Property”), currently owned by VBH WP, LLC, a Delaware limited liability company.

B. The Property is currently zoned Planned Development with Underlying Mixed-Use Employment Suburban (PD/M-E-S).

C. The Owner seeks to rezone the Property to the Mixed-Use Residential Suburban (M-R-S) zone district in order to develop attached dwelling units (the “Proposed Project”).

D. Per Section 17.4.2 of the Lakewood Zoning Ordinance, townhomes or Attached Dwelling Units are a permitted land use in the M-R-S zone district. However, per Section 17.4.2, several other uses, including multifamily residential, school, community building and religious institution uses are also permitted in the M-R-S districts.

E. The Owner desires to ensure that the Proposed Project is built and desires to restrict other uses on the Property that are otherwise allowed within the M-R-S zone district.

F. The Owner and the City wish to enter into this Agreement to ensure the Property is developed as the Proposed Project.

G. City Council approved the rezoning of the Property by Ordinance [O-2020-0] (the “Rezoning Ordinance”) on January 27, 2020, making this agreement hereby effective.

H. The rights and obligations of the Parties to this Agreement will be binding on, each of the Parties’ successors, assigns, and heirs.

Agreement

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. Use Restriction. Notwithstanding any provisions of the Lakewood Zoning
Ordinance to the contrary, Attached Dwelling Unit, is the only permitted use on the Property.

2. **Agreement Conditioned on Approval of Rezoning.** The Parties acknowledge and agree that this Agreement is dependent upon City Council’s approval of the Rezoning Ordinance, which rezones the Property from its current PD/M-E-S Zone District to the M-R-S zone district, but should the rezoning be invalidated, the Parties acknowledge and agree that this Agreement shall be invalid and void and shall have no effect on the Property.

3. **Term.** The term of this Agreement ("Term") will commence on the Effective Date and will continue through the date of, and including, ten (10) years from the Effective Date of this Agreement. Nothing herein will limit the ability of the Parties to enter into future amendments to this Agreement that have the effect of extending the Term. After expiration of the Term, this Agreement will be deemed terminated and of no further force and effect; provided, however, such termination will not affect any common law vested property rights established prior to such termination.

4. **Full Authority.** Each Party has the full right, power and authority to enter into, perform and observe this Agreement.

5. **Miscellaneous.**
   a) **Entire Agreement.** This Agreement contains the entire agreement between the Parties and no statement, promise or inducement made by either Party or the agent of either Party that is not contained in this Agreement will be valid or binding.
   b) **Amendment.** This Agreement may be amended by written mutual agreement of the Parties.

6. **Counterparts; Electronic Delivery.** This Agreement may be executed in counterparts, all such counterparts will constitute the same agreement and the signature of any party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by telex copy or e-mail and upon receipt will be deemed originals and binding upon the parties hereto, regardless of whether originals are delivered thereafter.

   [Signature Pages Follow]
IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement as of the Effective Date.

ATTEST:

Michele Millard, City Clerk

RECOMMENDED AND APPROVED:

Travis Parker, Director
Planning Department

CITY OF LAKEWOOD

Kathleen E. Hodgson,
City Manager

APPROVED AS TO FORM:

Timothy Cox, Office of the
City Attorney

[Signatures continued on following page]
OWNER: VBH WP, LLC, a Delaware Limited Liability Company

STATE OF )
COUNTY OF ) ss

The foregoing instrument was acknowledged before me this ___ day of ____________, 2019, by ____________________, as an individual residing in Jefferson County, Colorado.

Witness my hand and official seal.

My commission expires: ____________________________

P:\ see attached

Notary Public
All-purpose Acknowledgment  California only

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

On 12/24/2019 before me, Suranganie Ekanayake, Notary Public, (here insert name and title of the officer), personally appeared Kyle Adam Healy, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

For Bank Purposes Only

Description of Attached Document

Type or Title of Document Beginning Development Agreement

Document Date 12/24/2019  Number of Pages 06

Signer(s) Other Than Named Above 04
EXHIBIT 1
(Legal Description of the Property)

PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 1 AND LOT 2, BLOCK 1, ACADEMY PARK FILING NO. 5 & 6 LOT LINE ADJUSTMENT NO. 1 PLAT, IN THE CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO, PER THE PLAT RECORDED JANUARY 16, 2015 AT RECEPTION NO. 2015004585, IN THE OFFICE OF THE CLERK AND RECORDER FOR THE COUNTY OF JEFFERSON, STATE OF COLORADO, LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINS 100,668 SQUARE FEET OR 2.311 ACRES, MORE OR LESS.

AS SHOWN ON THE EXHIBIT ATTACHED HERETO, MADE A PART HEREOF.
EXHIBIT TO ACCOMPANY PROPERTY DESCRIPTION
PORTION SE1/4, SECTION 2
T5S, R69W, 6TH P.M.
COUNTY OF JEFFERSON, STATE OF COLORADO

LOT 1, BLOCK 1
ACADEMY PARK
FILING NO. 5 & 6
LOT LINE ADJUSTMENT NO 1

PROPOSED LOT 4
BLOCK 1
ACADEMY PARK
FILING NO. 5 & 6
LOT LINE ADJUSTMENT NO. 2 PLAT
CONTAINING 100.668 SQ. FT. ± 2.311 ACRES ±

NEW BOUNDARY LINE
LOT 4, BLOCK 1

S89°34'47"W
N89°34'47"E
66.72'
25.81'
70.17'
110.40'

POINT OF BEGINNING
SOUTHEAST COR. LOT 2

GRAPHIC SCALE

SHEET 2 OF 2

JOB NO. 19150
DATE: 8/1/19
SCALE: 1" = 100'

6050 S. Tonn Way, UNIT C, Centennial, CO 80112 Phone. (303) 488-1303