

**TOWN OF PIERCE, COLORADO
ORDINANCE NO. 2022-02**

**AN ORDINANCE ADOPTING CERTAIN MODIFICATIONS
AND ADDITIONS TO THE 2020 MODEL TRAFFIC CODE**

WHEREAS, the Town of Pierce (the "Town") has previously adopted Ordinance No. 2020-05 – An Ordinance for the Regulation of Traffic by the Board of Trustees of the Town of Pierce, Colorado, Adopting by Reference the 2020 Edition of the "Model Traffic Code," Repealing all Ordinances in Conflict Therewith; and Providing Penalties for Violation Thereof.

WHEREAS, the Board of Trustees has determined that for the purposes of the public safety and welfare of the residents of the Town that certain modifications and additions in the 2020 edition of the Model Traffic Code should be adopted.

WHEREAS, the Board of Trustees desires to amend Article 1, Chapter 8 of the Pierce Town Code to include the following additions and modifications from 2020 edition of the Model Traffic Code:

1. Section 1417. Expired license plates/registration/temporary permit.

1. e registration issued by the State of Colorado shall expire on the last day of the month at the end of each twelve-month registration period and shall be renewed, upon application by the owner, the payment of the fees required by law, and in accordance with section 42-3-113 (3), not later than the last day of the month following the date of expiration. No license plates other than those of the registration period to which they pertain shall be displayed on a motor vehicle operated on any street, road, or highway within the Town.
2. No person shall lend to or knowingly permit the use by one not entitled thereto any certificate of title, registration card, or registration number plate issued to the person so lending or permitting the use thereof.
3. A temporary vehicle registration may not be used on any vehicle after the expiration of the period for which the permit was issued.

2. Section 1418. Driving without a current valid driver's license.

1. No person shall drive any motor vehicle upon a street, road or highway within the Town unless such person has been issued a currently valid driver's or minor driver's license or an instruction permit by a State Department of Motor Vehicles.
2. No person shall drive any motor vehicle upon a street, road or highway within the Town unless such person has in his or her immediate possession a current driver's or minor driver's license or an instruction permit issued by a State Department of Motor Vehicles.
3. No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall drive a type or general class of motor vehicle upon a

street, road or highway within the Town for which such person has not been issued the correct type or general class of license or permit.

4. No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall operate a motor vehicle upon a street, road or highway within the Town without having such license or permit in such person's immediate possession.
5. A charge of a violation of subsection (4) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license issued to such person or an officially issued duplicate thereof if the original was lost, stolen or destroyed; provided that such currently valid driver's license or minor driver's license shall also have been valid on the date the defendant was issued the citation.
6. The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
 - a. 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 injury sought to be prevented by this Section; or
 - b. The applicable conditions for exemption, as set forth in § 42-2-102, C.R.S., exist.
7. The issue of justification or exemption is an affirmative defense. As used in this subsection, affirmative defense means that, unless the prosecutor's evidence raises the issue involving the particular defense, the defendant, to raise the issue, shall present some credible evidence on that issue. If the issue involved in an affirmative defense is raised, then the liability of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the charge.

NOW, THEREFORE BE IT ORDAINED by the Board of the Town of Pierce, Colorado::

Section 1. Adoption. The Board of Trustees hereby adopts by reference the following additions and modifications to the 2020 edition of the Model Traffic Code:

A. Section 1417 is added to the Model Traffic Code and shall read as follows:

1. Section 1417. Expired license plates/registration/temporary permit.

1. The registration issued by the State of Colorado shall expire on the last day of the month at the end of each twelve-month registration period and shall be renewed, upon application by the owner, the payment of the fees required by law, and in accordance with section 42-3-113 (3), not later than the last day of the month

following the date of expiration. No license plates other than those of the registration period to which they pertain shall be displayed on a motor vehicle operated on any street, road, or highway within the Town.

2. No person shall lend to or knowingly permit the use by one not entitled thereto any certificate of title, registration card, or registration number plate issued to the person so lending or permitting the use thereof.
3. A temporary vehicle registration may not be used on any vehicle after the expiration of the period for which the permit was issued.

B. Section 1418 is added to the Model Traffic Code and shall read as follows:

1. Section 1418. Driving without a current valid driver's license.

1. No person shall drive any motor vehicle upon a street, road or highway within the Town unless such person has been issued a currently valid driver's or minor driver's license or an instruction permit by a State Department of Motor Vehicles.
2. No person shall drive any motor vehicle upon a street, road or highway within the Town unless such person has in his or her immediate possession a current driver's or minor driver's license or an instruction permit issued by a State Department of Motor Vehicles.
3. No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall drive a type or general class of motor vehicle upon a street, road or highway within the Town for which such person has not been issued the correct type or general class of license or permit.
4. No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall operate a motor vehicle upon a street, road or highway within the Town without having such license or permit in such person's immediate possession.
5. A charge of a violation of subsection (4) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license issued to such person or an officially issued duplicate thereof if the original was lost, stolen or destroyed; provided that such currently valid driver's license or minor driver's license shall also have been valid on the date the defendant was issued the citation.
6. The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
 - a. 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 injury sought to be prevented by this Section; or

- b. The applicable conditions for exemption, as set forth in § 42-2-102, C.R.S., exist.
7. The issue of justification or exemption is an affirmative defense. As used in this subsection, affirmative defense means that, unless the prosecutor's evidence raises the issue involving the particular defense, the defendant, to raise the issue, shall present some credible evidence on that issue. If the issue involved in an affirmative defense is raised, then the liability of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the charge.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

Section 3. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. Effective Date. Except as otherwise expressly provided herein, this ordinance shall take effect thirty days after its publication in the manner provided by law.

PASSED, ADOPTED AND APPROVED THIS 10th day of January, 2022.

TOWN OF PIERCE

By: Nanci Cron 1-10-22
Mayor



SENT FOR PUBLICATION
DATE: 1/14/2022
BY: Justin Dizon