

CHAPTER 8

Vehicles and Traffic

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ARTICLE I

Model Traffic Code

Sec. 8-1-10. Adoption.

Pursuant to Parts 1 and 2 of Article XVI, Title 31, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the *Model Traffic Code for Colorado Municipalities*, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State. One (1) copy of the Model Traffic Code adopted herein is now filed in the office of the City Clerk and may be inspected during regular business hours. The 2003 edition of the Model Traffic Code is adopted as if set out at length. (Prior code 6-1-1; Ord. 07, 2004 §1; Ord. 01, 2005 §1)

Sec. 8-1-20. Amendments.

(a) Article I of the Model Traffic Code is adopted subject to the following additions, modifications and amendments, and the amendments to said code set forth in this Section shall take precedence over the literal print copy of the code in the event of conflict:

(1) All references to "Highway" in Part 6 of Article I are hereby deleted and replaced with "street and alley" in the singular or the plural as the context may require.

(2) Section 1101(2) is hereby deleted and replaced with the following:

"(2)(a) It shall be unlawful for any person to drive or ride any vehicle or animal on a street or alley within the City in excess of the speed limit for such street or alley. The speed limits for all streets within the City, unless otherwise posted, shall be 25 miles per hour. The speed limit for all alleys, unless otherwise posted, shall be 10 miles per hour. If a given street or alley is posted for a speed limit of greater or lesser than the speed set forth above, the posted speed limit shall be the speed limit thereon.

"(b) The speed limits contained in this subsection and set forth above shall be absolute speed limits. Any person driving or riding any vehicle or animal in excess of the speed limits shall be deemed guilty of a misdemeanor without regard for the reasonableness of his speed, or whether or not he knew his speed or the speed limit in effect.

"(c) Speed limits posted on streets and alleys within the City at the time of the adoption of this ordinance shall remain the speed limits in effect until the City Council or the Chief of Police take action to alter them as provided for herein.

"(d) By resolution, the City Council may adopt or amend maximum speed limits for the various streets and alleys within the City which speed limits may be above or below those set forth in subsection (a) above. Upon promulgation of such resolution, the Public Works Department shall post speed limit signs to designate such speed limits on such streets or

alleys. For those streets or alleys for which the City Council has adopted no maximum speed limit, the Chief of Police may adopt or amend the maximum speed limits by posting maximum speed limit signs on such streets. Resolutions by the City Council designating maximum speed limits shall take precedence over postings by the Chief of Police. In prosecutions for violations hereof, all posted speed limits shall be presumed to have been posted by the proper authorities under the proper procedures.

"(e) Speed limit signs shall be deemed sufficient if they recite upon them the phrase "Speed Limit" and have the maximum speed in Arabic numerals placed thereon. Unless otherwise indicated, all speed limit signs shall be presumed to be in miles per hour."

(3) Section 1101(5) is deleted and the following is inserted in its stead:

"(5) In every charge of violating the speed limit, the Complaint, Summons and Complaint, or Penalty Assessment Notice shall specify the speed at which the defendant is alleged to have been moving and also the speed limit applicable at the specified time and location of the alleged violation."

(4) The following sections and subsections are deleted: 1101(4); 1101(7); 1101(8); 1102; 1104(2); and 1104(3).

(5) Section 1203 is added to read as follows:

"1203. Two-hour parking limit. The City Council may, by resolution, designate certain portions of the streets and alleys within the City as being areas where parking is limited to two hours. In the event the City Council enacts no such resolution, the Chief of Police may make such designations. However, subsequent resolutions of the City Council making such parking designations shall take precedence over those designations made by the Chief of Police. When the designation of a two-hour parking limit is made, the areas shall be posted and the posting of signs reflecting the two-hour parking limit shall constitute prima facie evidence that the area was designated in a proper manner. It is unlawful for any person to park any vehicle in a two-hour parking area and to leave it in that same place within the two-hour parking area for over two hours. When a vehicle is illegally parked for a period of time in excess of the two-hour parking limit, the fine shall be \$10.00 and \$10.00 shall be the amount of the fine set forth in the notice issued pursuant to Section 1718. If the \$10.00 fine is not paid within seven days after the notice is issued, then the fine shall become \$25.00. If the fine is not paid within 14 days after the original notice is issued, the registered owner of the vehicle shall be issued a summons, or a summons following a complaint, charging the violation of the parking regulation for which the notice was originally issued. The summons, or summons and complaint, shall require a court appearance and the fine shall be \$25.00. In addition, court costs shall be assessed if the defendant is found guilty."

(6) Section 1210 is added to read as follows:

"1210. Presumption of registered owner of parked vehicle. In any prosecution charging a violation of any provision of this code governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint, or summons and complaint, was parked in violation of any such regulation, together with proof that the

defendant named in the complaint, or summons and complaint, was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred."

(7) Section 1401(2) is deleted and the following is substituted in its stead:

"(2) Any person who violates any provision of this Section shall be punished in the same manner as set forth for the punishment of ordinance violation generally in the Salida Municipal Code."

(8) Section 1409 is hereby deleted and replaced with the following:

"1409. Compulsory insurance – penalty. (1) No owner of a motor vehicle required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this local government when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-619 and 10-4-716, C.R.S.

"(2) No person shall operate a motor vehicle on the public highways of this local government without a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-619 and 10-4-624, C.R.S.

"(3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle 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 Sections 10-4-619 and 10-4-624, C.R.S.

"(4) Any person who violates the provisions of subsection (1), (2) or (3) of this section commits a traffic offense punishable pursuant to Section 8-1-70 of the Salida Municipal Code.

"(5) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-619 and 10-4-624, C.R.S., when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

"(6) No person charged with violating subsection (1), (2) or (3) 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 Sections 10-4-619 and 10-4-624, C.R.S., at the time of the alleged violation."

(9) Section 1601 is added to read as follows:

"1601. Investigations. It shall be the duty of the Salida Police Department to investigate traffic accidents occurring within Salida either by investigation at the time of or at

the scene of the accident or thereafter by interviewing participants or witnesses and to issue summonses and complaints and/or penalty assessment notices for ordinance violations occurring 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. However, nothing herein shall be deemed to impose upon the Salida Police Department, or the officers or members thereof, the duty to investigate accidents when circumstances are such that insufficient personnel exists to investigate a particular accident or a particular series of accidents and the Chief of Police, or his designate, shall have the authority to determine which accidents shall be investigated, if any, under those circumstances."

(10) Section 1719 is added to read as follows:

"1719. Report of outstanding judgments and warrants. The clerk of the Municipal Court shall, from time to time, report to the Colorado Department of Revenue all outstanding and unpaid Municipal Court fines and judgments and all outstanding Municipal Court arrest warrants relating to violations of any provision of Chapter 8 of the Salida Municipal Code."

(b) Article II of the Model Traffic Code is adopted subject to the following additions, modifications and amendments, and the amendments to said code set forth in this Section shall take precedence over the literal print copy of the code in the event of conflict:

(1) Section 102(88) is hereby deleted and the following is inserted in its stead:

"(88) 'Vehicle' means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. 'Vehicle' does not include any wheelchair as defined by subsection (89) of this section or any device moved exclusively over stationary rails or tracks."

(2) Appendices A through G are hereby deleted.

(c) Point reduction for payment of penalty assessment. If a person receives a penalty assessment notice pursuant to Part 17 of the Model Traffic Code and the offense for which said penalty assessment is one for which points are assessed against a driver's license pursuant to Section 4-2-127, C.R.S., and if said person pays the fine and the surcharge, if any, for the violation on or before the date payment is due, the points assessed for the violation are reduced as follows:

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

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

The Clerk of the Municipal Court, upon reporting traffic convictions and payments of penalty assessments, shall advise the Colorado Department of Revenue of the point reduction to which a person is entitled under the terms of this Subsection. Penalty assessment notices issued for traffic violations for which points are assessed shall contain a statement concerning the reduction of points available under this Section. (Prior code 6-1-2; Ord. 07. 2004 §§2—5, Ord. 01, 2005 §1; Ord. 15, 2007 §15)

Sec. 8-1-30. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park and every other public way, place or parking area, either within or outside the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, 1413 and Part 16 of the adopted Model Traffic Code respectively concerning reckless driving, careless driving, eluding a police officer and accidents and accident reports shall apply not only to public places and ways but also throughout the City. (Prior code 6-1-3; Ord. 01, 2005 §1)

Sec. 8-1-40. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and the adopted code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section thereof. (Ord. 07, 2004 §11; Ord. 01, 2005 §1)

Sec. 8-1-50. Traffic control devices.

Subject to review by the City Council, the Public Works Department, at the direction of the Chief of Police, shall erect suitable traffic control devices within the City for the regulation of vehicular and pedestrian traffic. By resolution or motion of the City Council, duly adopted, the City Council may issue instructions to the Public Works Department concerning the type of traffic control devices to be erected. As used herein and in the Model Traffic Code, the term *traffic control devices* shall include, but not be limited to, signs designating speed limits and one-way travel, stop signs, yield signs, stop lights and flashing signals. (Prior code 6-1-5; Ord. 01, 2005 §1)

Sec. 8-1-60. Penalty assessments.

(a) Penalty assessment notices and contents. Penalty assessment notices as defined by Section 1709 of the Model Traffic Code may be issued for the violation of any portion of this Chapter subject to the restrictions and limitations set forth in this Section.

(b) Authorization for penalty assessment notices.

(1) Penalty assessment notices may not be issued for any of the following offenses: an offense resulting in an accident causing personal injury or substantial property damage; reckless driving; exceeding the speed limit by more than twenty (20) miles per hour; drag racing or speed contests; or eluding a police officer.

(2) Penalty assessment notices may be issued only for those offenses for which the Municipal Court has established a penalty assessment fine pursuant to the Colorado Municipal Court Rules of Procedure.

(c) Effect of payment and nonpayment.

(1) By paying the penalty assessment notice, the person named therein as the violator or defendant admits his or her guilt of the charge against him or her and, upon receipt of such payment, the Court shall enter judgment against the defendant that he or she has been found guilty.

(2) If a person to whom a penalty assessment notice is issued fails to pay the fine specified in said notice before the time in which said person is required to appear before the Municipal Court, said person shall appear before the Municipal Court in person, or by attorney, in order to enter a plea to the charges. If said person fails to appear at the time and place specified in the notice, judgment shall be entered against said person under the terms of Section 1710 of the Model Traffic Code. If said person appears, the Municipal Court will accept said person's plea to the charges contained in the penalty assessment notice and will proceed as though the penalty assessment notice were a summons and complaint.

(3) Nothing contained in this Section shall be deemed to prohibit the Municipal Court from collecting fines and costs by means other than those described in Part 17 of Article I of the Model Traffic Code. (Prior code 6-3-1, 6-3-2, 6-3-3; Ord. 01, 2005 §1)

Sec. 8-1-70. Violation; penalty.

It is unlawful for any person to violate any of the provisions of this Article or the Model Traffic Code as amended and adopted herein. Any person convicted of violating any such provisions is subject to a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, as well as all other provisions of Chapter 1, Article IV, and Chapter 2, Article V of this Code. (Prior code 6-1-4; Ord. 01, 2005 §1)

ARTICLE II

Traffic Regulations

Sec. 8-2-10. Vehicle weight restrictions.

(a) All commercial vehicles having an empty weight of fifteen thousand (15,000) pounds or more shall be confined to a truck route as designated in the traffic schedule, except when performing pickup or delivery or utilizing a rest stop. Such vehicles must utilize the most direct route in traveling between a pickup, a delivery or a rest stop and a designated truck route.

(b) The designated truck route as designated as part of the traffic schedule shall be defined by resolution to be adopted by the City Council.

(c) Any person who operates any vehicle in a manner which violates this Section commits an unlawful act and, upon conviction thereof, shall be punished in the same manner as set forth in Section 1-4-20 of this Code.

(d) This Section shall take precedence over the provisions concerning the weight of vehicles in Part 5 of Article I of the Model Traffic Code as adopted in Article I above, insofar as there is any conflict between this Section and said Model Traffic Code. (Prior code 6-2-1; Ord. 01, 2005 §1; Ord. 05, 2005 §1)

Sec. 8-2-20. Squealing tires prohibited.

(a) No person shall operate a motor vehicle in such a manner that the powered wheels of said vehicle either:

- (1) Lose traction with the road surface or other surface on which they sit and spin; or
- (2) Cause a squealing noise.

(b) Any person convicted of violating Subsection (a) above shall be punished by the Municipal Court, which shall impose a fine upon said person of not less than fifty dollars (\$50.00) and not more than three hundred dollars (\$300.00).

(c) It shall be an affirmative defense to a charge of violating Subsection (a) above that the squealing caused by the tires or the spinning of the tires was unintentional or was necessary for some legitimate purpose such as starting a stalled automobile, towing a heavy load or something of that nature. However, it shall not be a defense that the motor vehicle was defective, was not operating properly, or must be operated in violation of said Subsection (a) in order to operate as it is designed; neither shall it be an affirmative defense that the operator of the vehicle was not familiar with the operation of the vehicle. (Prior code 6-2-2; Ord. 01, 2005 §1)

Sec. 8-2-30. Bicycles on sidewalks prohibited.

No person shall operate a bicycle of any nature or kind upon sidewalks located within that part of the City bounded by the following lines: the centerline of Sackett Avenue between "E" Street and the Monarch Spur Trail; the centerline of "E" Street extending northeasterly from 4th Street to the centerline of Sackett Avenue; the centerline of "F" Street extending northeasterly from Sackett Avenue to the Arkansas River; the centerline of 4th Street between the centerlines of "E" and "H" Streets; the centerline of "H" Street projected northeasterly to the Monarch Spur Trail; and the Monarch Spur Trail between its conjunction with the projected centerline of "H" Street and the Arkansas River. This Section takes precedence over Section 1412 of Article I of the Model Traffic Code as adopted in Article I of this Chapter, insofar as it conflicts therewith. When any person is convicted of violating this Section, the Municipal Court shall impose upon said person a fine in an amount of not less than fifteen dollars (\$15.00) and not more than one hundred dollars (\$100.00). (Prior code 6-2-3; Ord. 01, 2005 §1; Ord. 15, 2007 §16)

Sec. 8-2-40. Use of skating devices prohibited.

(a) As used in this Section, the term *skating device* refers to skateboards, roller skates, roller blades, human-powered scooters and all nature and variety of human transportation devices of a similar type.

(b) As used in this Section, the term *skating limits* refers to the area within the City bounded by the following lines: the Arkansas River; the centerline of "E" Street extended northeasterly to the Arkansas River; the centerline of 4th Street between the center lines of "E" and "H" Streets; the centerline of "H" Street extended northeasterly to the centerline of the "Railroad Reservation" as shown on the plat maps of the City; and the centerline of said Railroad Reservation between its conjunction with the projected centerline of "H" Street and the Arkansas River.

(c) No person shall travel in, upon or by the assistance of any skating device upon any sidewalk or parkway within the skating limits, and any person convicted by the Municipal Court of doing so shall be punished by the Municipal Court imposing upon said person a fine of not less than fifteen dollars (\$15.00) and not more than one hundred dollars (\$100.00). (Prior code 6-2-4; Ord. 01, 2005 §1)

Sec. 8-2-50. Unnecessary horn noise prohibited.

The operator of a vehicle shall not use the vehicle's horn within the City except when necessary to ensure the safe operation of the vehicle by giving audible warnings with the horn. Any person whom the Municipal Court convicts of violating this Section shall be punished by the imposition upon said person of a fine of not less than fifteen dollars (\$15.00) and not more than one hundred dollars (\$100.00). (Prior code 6-2-5)

Sec. 8-2-60. One-way streets.

(a) Vehicular traffic on "G" Street between Sackett Avenue and First Street shall be one-way traffic only, and the direction of travel shall be northeasterly (from First Street towards Sackett Avenue). The Public Works Department shall erect suitable signs on 1st Street, Sackett Avenue and the newly created one-way portion of "G" Street.

(b) Vehicular traffic on 8th Street between "H" Street and "J" Street shall be one-way traffic only, and the direction of travel shall be westerly. The Public Works Department shall erect suitable signs on "H" Street, "I" Street, "J" Street and the newly created one-way portion of 8th Street.

(c) Vehicular traffic on Wood Avenue between Colorado Highway 291 and Caldwell Avenue shall be one-way traffic only, and the direction of travel shall be westerly. The Public Works Department shall erect suitable signs on Colorado Highway 291, Caldwell Avenue and the newly created one-way portion of Wood Avenue. (Prior code 6-2-6; Ord. 10, 2004 §1; Ord. 01, 2005 §1)

ARTICLE III

Abandoned or Wrecked Vehicles

Sec. 8-3-10. Definitions.

The following definitions shall apply to this Section:

Occupant means the person who is in control of property, whether he or she is the owner, tenant or manager thereof. The resident of residential property and the owner or manager of business property shall be presumed to be the occupant. In the event property is owned, occupied or rented by a corporation or a governmental entity, the immediate supervisor of the premises shall be deemed the occupant.

Owner means the owner of a vehicle. The person to whom the vehicle is registered with the Colorado Department of Revenue shall be presumed to be the owner. If unregistered, the occupant of property on which the vehicle is located shall be presumed to be the owner.

Property means all real property within the City except for public ways.

Public ways means all real property within the City dedicated to and/or used for public travel, and includes streets, alleys, highways and foot or bicycle paths.

Vehicle means a device designed to travel along the ground upon wheels, treads, runners, slides or air cushion which is capable of transporting persons or personal property and shall include, but is not limited to, automobiles, aircraft, trucks, trailers, motorcycles, motor scooters, bicycles, tractors, buggies and wagons.

Wrecked vehicle means a vehicle which is disabled, inoperable for the purposes designed, seriously damaged and/or partially dismantled. The term *wrecked vehicle* includes all the foregoing, but is not limited to them. (Prior code 5-3-1; Ord. 01, 2005 §1)

Sec. 8-3-20. Wrecked vehicles on public ways.

(a) Notice to remove vehicle. Whenever a member of the Police Department discovers that a wrecked vehicle has been on a public way for over ninety-six (96) hours, such police officer shall issue a notice to the owner of such wrecked vehicle that the owner will be guilty of a misdemeanor unless, within forty-eight (48) hours after service of the notice, the owner either:

- (1) Removes the wrecked vehicle from the public ways; or
- (2) Repairs the wrecked vehicle so that it is no longer classified as a wrecked vehicle.

Service of the notice may be by personal service or certified mail.

(b) Failure to remove vehicle. The owner of any wrecked vehicle who leaves the same upon a public way for over forty-eight (48) hours after having received the notice referred to in Subsection (a) above, when such vehicle had been on a public way for over ninety-six (96) hours prior to the deliverance of the notice, shall be guilty of a misdemeanor. (Prior code 5-3-1; Ord. 01, 2005 §1)

Sec. 8-3-30. Wrecked vehicles on private property.

(a) Notice to remove vehicle. Upon discovering a wrecked vehicle upon any property, the Police Department shall issue to the occupant of such property a notice that such occupant shall be guilty of a misdemeanor unless, within ten (10) days after service of the notice, the occupant either:

- (1) Removes the wrecked vehicle from the property; or
- (2) Repairs the wrecked vehicle so that it is no longer classified as a wrecked vehicle.

Service of the notice may be by personal service or certified mail.

(b) Failure to remove vehicle. It is a misdemeanor for the occupant of any property to have any wrecked vehicle upon that property for over ten (10) days after receiving a notice from the Police Department to remove or repair the wrecked vehicle.

(c) Exceptions to provisions. This Section shall not apply to wrecked vehicles on property used by the occupant for a business which necessarily involves maintaining wrecked vehicles upon said property if such business is being lawfully conducted on property zoned for such business activity; nor

shall it apply to wrecked vehicles enclosed within any building. It shall not apply to one (1) wrecked vehicle on a residential piece of property which the owner or occupant thereof is repairing, restoring or modifying if such vehicle is kept totally covered by an opaque cloth covering during those times when it is not being worked upon. (Prior code 5-3-1; Ord. 01, 2005 §1)

Sec. 8-3-40. Abandoned vehicles on public ways.

If a member of the Police Department finds that a vehicle has been parked or left upon a public way in the same location for over one hundred sixty-eight (168) hours, said police officer shall have reasonable grounds for believing the vehicle has been abandoned, and the police officer may have the vehicle removed and disposed of in the same manner as if it were left upon a state highway right-of-way contrary to the provisions of Part 18, Article 4 of Title 42, C.R.S. However, such police officer shall not have any vehicle removed until he or she has made reasonable efforts to contact the owner thereof, if the owner can be ascertained. Any person who abandons a motor vehicle within the City commits an unlawful act and a misdemeanor, and upon conviction thereof by the Municipal Court shall be punished in accordance with the provisions of Section 1-4-20 of this Code. (Prior code 5-3-1; Ord. 01, 2005 §1)

Sec. 8-3-50. Storage of vehicles on public way prohibited.

Any person who deposits or leaves any vehicle in the same location upon any public way in the City for over one hundred sixty-eight (168) hours commits a misdemeanor and an unlawful act. The registered owner of such vehicle shall be presumed to be the person who deposited or left the same upon the public way contrary to the preceding sentence. The offense described in this Section shall be known as *illegal storage of vehicles* and, upon conviction of such offense, the person committing the offense shall be punished in accordance with the provisions of Section 1-4-20 of this Code. (Prior code 5-3-1; Ord. 01, 2005 §1)

Sec. 8-3-60. Unlicensed and unregistered vehicles on public way prohibited.

No person shall operate, leave or deposit upon the public ways in the City any vehicle which is not registered and/or licensed by the State or which does not display vehicle license plates belonging to such vehicle. The owner of such vehicle shall be presumed to be the person who deposited or left the same upon the public way contrary to the preceding sentence, and State motor vehicle records identifying the owner of such vehicle shall create a presumption that the person named in those records the true owner. Any person who leaves or deposits any such vehicle as prohibited above commits a misdemeanor and an unlawful act and, upon conviction thereof, shall be punished in accordance with the provisions of Section 1-4-20 of this Code. (Prior code 5-3-1; Ord. 01, 2005 §1)