

**ORDINANCE NO. 29  
SERIES 2016**

**AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 7 OF THE VAIL  
TOWN CODE BY THE ADDITION OF A NEW SECTION 7-2B-3, TO  
REQUIRE POSSESSION OF A VALID LICENSE OR PERMIT WHILE  
OPERATING A MOTOR VEHICLE**

WHEREAS, pursuant to C.R.S. § 42-4-111 and its home rule authority, the Town is empowered to adopt municipal traffic regulations that reasonably promote the public, health, safety, and general welfare of its citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF VAIL, COLORADO, THAT:**

Section 1. Chapter 2 of Title 7 of the Vail Town Code is hereby amended by the addition of a new Section 7-2B-3, to read as follows:

**Sec. 7-2B-3: POSSESSION OF DRIVER'S LICENSE OR  
INSTRUCTION PERMIT REQUIRED:**

A. No person shall operate a motor vehicle on the public highways in the Town without a current and valid driver's, minor driver's or commercial driver's license or instruction permit issued under C.R.S. §§ 42-2-101, 42-2-106, and 42-4-404 in his or her immediate possession. A person shall present a current and valid license or permit upon demand by a peace officer or other law enforcement personnel.

B. A charge of a violation of this Section shall be dismissed by the Municipal Court if the defendant produces a valid license or permit which was in full force and effect at the time of the alleged violation.

C. It is an affirmative defense to a charge of a violation of this Section if the defendant produces written evidence that, at the time of the alleged violation, such person was exempt from the requirement to obtain a license pursuant to C.R.S. § 42-2-102.

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The Town Council hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 4. The amendment of any provision of the Vail Town Code in this ordinance, shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or ordinance previously repealed or superseded unless expressly stated herein.

Section 5. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 18<sup>th</sup> day of October, 2016 and a public hearing for second reading of this Ordinance is set for the 1<sup>st</sup> day of November, 2016, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

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Dave Chapin, Mayor

ATTEST:

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Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 1<sup>st</sup> day of November, 2016.

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Dave Chapin, Mayor

ATTEST:

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Patty McKenny, Town Clerk