

ORDINANCE NO. 2009-001

**AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE COUNTY OF
ROUTT, COLORADO; ADOPTING BY REFERENCE THE 2003 EDITION OF
THE "MODEL TRAFFIC CODE" AND REPEALING ALL ORDINANCES IN
CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION
THEREOF**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF ROUTT, COLORADO:**

Section 1. Adoption. Pursuant to part 4 of article 15 of title 30, 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," promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the County. The purpose of this ordinance 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 and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk and Recorder of the County of Routt, Colorado, and may be inspected during regular business hours.

Section 2. Deletions. The 2003 edition of the Model Traffic Code is adopted as if set out at length, save and except the following sections which are declared to be inapplicable to this County and are therefore expressly deleted:

Section 107 (misdemeanor traffic offense)
Section 203 (misdemeanor traffic offense)
Section 205.5 (corresponding section of Title 42 repealed)
Section 227(3)(b) (misdemeanor traffic offense)
Section 228(8) (misdemeanor traffic offense)
Section 233 (misdemeanor traffic offense)
Section 235 (misdemeanor traffic offense)
Section 507 (misdemeanor traffic offense)
Section 508 (misdemeanor traffic offense)
Section 509 (misdemeanor traffic offense)
Section 510 (misdemeanor traffic offense)
Section 611 (misdemeanor traffic offense)
Section 1101 (misdemeanor traffic offenses including speeding 25-40+
MPH over posted speed limit; other speeding provisions apply)
Section 1105 (misdemeanor traffic offense)
Section 1401 (misdemeanor traffic offense)
Section 1402 (misdemeanor traffic offense)
Section 1409 (misdemeanor traffic offense)

Section 1406(1)(b) (Class 2 misdemeanor under C.R.S. § 18-4-511)
Section 1409 (misdemeanor traffic offense)
Section 1412 (misdemeanor traffic offense)
Section 1413 (misdemeanor traffic offense)
Section 1701 (schedule of fines for municipalities)
Sections 1705, 1706, and 1707(1), (2), (4)(a)-(b), and (6)
Section 1903 (misdemeanor traffic offense)
Section 1904 (misdemeanor traffic offense)

All misdemeanor traffic offenses are expressly deleted.

Section 3. Additions or Modifications.

(a) Restriction – When Tire Chains Required

(1) The Routt County Sheriff or his designee may prohibit the use of any portion of any public road within Routt County which is neither a Colorado state highway nor a United States highway unless motor vehicles using the same are equipped with tire chains, four-wheel drive with adequate tires for the existing conditions, or snow tires with a “mud and snow” or all weather rating from the manufacturer having a tread of sufficient abrasive or skid-resistant design or composition and depth to provide adequate traction under existing conditions during storms or when other dangerous conditions exist, whenever the Sheriff or his designee considers such restriction of use necessary for the protection and safety of the public. Such restriction of use shall be effective when signs, including temporary or electronic signs, giving notice thereof are erected upon such portion of said public road, and it shall be unlawful to proceed in violation of such notice.

(2) “Tire chains” as used in this section means metal chains which consist of two circular metal loops, one on each side of the tire, connected by not less than nine evenly spaced chains across the tire tread and any other traction devices differing from such metal chains in construction, material, or design but capable of providing traction equal to or exceeding that of such metal chains under similar conditions. The operator of a commercial vehicle with four or more drive wheels other than a bus shall affix tire chains to at least four of the drive wheel tires of such vehicle when such vehicle is required to be equipped with tire chains under this section. The operator of a bus shall affix tire chains to at least two of the drive tires of such vehicle when such vehicle is required to be equipped with tire chains under this section.

(3) Any person who violates subsection (1) of this Section 3 shall be subject to a fine of \$100. Any person who operates a motor vehicle in violation of restrictions imposed by the Routt County Sheriff or his designee, where the result of the violation is an incident that causes the closure of a travel lane in one or both directions, shall be subject to a fine of \$500.

(b) Impounds. In addition to the penalties set forth in this ordinance, the Sheriff, or anyone acting under his direction, is authorized to impound vehicles, by means of towing or installation of an immobilizing device or "boot," under circumstances including but not limited to the following:

(1) The registered owner of the vehicle has been issued three (3) or more traffic citations under this ordinance that remain outstanding. "Outstanding" citations are those for which the owner has failed to pay the fine or penalty imposed by the date set forth in the citation and has, without prior authorization, failed to appear in court on the date set forth in the citation; or

(2) The vehicle has been abandoned as defined in C.R.S. § 42-4-1802. In the case of an abandoned vehicle, the provisions of C.R.S. § 42-4-1803 apply, and those provisions are specifically incorporated herein by reference; or

(3) The vehicle is illegally parked for any length of time in a manner that obstructs any roadway or emergency access, including access necessary for snow removal; in a fire zone or in front of a fire hydrant; in a manner that prevents any other vehicle from being able to move; in any area marked by appropriate signage as a tow-away zone; or in any other circumstance where the Sheriff or a person acting under his authority determines that it would be unsafe for the vehicle to remain illegally parked.

(4) The costs of recovering an impounded vehicle shall be the sole responsibility of the owner of the vehicle and shall be in addition to any other fines or penalties that may apply.

Section 4. Penalties. The following penalties, herewith set forth in full, shall apply to this ordinance:

(a) It is unlawful for any person to violate any of the provisions adopted in this ordinance.

(b) The penalty assessment procedure set forth at C.R.S. § 16-2-201, as amended, may be followed by the arresting officer for any such violation of this ordinance. If the person given a penalty assessment notice chooses to acknowledge guilt, he may pay the specified fine in person or by mail at the place and within the time specified in the notice. If he chooses not to acknowledge guilt, then he shall appear as required in the notice. Upon trial, if the alleged violator is found guilty, the fine imposed shall be that specified in the notice of the offense of which he was found guilty, and customary court costs may also be assessed against him in addition to the fine and any applicable surcharges.

(c) For its schedule of fines and penalties, Routt County incorporates by reference the schedule of fines and penalties set forth in C.R.S. § 42-4-1701, as that section may be amended from time to time, as those fines and penalties correspond to the sections of the Model Traffic Code adopted by this ordinance. Section 3(a)(3) of this ordinance and Section 1702 of the Model Traffic Code (excluding references to misdemeanor traffic offenses) also apply to violations of this ordinance.

(d) Unless otherwise provided by law, all fines and penalties, and any surcharges thereon, for the violation of this ordinance shall be paid into the treasury of Routt County in accordance with C.R.S. § 30-15-408.

(e) Any person who pleads guilty to or is convicted of any violation of this ordinance shall be subject to an additional statutory surcharge of ten dollars (\$10.00) for the victims and witnesses assistance and law enforcement fund. Any person convicted of operating a vehicle in excess of the speed limit in violation of this ordinance shall be subject to an additional statutory surcharge of twelve dollars (\$12.00) for the Colorado traumatic brain injury trust fund. These surcharges shall be paid, together with the applicable fine, to the Routt County Sheriff's Office prior to the court date, or the clerk of court, if paid in court, by each person so convicted. The Routt County Sheriff's Office or the clerk of court shall cause the surcharges to be transmitted to the respective funds in accordance with C.R.S. § 30-15-402(2) and (3).

(f) Pursuant to C.R.S. § 42-2-127(5.6)(b), the provisions of C.R.S. § 42-2-127(5.5), as amended, apply to penalty assessment notices issued by Routt County. If a traffic offense is reduced, the points assessed for such reduced offense shall conform to the point assessment schedule under § 42-2-127(5.5), as amended.

Section 5. Application. This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, within the unincorporated territory of Routt County, the use of which Routt County has jurisdiction and authority to regulate.

Section 6. Validity. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of County Commissioners hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 7. Repeal. The Routt County Traffic Code at existing Ordinance 93-001, and amending ordinances 94-001, 98-001, and 2004-001 covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that 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 this ordinance taking effect.

Section 8. Interpretation. This ordinance shall be interpreted and construed as to effectuate its general purpose to conform to the state's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code 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.

Section 9. Certification. The County Clerk shall certify to the passage of this ordinance and make not less than three (3) copies of the adopted code available for inspection by the public during regular business hours.

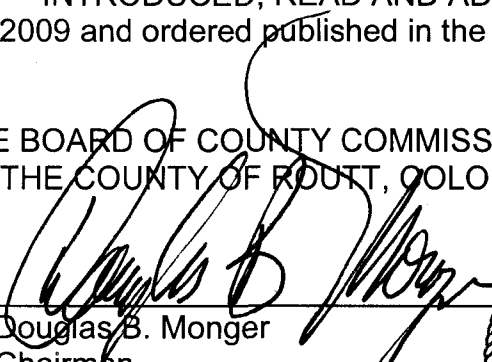
Section 10. Effective Date. This ordinance shall be effective thirty (30) days after publication following adoption on second reading.

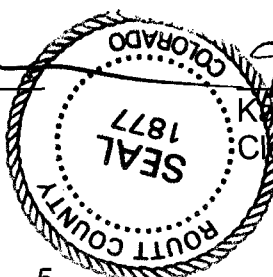
INTRODUCED, READ AND ADOPTED ON FIRST READING on February 10, 2009 and ordered published in the *Steamboat Pilot & Today*.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ROUTT, COLORADO

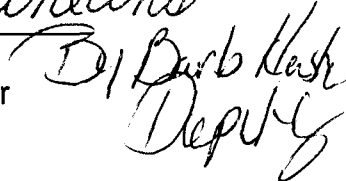
ATTEST:

By:


Douglas B. Monger
Chairman




Kay Weinland
Clerk and Recorder


Barb Hask
Deputy

ADOPTED ON SECOND AND FINAL READING on March 10, 2009.

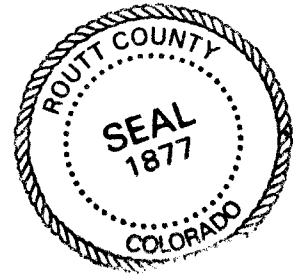
THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ROUTT, COLORADO

By: Nancy J. Stahoviak
Nancy J. Stahoviak
Chair Pro Tem

ATTEST:


Kay Weinland
Kay Weinland
Clerk and Recorder

by: Judy Wiegand
Deputy Clerk



CERTIFICATE

I hereby certify that the foregoing Ordinance No. 2009-001 was introduced, read and adopted on the first reading at the regular meeting of the Board of County Commissioners of the County of Routt on February 10, 2009; a Notice of Hearing was published in the *Steamboat Pilot & Today*, a newspaper of general circulation in Routt County, on February 15, 2009 and March 1, 2009; and Ordinance No. 2009-001 was thereafter adopted on second and final reading at a regular meeting of the Board of County Commissioners of the County of Routt on March 10, 2009. Said ordinance was published in full on March 22, 2009 and became effective on April 21, 2009.



Kay Weinland
Kay Weinland
Routt County Clerk

STATE OF COLORADO)
) ss.
COUNTY OF ROUTT)

Subscribed and sworn to before me this _____ day of _____,
2009, by _____.

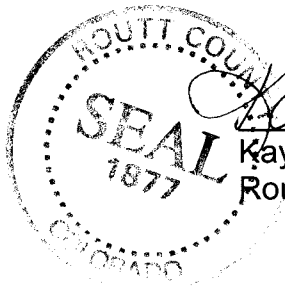
Witness my hand and seal.
My Commission expires:

Notary Public

CERTIFICATION

I, Kay Weinland, Routt County Clerk and Recorder, do hereby certify that the foregoing Ordinance No. 2009-001, entitled **AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE COUNTY OF ROUTT, COLORADO; ADOPTING BY REFERENCE THE 2003 EDITION OF THE "MODEL TRAFFIC CODE" AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF**, is a true, correct and complete copy from the records in my office, that said Ordinance was duly adopted by the Board of County Commissioners of Routt County and is in full force and effect. Further, three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk and Recorder for the County of Routt, Colorado, and may be inspected during regular business hours.

Date: 4/21/09



Kay Weinland
Kay Weinland
Routt County Clerk