

ORDINANCE NO. 03

AN ORDINANCE FOR THE CONTROL AND REGULATION OF THE MOVEMENT AND PARKING OF MOTOR VEHICLES BY THE COUNTY OF CLEAR CREEK, STATE OF COLORADO; ADOPTING BY REFERENCE THE 1995 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES;" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, Title 30, Article 15, Part 4; and Title 42, Article 4, C.R.S. 1973 as amended, authorizes the Board of County Commissioners to adopt ordinances to control and regulate the movement and parking of motor vehicles on public property; and

WHEREAS, Title 33, Article 14, Part 1, C.R.S, as amended, authorizes regulations on the use of snowmobiles; and

WHEREAS, Title 30, Article 15, Section 402, C.R.S, as amended, authorizes the Board of County Commissioners to execute the penalty assessment procedure provided in §16-2-201, C.R.S. as amended, and to adopt a graduated fine schedule for violations of this ordinance; and

WHEREAS, the Board of County Commissioners finds that the adoption of a traffic ordinance is in the best interests of the public health, safety and welfare of the citizens of Clear Creek County; and

WHEREAS, the Board of County Commissioners held a public meeting on this resolution for a first reading February 24, 1998 and a second reading on March 24, 1998, and have considered testimony and evidence presented at the meetings.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLEAR CREEK, COLORADO AS FOLLOWS:

Section 1. Adoption of the Model Traffic Code. There is hereby adopted by reference Articles 1 to XXVI, inclusive, of the 1995 revised edition of the "Model Traffic Code for Colorado Municipalities," promulgated and published as such by the Colorado Department of Transportation. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the County of Clear Creek. 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 shall be filed in the Office of the Clerk and Recorded of Clear Creek County, Colorado, and may be inspected during regular business hours.

Section 2. Deletions. The 1995 edition of the Model Traffic Code is adopted as if set out at length save and except for the following section which is declared to be inapplicable to this County and are therefore expressly deleted:

Section 804, regarding pedestrian use of the right half of crosswalk.

Section 3. Additions and Modifications to the Model Traffic Code. The adopted Code is subject to the following, additions or modifications:

(a) This ordinance shall be known as and referred to as the "Clear Creek County Traffic Code."

(b) Wherever the Model Traffic Code refers to the jurisdiction adopting the Code with the words "this municipality," there shall be substituted the words "this County."

(c) Wherever the Model Traffic Code refers to the "chief of police" and the "police department," there shall be substituted the words "Clear Creek County Sheriff" and "Sheriffs Office," respectively.

(d) Wherever the Model Traffic Code refers to pedestrians, bicycles, motorized bicycles, vehicles lead by animals, the leading of animals, or any other means of transportation not defined as a "motor vehicle" in Article II, section 102(41), the relevant section will be applied only inasmuch as the particular operation occurs on or to the extent it interferes with the operation of vehicles on the highways and roadways under the jurisdiction of the County.

(e) Pursuant to 42-4-111(l)(a), it shall be unlawful to park any vehicle on a Clear Creek County road, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Peace Officer or an official traffic control device.

(f) Pursuant to 42-4-111(1)(1), C.R.S., whenever official signs are erected prohibiting or restricting, a right or left turn or all turns, no driver shall disobey the directions of any such sign.

(g) No person shall fail or refuse to comply with any order or direction of any member of a fire department at the scene of a fire, or a member of the County Ambulance Department at the scene of an emergency.

(h) Pursuant to 18-4-511, C.R.S., no person shall deposit, throw, or leave any litter on any public or private property or in any waters in the unincorporated areas of the County.

Section 4. Idling. It shall be unlawful for any person to idle or permit the idling of the engine of any bus, truck, or any motor vehicle of any kind whatsoever, for a period of time in excess of twenty minutes.

Section 5. 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) Every person convicted of a violation of any provision adopted in this ordinance shall



be punished by a fine not exceeding six hundred dollars (\$600.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

Section 6. Penalty Assessment Procedure and Penalty Schedule. The penalty schedule set forth below shall apply whether the violator is issued a penalty assessment notice or a summons and complaint. If the penalty assessment procedure is not used, and the alleged offender is found guilty, court costs may be assessed in addition to the fine. The penalties for violating specific sections of this Traffic Code shall be as follows:

6.1. Traffic Fine Schedule.

<u>Model Traffic Code Section</u>	<u>Cross Reference</u>	<u>Violation</u>	<u>Fine</u>	<u>Points</u>
701(I)	42-4-701(1)	Driver failed to yield right-of-way at intersection	\$45.00	3
702	42-4-702	Driver failed to yield right-of-way to approaching traffic from opposite direction prior to making a left turn	\$45.00	3
703(4)	42-4-703(4)	Driver failed to yield at yield intersection	\$45.00	3
703(3)	42-4-703(3)	Driver failed to yield right-of-way while proceeding from stop sign	\$45.00	3
710(1)	42-4-710(1)	Driver failed to yield right-of to pedestrian upon emerging from alley, driveway, or building	\$40.00	4
710(2)	42-4-710(2)	Driver failed to yield right-of-way to pedestrian upon entering from alley, driveway, or building	\$40.00	4
704	42-4-704	Failed to yield right-of-way to vehicle upon entering highway from any place other than another roadway	\$45.00	4
807	42-4-807	Driver failed to exercise due care for pedestrian	\$50.00	4
808	42-4-808	Failed to yield right-of-way to persons with disabilities		6



191262 10/07/1998 09:16A B571 P908 ORDIN
 4 of 13 R 0.00 D 0.00 N 0.00 Clr Crk Cnty, Co

705	42-4-705	Failed to yield right-of-way to emergency vehicle	\$75.00	4
805(8)	42-4-805(8)	Pedestrian failed to yield right-of-way to emergency vehicle	\$20.00	N/A
712(1)	42-4-712(1)	Driver failed to yield right-of-way to authorized service vehicle or worker in highway work area	\$50.00	4
802(1)	42-4-802(1)	Driver failed to yield right-of-way to pedestrian in cross walk	\$50.00	4

SCHOOL BUS

1903(1)(2)	42-4-802(1)(2)	Passed school bus with flashing red light	Sum	3
1903(5)	42-4-1903(5)	Illegal school bus stopping	Sum	3

PASSING

1003(1)(a)	42-2-1003(1)(a)	Improper passing	\$50.00	4
1005(1)	42-4-1005(1)	Passed on left when not clear to traffic	\$50.00	4
1005(2)(a)	42-4-1005(2)(a)	Passed on hill or curve when view obstructed	\$50.00	4
1005(2)(b)	42-4-1005(2)(b)	Passed within 100 ft. of intersection	\$50.00	4
1005(3)	42-4-1005(3)	Passed when prohibited by sign or markings	\$50.00	4
1004	42-4-1004	Improper pass, overtaking on right	\$50.00	4
806	42-4-806	Drove vehicle through safety zone	\$45.00	3
712(3)	42-4-712(3)	Disregard instructions or signs of authorized flag person in highway work area	\$45.00	3



IMPROPER/RECKLESS/CARELESS DRIVING

1401	42-4-1401	Reckless Driving	Sum	8
1402	42-4-1402	Careless Driving	\$75.00	4
1008	42-4-1008	Following to closely	\$50.00	4
1010(1)	42-4-1010(1)	Improper driving on divided street	\$50.00	4
1010(2)	42-4-101(2)	Improper driving on controlled access road	\$45.00	3
710(3)	42-4-710(3)	Driving on sidewalk	\$45.00	3
1211	42-4-1211	Unsafe backing	\$35.00	2
1009(1)	42-4-1009(1)	Coasted vehicle down grad with gears in neutral	\$45.00	3
1009(2)	42-4-1009(2)	Coasted commercial vehicle down grade with gears in neutral	\$45.00	3

LANE USAGE

1007(1)(a)	42-4-1007(1)(a)	Failed to drive in a single lane	\$45.00	3
1007(1)(b)	42-4-1007(1)(b)	Drove vehicle in center land unnecessary/prohibited	\$45.00	3
1007(1)(c)	42-4-1007(1)(c)	Failed to drive vehicle in designated lane (specify)	\$45.00	3

SPEED

1101(1)	42-4-1101(1)	Speeding (1-9 mph over posted limit on interstate)	\$65.00	3
1101(1)	42-4-1101(1)	Speeding (1-9 mph over posted limit non-interstate)	\$55.00	3
1101(1)	42-4-1101(1)	Speeding (10-19 mph over posted limit)	\$75.00	4
1101(1)	42-4-1101(1)	Speeding (20 mph or more over posted limit)	Sum	6



191262 10/07/1998 09:16A B571 P910 ORDIN
 6 of 13 R 0.00 D 0.00 N 0.00 Clr Crk Cnty, Co

1101(1)	42-4-1101(1)	Speed too fast for conditions	\$45.00	3
1105(1)	42-4-1105(1)	Speed Contest	Sum	12
1105(1)	42-4-1105(1)	Drag Racing	Sum	12
1105(2)	42-4-1105(2)	Aid and abetting in speed contest /drag racing	Sum	12
1103(1)	42-4-1103(1)	Impeding normal flow of traffic	\$45.00	3
1413	41-4-1413	Eluding or attempting to elude police	Sum	12

TRAFFIC CONTROLS

703(3)	42-4-703(3)	Disregarded stop sign at through road/street	\$50.00	4
703(4)	42-4-703(4)	Disregard yield sign	\$50.00	4
603	42-4-603	Failed to observe or disregarded traffic control sign or device	\$45.00	3
603	42-4-603	Violation of red signal	\$50.00	4
605	42-4-605	Violation of flashing signal light	\$50.00	4
612	42-4-612	Did not proceed with caution at inoperative or malfunctioning signal/device	\$45.00	3
806	42-4-806	Driving around or through barricades	\$50.00	4
606	42-4-606	Displayed unauthorized control signal device	\$45.00	3
607	42-4-607	Removed, altered, defaced or interfered with traffic control sign/device	\$45.00	3
806	42-4-806	Drove vehicle through safety zone	\$45.00	3
608	42-4-608	Disregarded instructions or signals of authorized flag person at highway work area	\$45.00	3

SIGNALING

608(1)	42-4-608(1)	Failed to use turn signals	\$35.00	2
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TURNS

902(1)	42-4-902(1)	Made U-turn on hill or curve	\$45.00	3
902(2)	42-4-902(2)	Made U-turn where prohibited	\$45.00	3
901(1)(b)	42-4-901(1)(b)	Left turn from wrong position/ lane	\$45.00	3
901(1)(a)	42-4-901(1)(a)	Right turn from wrong position/ lane	\$45.00	3
901(1)(c)	42-4-901(1)(c)	Failed to turn from turn only lane	\$45.00	3
902(3)	42-4-902(3)	Failed to obey U-turn prohibited signs	\$45.00	3
111(1)(e)	42-4-111(1)(e)	Failed to obey turn prohibited signs	\$45.00	3

WRONG WAY/WRONG SIDE OF ROAD

1001	42-4-1001	Driving on wrong side of road not in act of passing	\$50.00	4
1010(1)	42-4-1010(1)	Driving on wrong side of divided highway	\$45.00	3
1006(1)	42-4-1006(1)	Drove vehicle wrong way on one way street/road	\$45.00	3

PARKING

N/A	42-4-111(1)(a)	Parking vehicle on County Road	\$40.00	N/A
1201	42-4-1201	Improper moving of parked vehicle	\$20.00	N/A
1205(1)	42-4-1205(1)	Parked vehicle more than 12" from curb	\$20.00	N/A
1205(1)	42-4-1205(1)	Failed to park as close as practical to the edge of shoulder	\$20.00	N/A



191262 10/07/1998 09:16A B571 P912 ORDIN
 8 of 13 R 0.00 D 0.00 N 0.00 Clr Crk Cnty, Co

1206	42-4-1206	Failed to lock ignition or remove key from parked vehicle	\$20.00	N/A
1206	42-4-1206	Parked vehicle on grade without setting parking brake	\$20.00	N/A
1206	42-4-1206	Parked vehicle on grade or curve without turning wheels into curb	\$20.00	N/A
1202	42-4-1202	Parked vehicle obstructing free movement of traffic or street and highway maintenance	\$40.00	N/A
1208(5)	42-4-1208(5)	Parking privileges for person with disabilities	\$100.00	N/A

PEDESTRIAN VIOLATIONS

801	42-4-801	Pedestrian disregarded traffic control device	\$30.00	N/A
802(3)	42-4-802(3)	Pedestrian suddenly walked into the path of vehicle at cross walk	\$30.00	N/A
803	42-4-803	Unlawful crossing of roadway by pedestrian	\$20.00	N/A
805(1)	42-4-805(1)	Pedestrian walked on wrong side of road	\$20.00	N/A
805(5)	42-4-805(5)	Unlawful walking along or upon roadway	\$20.00	N/A
805(3)	42-4-805(3)	Pedestrian on highway under the influence of intoxicating liquor	\$40.00	N/A

MOTORIZED BICYCLES-BICYCLES

603(1)	42-4-603(1)	Bicycle/motorized bicycle obedience to traffic control devices	\$20.00	N/A
1412(3)	42-4-1412(3)	Persons riding on bicycles or motorized bicycles	\$20.00	N/A
1412(5)(6)	42-4-1412(5)(6)	Improper riding on roadways	\$20.00	N/A

1101	42-4-1101	Speeding on bicycles or motorized bicycles	\$20.00	N/A
710(1)	42-4-710(1)	Failed to yield prior to emerging from alley or driveway	\$20.00	N/A
710(2)	42-4-710(2)	Failing to yield prior to entering alley or driveway	\$20.00	N/A
710(3)	42-4-710(3)	Riding on sidewalks where prohibited	\$20.00	N/A
1412(4)	42-4-1412(4)	Clinging to other vehicles	\$20.00	N/A

VEHICLE EQUIPMENT AND LIGHTS

202(1)	42-4-202(1)	Drove defective or unsafe vehicle	\$50.00	2
204(1)	42-4-204(1)	Failed to display lights as required	\$35.00	2
204(1)	42-4-204(1)	Drove vehicle with improper headlights	\$25.00	N/A
205(1)	42-4-205(1)	Vehicle with only one head lamp (motorcycle exempt)	\$25.00	N/A
231	42-4-231	Drove on highway with parking lights when headlights required	\$25.00	N/A
208	42-4-208	Vehicle with defective/no stop lamps	\$25.00	N/A
206(3)	42-4-206(3)	No license plate light	\$25.00	N/A
206(1)(2)	42-4-206(1)(2)	Vehicle with defective/no tail lamps	\$25.00	N/A
234(1)	42-4-234(1)	Display of slow moving vehicle emblem	\$25.00	N/A
234(3)	42-4-234(3)	Misuse of slow moving vehicle emblem	\$25.00	N/A
610	42-4-610	Unauthorized insignia	\$20.00	N/A
201(1)(4)	42-4-201(1)(4)	Windshield obstructed	\$45.00	N/A
227(2)	42-4-227(2)	Inoperative windshield wipers	\$25.00	N/A



191262 10/07/1998 09:16A B571 P914 ORDIN
 10 of 13 R 0.00 D 0.00 N 0.00 Clr Crk Cnty, Co

OVERSIZED/OVER WIDTH/OVER LENGTH/OVERWEIGHT/PROJECTING

LOAD

502	42-4-502	Max width of vehicle exceeds 102 inches overall	\$75.00	N/A
502(4)	42-4-502(4)	Bus width exceeds 8 feet, 6 inches	\$75.00	N/A
504(1)	42-4-504(1)	Height of vehicle exceeds 13 feet	\$75.00	N/A
504(1)	42-4-504(1)	Height of vehicle exceeds 14 feet, 6 inches (designated highway or road)	\$40.00	N/A
N/A	42-4-106(2)	Exceeded posted max speed limit on street, highway, road, bridge, or viaduct	\$40.00	N/A

MISCELLANEOUS

1407	42-4-1407	Spilling loads on highway	\$60.00	N/A
506(2)	42-4-506(2)	No towing flag	\$35.00	N/A
506(3)	42-4-506(3)	No safety chain or cable	\$35.00	N/A
506(1)	42-4-506(1)	Unlawful drawbar	\$35.00	N/A
512	42-4-512	Damage to street, road highway structure, fixture	\$100.00	N/A
201(1)	42-4-201(1)	Number of people in front seat obstructed vision of driver	\$55.00	N/A
201(4)	42-4-201(4)	Glass in vehicle did not permit normal vision of driver	\$55.00	N/A
201(5)	42-4-201(5)	Driver of vehicle allowed passengers to interfere with driving	\$55.00	N/A
201(5)	42-4-201(5)	Driver of vehicle allowed passengers to obstruct vision	\$55.00	N/A

201(6)	42-4-201(6)	No person shall hang on or otherwise attach himself to the outside of the vehicle	\$55.00	N/A
201(6)	42-4-201(6)	No person shall knowingly permit a person to hang on or otherwise attach himself to the outside of a vehicle	\$55.00	N/A
1405	42-4-1405	Riding in trailer prohibited	\$35.00	N/A
1207	42-4-1207	Opening and closing doors	\$35.00	N/A
1403	42-4-1403	Following too closely behind fire equipment	\$35.00	N/A
1404	42-4-1404	Driving across fire hose	\$35.00	N/A
1406	42-4-1406	Throwing or depositing foreign matter upon highway	Sum	N/A
511	18-4-511	Littering on highway	Sum	N/A
511	18-4-511	Littering on public/private property	Sum	N/A
101(2)	29-7-101(2)	Littering on County Property	Sum	N/A
217 (1)(a)	42-4-217(1)(a)	Failure to dim headlights within 500 feet of approaching traffic	\$35.00	N/A
217(1)(b)	42-4-217(1)(b)	Failure to dim headlights within 200 feet when approaching a vehicle from behind	\$35.00	N/A
107	42-4-107	Obedience to Police Officers	Sum	3
109(10)	42-4-109(10)	Obedience to traffic laws by persons riding, leading, and driving animal driven vehicles	\$35.00	N/A
110	33-14-110	Restricted use of snowmobile	\$35.00	N/A
109(9)	42-4-109(9)	Restricted use of skis, toboggans, coasters, skaters, sleds, and similar devices	\$35.00	N/A
712(2)	42-4-712(2)	Vehicles approaching and passing snow removal equipment to exercise care and caution	\$35.00	N/A

MOTORCYCLES

1502	42-4-1502	Improper riding on motorcycle	\$45.00	3
1503	42-4-1503	Improper operations of motorcycle on laned roads	\$45.00	3
1504	42-4-1504	Clinging to other vehicles	\$65.00	3

6.2 Failing to Obey Direction of Fire Department or Ambulance Department Personnel

Penalty. Each violation of section 3(g) of this ordinance shall be assessed a fine and a three (3) point penalty to the violator's driver's license.

Section 7. 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, either within or outside the corporate limits of this County, the use of which this County 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 this County.

Section 8. Disposition of Fines and Forfeitures. All fines and forfeitures for the violation of this ordinance shall be paid into the treasury of the Clear Creek County general fund.

Section 9. 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 10. Repeal. Existing or parts of existing ordinances or resolutions covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or resolutions or parts of ordinances or resolutions 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 or resolution hereby repealed prior to the effective date of this ordinance.

Section 11. Interpretation. This ordinance 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 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.



191262 10/07/1998 09:16A B571 P917 ORDIN
13 of 13 R 0.00 D 0.00 N 0.00 Clr Crk Cnty, Co

Section 12. Certification. The County Clerk and Recorder shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

Section 13. Effective Date. This ordinance shall be effective May 1, 1998.

INTRODUCED, READ, ORDERED, PUBLISHED IN FULL AND SET FOR PUBLIC HEARING THIS 24th DAY OF February, 1998.

BOARD OF COUNTY COMMISSIONERS
CLEAR CREEK COUNTY, COLORADO

Robert Poirot
Robert Poirot, Chairman

Jo Ann Sorensen
Jo Ann Sorensen, Commissioner

Fabian Watrous
Fabian Watrous, Commissioner

ATTEST:

Delia Hookes
County Clerk & Recorder, Deputy

2/24/98
Date

READ, PASSED AND ADOPTED AFTER PUBLIC HEARING AND ORDERED PUBLISHED BY TITLE ONLY THIS 24th DAY OF March, 1998.

BOARD OF COUNTY COMMISSIONERS
CLEAR CREEK COUNTY, COLORADO

Robert Poirot
Robert Poirot, Chairman

Jo Ann Sorensen
Jo Ann Sorensen, Commissioner

Fabian Watrous
Fabian Watrous, Commissioner

ATTEST:

Delia Hookes
County Clerk & Recorder, Deputy

3/24/98
Date