

County Ordinance 09-01 AMENDED
BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO; ADOPTING BY REFERENCE THE 2009 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF:

WHEREAS, Sections 30-15-401(1) (h), C.R.S., authorizes a Board of County Commissioners to adopt ordinances which control and regulate the movement and parking of motor vehicles on public property, and

WHEREAS, Sections 42-4-110 and 42-4-111, C.R.S., authorize local authorities to enact and enforce traffic regulations on roads and streets within their jurisdiction; and

WHEREAS, Section 42-4-110 (1) (b), C.R.S., authorizes local authorities to adopt by reference all or part of a model traffic code, which embodies the rules of the road and vehicle requirements set forth in Section 42-4-110, C.R.S. and Section 42-4-111, C.R.S., except in the case of state highways, in which case any regulations shall also be approved by the Colorado Department of Transportation; and

WHEREAS, the Board of County Commissioners of the County of El Paso wishes to adopt by reference the 2009 Edition of the "Model Traffic Code for Colorado;" and

WHEREAS, the Board of County Commissioners finds that the adoption of a uniform traffic code is in the best interests of the public health, safety, and welfare of the citizens of El Paso County; and

WHEREAS, Senate Bills 09-33 and 09-241 have altered the penalty assessments and surcharges of Section 42-4-1701, C.R.S., upon which the Model Traffic Code is based and from which the penalty assessment and surcharge schedule attached to this Ordinance is created, necessitating a repeal and re-enactment of Ordinance No. 08-2.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of El Paso County, Colorado as follows:

Section 1 - Repeal and Re-Enactment. The Board of County Commissioners hereby repeals and re-enacts Ordinance No. 08-2, as indicated below.

Section 2 - Adoption of Model Traffic Code. Pursuant to Section 42-4-110(1), C.R.S., and part 4 of article 15 of title 30, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2009 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, Denver, Colorado 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. A copy of the Model Traffic Code adopted herein shall be filed in the records of the El Paso County Clerk and Recorder's Office, and may be inspected during regular business hours.

Section 3 - Deletions from the Model Traffic Code. The following sections of the Model Traffic Code are declared to be inapplicable to El Paso County, and are therefore expressly excluded and hereby deleted from the El Paso County Traffic Code:

Sections 107, 108, 114;

Sections 203, 227(3)(b), 228, 233, 235;

Sections 507, 508, 509, 510, 511;

Sections 613;

Sections 808;

Sections 1105;

Sections 1401, 1402, 1406, 1414, 1415;

Sections 1705, 1706, 1707(1), 1707(2), 1707(4)(a) and (b), 1707 (6);

Sections 1901, 1902, 1903, and 1904.

Section 4 – Additions and Modifications to Model Traffic Code. The Model Traffic Code is subject to the following additions or modifications:

a. All references made to municipal, municipality or municipalities shall be deleted and county or counties be inserted in their stead.

b. All references made to police officers shall be deleted and deputy sheriff or deputy sheriffs be inserted in their stead.

c. All references to the Colorado Municipal Court Rules of Procedure (C.M.C.R.) shall be deleted and the Colorado Rules for Traffic Infractions, and/or the Colorado Rules for County Court be inserted in their stead, as applicable.

d. Section 1701 delete all references to "traffic offenses" and insert "traffic infractions" in their stead.

e. Section 1707(5) delete all references to "offense" and insert "infraction" in their stead.

f. Section 1710(1) delete all references to "offense" and insert "infraction" in their stead.

g. Section 1710(1) delete all references to "offense" and insert "infraction" in their stead.

h. Section 1710(1) delete all references to "offense" and insert "infraction" in their stead.

i. Section 1710(1) delete all references to "complaint" and insert "penalty assessment notice" in their stead.

Section 5 - Penalty Assessment Procedure and Penalties. The following penalties, set forth in full herein, shall apply to this Ordinance:

a. Any person who violates any provision of this Ordinance commits a traffic infraction. Except when otherwise prohibited herein, the penalty assessment procedure provided in Section 42-4-1701, C.R.S., may be followed by the assessing officer for any such violation of this Ordinance.

b. In addition to the penalties prescribed in this section, persons convicted of, or admitting responsibility to, a violation of this Ordinance are subject to a surcharge as set forth in Section 42-4-1701, C.R.S. Each defendant shall pay the fines and surcharges thereon into the General Fund of El Paso County as set forth in Section 30-15-402 (1), C.R.S.

c. In addition, each defendant shall pay a ten dollar (\$10.00) surcharge for each violation to the clerk of the court as provided in Section 30-15-402 (2), C.R.S. The clerk of the court shall transmit the ten dollar (\$10.00) surcharge to the court administrator of the Fourth Judicial District for credit to the Victims and Witness Assistance and Law Enforcement fund established pursuant to Section 42-4.2-103. C. R.S. Court costs shall be paid direct to the Clerk of the Court.

d. In addition, each defendant convicted of, or admitting responsibility to, operating a vehicle in excess of the speed limit in violation of Section 1101, of violating the helmet law for minors of section 109, or of violating the helmet law of section 1502, shall pay to the Clerk of the Court or the County Treasurer a fifteen dollar (\$15.00) surcharge, as provided in Section 30-15-402(3), C.R.S. The Clerk of the Court or the County Treasurer shall transmit the moneys to the State Treasurer, who shall credit them to the Colorado Traumatic Brain Injury Trust Fund created pursuant to Section 26-1-309, C.R.S.

d.5 In addition, each defendant shall pay to the Clerk of the Court or the County Treasurer a two dollar and fifty cent (\$2.50) surcharge for each violation. The Clerk of Court or the County Treasurer shall transmit the moneys to the State Treasurer, who shall credit them to the Offender Identification Fund created pursuant to Section 24-33.5-415.6, C.R.S.

e. Traffic infractions are divided into two classes denoted by "TIA" for Class A Traffic Infractions, and "TIB" for Class B Traffic Infractions.

f. The penalties for violating specific Sections of this ordinance shall be as set forth in Appendix B to the Ordinance.

g. Pursuant to part 17 of the Model Traffic Code, points assessed against a driving privilege shall be in conformance to the provisions of Section 41-2-127, C.R.S., to include reduction in points specified in Section 42-2-127 (5.5), C.R.S.

h. If the penalty assessment procedure authorized by this Ordinance is not used, Court costs may be assessed against violators in addition to the fine imposed by this Ordinance.

Section 6 – Application. This Ordinance shall apply to every street, alley, sidewalk area, driveway, or park, and to every other public way, public place or public parking area within the unincorporated areas of El Paso County, Colorado, and to County parking lots within all areas of El Paso 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 7 – Validity and Severability. If any Section or part of this Ordinance is, for any reason, held to be invalid by a court of competent jurisdiction, 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 might be declared invalid. If any one or more of the provisions of this Ordinance is determined by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of the remaining provisions of this Ordinance.

Section 8 – Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform to the State's uniform system for the regulation of vehicles and traffic. Section headings and cross-references in 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 – Enforcement. The El Paso County Sheriff is hereby directed to enforce the provisions of this Ordinance.

Section 10 - Disposition of Fines. All fines for violations of this Ordinance shall be paid to the El Paso County Treasurer, who shall deposit them into the El Paso County General Fund.

Section 11 – Effective Date. This Ordinance shall take effect on October 2, 2009, or thirty (30) days after the final publication and adoption on second reading by the Board of County Commissioners.

FIRST READING:

INTRODUCED AND READ ON FIRST READING August 6,
2009, and ordered published in the El Paso County Advertiser and News.

ATTEST:

By: Robert C Bahal
County Clerk and Recorder

**THE BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO**

By: Jim Bensberg
Jim Bensberg, Chairman

SECOND READING:

INTRODUCED, READ, AND ADOPTED ON SECOND READING on
August 27, 2009 and ordered published in the El Paso County Advertiser and
News.

ATTEST:

By: Robert C Bahal
County Clerk and Recorder

**THE BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO**

By: Jim Bensberg
Jim Bensberg, Chairman

CERTIFICATE OF PUBLICATION AND ADOPTION

I hereby certify that the foregoing Ordinance No. 09-01 was introduced, read, and adopted on first reading at the regular meeting the Board of County Commissioners of the County of El Paso on August 6, 2009, and it was published in full in the El Paso County Advertiser and News, a newspaper of general circulation published in El Paso County on August 12, 2009. Ordinance No. 09-01 was introduced, read and adopted on second reading at the regular meeting of the Board of County Commissioners of the County on August 27, 2009, and the same was published by reference to Title only on September 2, 2009.

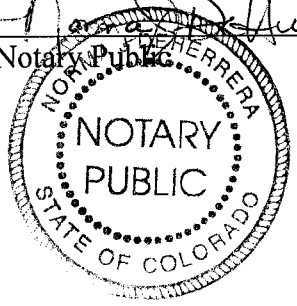
By: Robert C. Bahil
County Clerk and Recorder

State of Colorado)
) ss.
County of El Paso)

Subscribed and sworn to before me this 5th day of October, 2009.

[Signature]
Notary Public

My Commission Expires: 10/6/12



Appendix B – El Paso County Ordinance No. 09-01

El Paso County Traffic Code Section	Violation Description	Class- Fine or Summons	Surcharge
	Traffic Regulation – Generally		
109	Operated or permitted operation of motorized bicycles, skates, skis, toy vehicles and recreational vehicles on highways.	TIB-\$15.00	\$21.00
	Vehicle Equipment		
201	Permitted obstruction of view or interference with driving mechanism	TIA-\$35.00	\$25.00
202	Operated an unsafe vehicle	TIA-\$35.00	\$25.00
204	Operated vehicle without required use of vehicle lighting equipment	TIA-\$15.00	\$21.00
205	Operated vehicle without required head lamps	TIB-\$15.00	\$21.00
206	Operated vehicle without required tail lamps and/or reflectors.	TIB-\$15.00	\$21.00
207	Operated vehicle without required vehicle clearance lamps	TIB-\$15.00	\$21.00
208	Operated vehicle without required stop lamps and turn signals	TIB-\$15.00	\$21.00
209	Operated vehicle without lamp or flag on a projecting load	TIA-\$15.00	\$21.00
210	Failed to operate lamps on parked vehicles when required	TIB-\$15.00	\$21.00
211	Operated farm equipment without required lamps	TIB-\$15.00	\$21.00
212	Violated restrictions on vehicle spot lamps and auxiliary lamps	TIB-\$15.00	\$21.00
213	Unauthorized/Improper Use of Green Light on (Motor/Emergency) Vehicle	TIA-\$15.00	\$21.00
214	Failed to activate visual signals on a service vehicle when required	TIB-\$15.00	\$21.00
215	Violated restrictions on signal lamps, devices and additional lighting equipment	TIB-\$15.00	\$21.00
217	Operated vehicle without required multiple beam road lights Use of multiple beam lights; failure to dim lights	TIA-\$15.00	\$21.00
219	Operated vehicle with an excess number of lamps	TIB-\$15.00	\$21.00
220	Operated motorized bicycles/motor driven cycles without required lighting equipment Used/Attached/Operated an Unapproved Lamp or Lighting Device Upon a Motor Vehicle	TIB-\$15.00	\$21.00
221	Rode bicycle without required lamp/reflector/braking equipment	TIB-\$15.00	\$21.00
222	Misuse of emergency equipment by volunteer firefighters/ambulance attendants	TIB-\$15.00	\$21.00
223	Operated vehicle without required adequate brakes	TIA-\$15.00	\$21.00

224	Operated vehicle without required horn and /or warning device	TIB-\$15.00	\$21.00
225	Operated vehicle without muffler, inadequate muffler, modified muffler that failed to reduce noise	TIB-\$15.00	\$21.00
226	Operated vehicle without required mirrors	TIB-\$15.00	\$21.00
227	Operated vehicle with illegal window tinting/obstructed windshield/ Windshield wipers	TIB-\$50.00	\$31.00
228	Operated vehicle with inadequate /illegal /unsafe tires	TIA-\$15.00	\$21.00
229	Vehicle without safety glazing materials in windshield glass	TIB-\$15.00	\$21.00
230	Failed to carry and use required emergency lighting equipment	TIB-\$15.00	\$21.00
231	Operated vehicle with parking lights only when headlights required	TIB-\$15.00	\$21.00
232	Operated motorcycle or motor-driven cycle without driver/passenger eye protection equipment / passenger footrests	TIA-\$15.00	\$21.00
234	Operated a slow moving vehicle without required emblem	TIB-\$15.00	\$21.00
235	Minimum standards for commercial vehicles	TIA - \$50.00	\$31.00
236	Operated a vehicle without an applicable child restraint system/safety belt in use	TIB - \$65.00	\$31.00
237	Driver/passenger did not wear a safety belt when required	TIB-\$65.00	\$21.00
Overweight – Oversized Vehicles			
502	Operated or permitted operation of over-width vehicle	TIB-\$75.00	\$39.00
503	Operated passenger car with projected load	TIB-\$15.00	\$21.00
504	Operated or permitted operation of an overweight/length vehicle	TIB-\$75.00	\$39.00
506	Violated restriction on towing a vehicle or trailer	TIB-\$15.00	\$21.00
507	Wheel and axle load	TIA – See supplement	See supplement
508	Gross weight of vehicles and load	TIA – See supplement	See supplement
509	Vehicles weighed excess removed	TIB - \$50.00	\$31.00
512	Operated vehicle/object/contrivance that caused damage to a highway/highway structure	TIA -\$75.00	\$39.00
Signals – Signs – Markings			
603	Disobeyed official traffic device: sign/signal/marking	TIA-\$100.00	\$25.00
604	Disobeyed traffic control signal	TIA-\$100.00	\$25.00
605	Disobeyed requirements at a flashing signal	TIA-\$70.00	\$25.00
606	Displayed an unauthorized sign/signal/marking or traffic control device	TIA-\$15.00	\$21.00
607	Unlawfully interfered with an official control device	TIB-\$50.00	\$31.00
608	Failed to display hand or lamp signal when required Vehicle not equipped with stop/turn signals	TIA-\$70.00 TIA-\$15.00	\$21.00 \$21.00
610	Displayed an unauthorized insignia	TIB-\$15.00	\$21.00
612	Disregarded procedures for inoperative/malfunctioning traffic signals	TIA-\$70.00	\$25.00

Right of Way			
701	Failure to yield right of way when required	TIA-\$70.00	\$25.00
702	Failure to yield right of way when turning left	TIA-\$70.00	\$25.00
703	Failure to stop at a stop sign or yield right of way when required	TIA-\$70.00	\$25.00
704	Driver entering road or highway failed to yield right of way	TIA-\$70.00	\$25.00
705	Failure to yield right of way on approach of an emergency vehicle	TIA-\$70.00	\$31.00
706	Failure to obey railroad signal	TIA-\$70.00	\$25.00
707	Failure to stop at railroad grade crossing when required	TIA-\$70.00	\$25.00
708	Violated restrictions regarding heavy equipment movement at railroad grade crossing	TIB-\$35.00	\$25.00
709	Driver obstructed other vehicles at an intersection/crosswalk/railroad grade crossing	TIA-\$70.00	\$25.00
710	Failure to yield right of way to a pedestrian when required	TIA-\$70.00	\$25.00
711	Failure to obey requirements for mountain/defile/canyon driving	TIA-\$100.00	\$25.00
712	Failure to yield right of way in a construction zone when required	TIA-\$70.00	\$25.00
Pedestrians			
801	Pedestrian failed to obey traffic control device or signal	TIB-\$15.00	\$21.00
802	Failure to yield right of way to a pedestrian in crosswalk No pedestrian shall enter a roadway to create an immediate hazard	TIA-\$30.00 \$15.00	\$21.00 \$21.00
803	Pedestrian failed to yield to a vehicle at other than a crosswalk	TIB-\$15.00	\$21.00
805	Pedestrian violated restrictions while walking along or on a roadway Pedestrian stood on a roadway to solicit a ride Pedestrian/rider of an animal was under the influence of alcohol or a drug while on a roadway	TIB-\$15.00	\$21.00
806	Drove through a pedestrian safety zone	TIA-\$70.00	\$25.00
807	Failure to exercise due care when approaching a pedestrian	TIA-\$70.00	\$25.00
808	Operator/pedestrian failed to yield to an obvious disabled person	TIA-\$70.00	\$25.00
Turning – Stopping			
901	Operator violated restrictions on turning right Operator violated restrictions on turning left	TIA-\$70.00	\$25.00
902	Made U-turn where prohibited	TIA-\$70.00	\$25.00
903	Failure to properly signal a turn/slowing down/stopping	TIA-\$70.00	\$25.00
Driving – Overtaking – Passing			
1001	Failed to drive on the right side of a roadway	TIA-\$70.00	\$25.00

1002	Failure to yield one-half of roadway to on-coming traffic	TIA-\$100.00	\$25.00
1003	Violated restrictions on passing/being passed	TIA-\$100.00	\$25.00
1004	Drove off pavement to pass on the right	TIA-\$100.00	\$25.00
1005	Violated restrictions when passing on the left	TIA-\$100.00	\$25.00
1006	Drove the wrong way on a one-way roadway	TIA-\$70.00	\$25.00
1007	Failure to drive in a single lane	TIA-\$100.00	\$25.00
1008	Following too closely	TIA-\$100.00	\$25.00
1009	Coasted vehicle when prohibited	TIA-\$70.00	\$25.00
1010	Operator drove across a raised median to turn left	TIA-\$70.00	\$25.00
1011	Improper use of a runaway vehicle ramp	TIA-\$200.00	\$47.00
1013	Drove Vehicle in Passing Lane When Prohibited (Posted 65 MPH or more roadway)	TIA-\$100.00	\$15.00
Speed Regulations			
1101	Driving too fast for conditions	TIA-\$100.00	\$25.00
	Speeding 1-4 miles per hour over prima facie limit	TIA-\$30.00	\$21.00
	Speeding 5-9 miles per hour over prima facie limit	TIA-\$70.00	\$25.00
	Speeding 10-19 miles per hour over prima facie limit	TIA-\$135.00	\$31.00
	Speeding 20-24 miles per hour over prima facie limit	TIA-\$200.00	\$47.00
	Speeding 1-4 miles per hour over cont/school zone	TIA-\$60.00	\$27.00
	Speeding 5-9 miles per hour over cont/school zone	TIA-\$140.00	\$35.00
	Speeding 10-19 miles per hour over cont/school zone	TIA-\$270.00	\$47.00
	Speeding 20-24 miles per hour over cont/school zone	TIA-\$400.00	\$79.00
1103	Impeding normal flow of traffic	TIA-\$50.00	\$21.00
Parking Regulations			
1201	Violated safety precautions when starting a vehicle	TIA-\$30.00	\$21.00
1202	Abandoned vehicle on the paved or improved portion of a highway	TIB-\$30.00	\$21.00
1204	Stopped/left standing/parked vehicle where restricted/or prohibited by signs or markings	TIB-\$15.00	\$21.00
1205	Violated restrictions on parking at curb or shoulder of a road	TIB-\$15.00	\$21.00
1206	Violated restrictions on an unattended vehicle	TIB-\$15.00	\$21.00
1207	Violated restrictions on opening vehicle doors	TIB-\$15.00	\$21.00
1208	Violated restrictions on handicapped parking	TIB-\$100.00	\$47.00
1211	Illegal backing	TIA-\$15.00	\$21.00
Other Offenses			
1305	(Drank From/Possessed) an Open Alcoholic Beverage Container in a Motor Vehicle	TIA-\$50.00	\$31.00
1403	Violated restrictions following fire apparatus	TIA-\$30.00	\$21.00
1404	Crossed a fire hose	TIB-\$15.00	\$21.00
1405	Violated restrictions in riding in a trailer	TIB-\$15.00	\$21.00
1406	Littered foreign material on a highway	TIB-\$35.00	\$25.00
1407	Spilled Load on Highway/Failed to Cover/Properly secure Load	TIB-\$35.00	\$25.00
1408	Violated restrictions on vehicle in a park/recreation district	TIB-\$15.00	\$21.00
1411	Driver wore earphones while driving	TIB-\$15.00	\$21.00

Motorcycles			
1502	Rode on a motorcycle other than on a permanently attached seat Driver violated restrictions applicable to motorcycles	TIA-\$30.00	\$21.00
	Passenger w/rider under 18 not wearing helmet	TIA-\$100.00	\$31.00
1503	Drove motorcycle between lanes of traffic Operated motorcycles more than two abreast	TIA-\$30.00	\$21.00
1504	Person riding on a motorcycle attached him/herself to another vehicle	TIA-\$30.00	\$21.00

Supplement

Excess weight Pounds	Penalty	Surcharge
1 to 3000	\$15.00	\$29.00
3,001 to 4,250	\$25.00	\$39.00
4,251 to 4,500	\$50.00	\$61.00
4,501 to 4,750	\$55.00	\$67.00
4,751 to 5,000	\$60.00	\$73.00
5,001 to 5,250	\$65.00	\$77.00
5,251 to 5,500	\$75.00	\$85.00
5,501 to 5,750	\$85.00	\$95.00
5,751 to 6,000	\$95.00	\$107.00
6,001 to 6,250	\$105.00	\$113.00
6,251 to 6,500	\$125.00	\$135.00
6,501 to 6,750	\$145.00	\$153.00
6,751 to 7,000	\$165.00	\$173.00
7,001 to 7,250	\$185.00	\$191.00
7,251 to 7,500	\$215.00	\$223.00
7,501 to 7,750	\$245.00	\$249.00
7,751 to 8,000	\$275.00	\$277.00

8,001 to 8,250	\$305.00	\$307.00
8,251 to 8,500	\$345.00	\$345.00
8,501 to 8,750	\$385.00	\$385.00
8,751 to 9,000	\$425.00	\$423.00
9,001 to 9,250	\$465.00	\$463.00
9,251 to 9,500	\$515.00	\$509.00
9,501 to 9,750	\$565.00	\$559.00
9,751 to 10,000	\$615.00	\$605.00
10,001 to 10,250	\$665.00	\$655.00
Over 10,250	\$30.00 for each 250 pounds additional over-weight, plus \$665.00	\$43.00 for each 250 pounds additional over-weight, plus \$507.00