



AMENDED AND RESTATED ORDINANCE NO. 17-2016

AN AMENDED AND RESTATED ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO, ADOPTING VEHICLE TYPE AND SPEED REGULATIONS FOR CASCADE AVENUE

WHEREAS, Title 42, Article 4, Section 111, C.R.S., as amended, authorizes the Board of County Commissioners (Board) reasonable exercise of police power with respect to roads and highways under its jurisdiction; and

WHEREAS, pursuant to §42-4-111(1)(c) and (i), C.R.S., the Board may adopt, by ordinance, laws to regulate traffic by means of Official Traffic Control Devices and alter or establish speed limits; and

WHEREAS, pursuant to §42-4-106(3), C.R.S., the Board, with respect to highways under their jurisdiction, may restrict or prohibit operation of trucks or commercial vehicles on designated highways or may impose limitations as to the weight thereof, which prohibitions and limitations shall be designated by appropriate signs placed on such roads; and

WHEREAS, §30-15-402, C.R.S., as amended, authorizes the Board to execute the penalty assessment procedure provided in §§42-4-1701 and 42-4-1703, C.R.S., and §§42-4-1708 to 42-4-1718 C.R.S. shall apply; and

WHEREAS, uniform speed limits are established in § 42-4-1101, C.R.S., unless traffic investigations or study considering various specified factors justifies a deviation from the established speeds; and

WHEREAS, the speed limits in the remaining areas of Archuleta County conform with the state and federal standards; and

WHEREAS, this Ordinance is adopted in furtherance of the health, safety and welfare of the citizens of Archuleta County.

Rln: _____
JUNE MADRID
ORDINANCES



NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ARCHULETA, STATE OF COLORADO THAT:

Section 1. Title

This Ordinance shall be known as the Cascade Avenue Traffic Regulations.

Section 2. Purpose

This Ordinance is for the purpose of promoting the health, safety and welfare of the citizens of Archuleta County, Colorado by protecting the citizens of Archuleta County by restricting certain vehicles and regulating the speed on Cascade Avenue.

Section 3. Definitions

3.1 "Commercial vehicle" means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise. This shall not apply for purposes of C.R.S. §§42-4-235 and 42-4-707(1).

3.2 "Highways" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this state.

3.3 "Local authorities" means every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state. Per Colorado Revised Statute Local authorities have the authority to adopt a resolution or ordinance that imposes limitations such as weight to specific highways within their jurisdiction:

3.4 "Local Traffic" means those commercial or residential vehicles whose purpose on Cascade is the service of those residents and/or properties.

3.5 "Official Traffic Control Devices" means all signs, signals, markings and devices, not inconsistent with the titled, placed or displayed by authority of a public body or official having jurisdiction, for the purposes of regulating, warning or guiding traffic.

3.6 "Vehicle" means any device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks.



Section 4. Access Restriction.

4.1 Local authorities, with respect to highways under their jurisdiction, may also, by ordinance or resolution, prohibit the operation of trucks or commercial vehicles on designated highways or may impose limitations as to the weight thereof, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

4.2 Cascade Avenue henceforth shall be restricted with the maximum weight restriction set at 24,000 Gross Vehicle Weight (GVW)(12 Tons) for Commercial Vehicles.

Section 5. Speed Limits Established.

The speed limited on Cascade Avenue shall have a speed limit of twenty-five (25) miles per hour.

Section 6. Exception

The Board of County Commissioners specifically exempts emergency vehicles, school buses and those vehicles described in Section 3.4 from the terms of this Ordinance.

Section 7. Violation

7.1 It shall be unlawful for any person to violate any provisions of this ordinance or to disobey any Official Traffic Control Devices referenced herein. The summons and complaint and/or penalty assessment issued to persons for the violation of the ordinance shall be filed in the County Court of Archuleta County, Colorado, and the persons so cited shall be tried in such court. All persons found guilty of violating this ordinance shall be fined pursuant to §§42-4-1701 and 42-4-1703, C.R.S., and §§42-4-1708 to 42-4-1718 C.R.S.

7.2 All fines collected from violation of the provisions of this ordinance shall be directed to the Treasurer of Archuleta County, Colorado who shall deposit said sums in the Archuleta County General Fund.

7.3 The provisions of this ordinance shall be cumulative to the fullest extent permitted by law with respect to all other statutes or ordinances now or hereafter adopted regardless of their order of passage or enactment.



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June Madrid
Archuleta County

Section 8. Enforcement

The Sheriff of Archuleta County, Colorado and duly authorized deputies of said Sheriff shall be charged with the enforcement of this ordinance.

Section 9. Conflicts

This Ordinance does not conflict with any statute or provisions thereof the State of Colorado.

Section 10. Severability

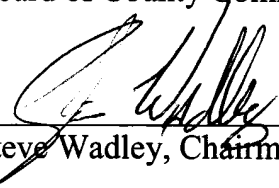
If any part or parts of this ordinance are for any reason held to be invalid, such provisions shall not affect the validity of the remaining portions of this ordinance.

Section 11. Effective Date

This Ordinance took effect February 3, 2017 and these amendments shall take effect at 12:01 a.m. May 1, 2017.

APPROVED AND ADOPTED IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 4th day of April, 2017, and ordered published in the Pagosa Springs Sun.

Board of County Commissioners



Steve Wadley, Chairman

ATTEST:





June Madrid, Clerk and Recorder



Sonya McLean
Deputy Clerk