

## ORDINANCE NO. 21-2019

### AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA, COUNTY, COLORADO ADOPTING BY REFERENCE THE 2018 EDITION OF THE "MODEL TRAFFIC CODE", REPEALING ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF

#### BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO:

**Section 1 - Adoption.** Pursuant to parts 1 and 2 of article 16 of title 31 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 2018 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 West Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for Archuleta 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 Archuleta County Clerk and Recorder and may be inspected during regular business

**Section 2 - Deletions.** The 2018 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this County and are therefore expressly deleted:

- 1) Sections 106(4.5)(b)(I) and (II), 225(1.5), 235, 500-512, 605(2), 613, 706, 707, 708, 1011, 1012, 1203, 1205, 1416, 1701(4)(a)(I)(A), (B) and (E), 1701(4)(a)(II) and (III), 1802(1)(d) and (e) and 1814 are deleted in their entirety.
- 2) Section 225(3) is modified to delete the second and third sentences.
- 2) Appendix Definitions (42) and (98) are deleted in their entirety.

**Section 3 - Additions or Modifications.** The said adopted Code is subject to the following additions or modifications:

- 1) In addition to the terms specified in Section 1204, it shall be unlawful for any Person to operate, Stand, Park or Stop a Vehicle in any manner on any County Road or at any place in the unincorporated area of Archuleta County, where such movement or Parking of Vehicles has been restricted or prohibited, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a Police Officer or Traffic Control Device. Parking prohibitions specified in this Ordinance are in addition to the restrictions specified in C.R.S. § 42-4-1204, and as otherwise specified by law. Temporary daytime parking will be allowed for the purpose of celebrations, parades and special events. A Special Event Permit must be obtained from the Archuleta County Sheriff's office at no cost in order to park on any County Road overnight.

- 2) All references to “police” or “peace” officer shall mean the Archuleta County Sheriff, undersheriff, and all related deputy sheriffs.
- 3) All references to “municipal” or “municipality” shall mean the County of Archuleta, Colorado.
- 4) All references to “incorporated” shall be modified to be “unincorporated” and shall mean the unincorporated areas of Archuleta County.
- 5) All references to “highway”, “road”, “roadway” or “street” shall have the same meaning as “County Road” as defined.
- 6) All references to section 235(1)(a) shall be replaced with C.R.S. § 42-2-402(4).
- 7) Section 109(9) is modified to include skateboards.
- 8) Section 110(2) is modified to add the following clause: “The Archuleta County or 6<sup>th</sup> Judicial District Court, whichever is most appropriate, shall have jurisdiction over violations of traffic regulations enacted or adopted by Archuleta County.”
- 9) Section 210 is modified to add the following clause: “Except as required in emergency situations, the following shall apply:”
- 10) Section 616(2)(a) is modified to add “of the CDOT Traffic Control Manual”.
- 11) Section 1101(2) is modified to add “(i) All County Roads shall have a maximum speed of Twenty-five miles per hour unless posted otherwise.”
- 12) Section 1202(1) is modified to be “roadway” instead of “highway”.
- 13) Section 1701 is modified to reflect the penalties and surcharged Minimum Penalty for a Class A or Class B violation is to be \$15.00.
- 14) The Appendix Definitions section is amended to add definitions for “County Road(s)” and “Traffic Control Devices” and the numbers assigned to the definitions have been modified to reflect same.
- 15) The Appendix Definition of “Police Officer” is amended to add the following clause: “and includes but is not limited to the Sheriff, Undersheriff and every deputy sheriff of the Archuleta County Sheriff’s Office”.

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

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

2) All Class A and Class B traffic infractions shall be issued a Penalty Assessment. All Class 1 and Class 2 Misdemeanor Traffic Violations shall be issued a summons.

3) Section 1701(4)(a)(I) is modified to read as follows:

Except as provided in subsection (5)(c) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of Title 42 C.R.S. to which subsection (5)(a) or (5)(b) of this section applies shall be fined or penalized, and have a surcharge levied thereon pursuant to C.R.S. §§ 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), in accordance with the penalty and surcharge schedule set forth in subsections (4)(a)(I)(A) to (4)(a)(I)(P) of this section; or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be four dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by subsection (5)(a) this section, is found guilty by a court of competent jurisdiction, or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

(C) Traffic regulation generally:

Section Violated	Penalty	Surcharge
Sec. <sup>1</sup> 1412	\$15.00	\$6.00
Sec. 109 (13)(a)	15.00	6.00
Sec. 109 (13)(b)	100.00	15.00
Sec. 1211	30.00	6.00
Sec. 1405	15.00	6.00

(D) Equipment violations:

Section Violated	Penalty	Surcharge
Sec. 201	\$50.00	\$10.00
Sec. 202	50.00	10.00
Sec. 204	30.00	6.00
Sec. 205	30.00	6.00
Sec. 206	30.00	6.00
Sec. 207	30.00	6.00
Sec. 208	30.00	6.00
Sec. 209	30.00	6.00
Sec. 210	30.00	6.00
Sec. 211	30.00	6.00

<sup>1</sup> NOTE: "Sec." refers to the corresponding section of this Model Traffic Code.

Section Violated	Penalty	Surcharge
Sec. 212	30.00	6.00
Sec. 213	30.00	6.00
Sec. 214	30.00	6.00
Sec. 215	30.00	6.00
Sec. 216	30.00	6.00
Sec. 217	30.00	6.00
Sec. 218	30.00	6.00
Sec. 219	30.00	6.00
Sec. 220	30.00	6.00
Sec. 221	30.00	6.00
Sec. 222 (1)	30.00	6.00
Sec. 223	30.00	6.00
Sec. 224	30.00	6.00
Sec. 225 (1)	30.00	6.00
Sec. 226	30.00	6.00
Sec. 227 (1)	50.00	16.00
Sec. 227 (2)	30.00	6.00
Sec. 228 (1), (2), (3), (5), or (6)	15.00	6.00
Sec. 229	30.00	6.00
Sec. 230	30.00	6.00
Sec. 231	30.00	\$6.00
Sec. 232	30.00	6.00
Sec. 233	75.00	24.00
Sec. 234	30.00	6.00
Sec. 236	75.00	16.00
Sec. 237	75.00	6.00
Sec. 1411	15.00	6.00
Sec. 1412	15.00	6.00
Sec. 1901	35.00	10.00

(F) Size, weight, and load violations:

Section Violated	Penalty	Surcharge
Sec. 106 (1), (3), (4), (6), or (7)	\$35.00	\$10.00
Sec. 106 (5)(a)(I)	100.00	32.00
Sec. 106 (5)(a)(II)	500.00	156.00
Sec. 106 (5)(a)(III)	500.00	78.00
Sec. 106 (5)(a)(IV)	1,000.00	156.00
Sec. 105 (1) to (5)	50.00	16.00
Sec. 106	50.00	16.00

(G) Signals, signs, and markings violations:

Section Violated	Penalty	Surcharge
Sec. 603	\$100.00	\$10.00

Section Violated	Penalty	Surcharge
Sec. 604	100.00	10.00
Sec. 605	100.00	10.00
Sec. 606	30.00	6.00
Sec. 607 (1)	75.00	16.00
Sec. 607 (2)(a)	100.00	32.00
Sec. 608 (1)	70.00	6.00
Sec. 608 (2)	30.00	6.00
Sec. 609	30.00	6.00
Sec. 610	30.00	6.00
Sec. 612	70.00	10.00

(H) Rights-of-way violations:

Section Violated	Penalty	Surcharge
Sec. 701	\$70.00	\$10.00
Sec. 702	70.00	10.00
Sec. 703	70.00	10.00
Sec. 704	70.00	10.00
Sec. 705	70.00	16.00
Sec. 709	70.00	10.00
Sec. 710	70.00	10.00
Sec. 711	100.00	10.00
Sec. 712	70.00	10.00

(I) Pedestrian violations:

Section Violated	Penalty	Surcharge
Sec. 801	\$15.00	\$6.00
Sec. 802 (1)	30.00	6.00
Sec. 802 (3)	15.00	6.00
Sec. 802 (4)	30.00	6.00
Sec. 802 (5)	30.00	6.00
Sec. 803	15.00	6.00
Sec. 805	15.00	6.00
Sec. 806	70.00	10.00
Sec. 807	70.00	10.00
Sec. 808	70.00	10.00

(J) Turning and stopping violations:

Section Violated	Penalty	Surcharge
Sec. 901	\$70.00	\$10.00
Sec. 902	70.00	10.00
Sec. 903	70.00	10.00

(K) Driving, overtaking, and passing violations:

Section Violated	Penalty	Surcharge
Sec. 1001	\$70.00	\$ 10.00

Section Violated	Penalty	Surcharge
Sec. 1002	100.00	10.00
Sec. 1003	100.00	10.00
Sec. 1004	100.00	10.00
Sec. 1005	100.00	10.00
Sec. 1006	70.00	10.00
Sec. 1007	100.00	10.00
Sec. 1008	100.00	10.00
Sec. 1009	70.00	10.00
Sec. 1010	70.00	10.00
Sec. 1013	100.00	(NONE)

(L) Speeding Violations:

Section Violated	Penalty	Surcharge
Sec. 1101 (1) or (8) (b) (1 to 4 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	\$30.00	\$6.00
Sec. 1101 (1) or (8) (b) (5 to 9 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	70.00	10.00
Sec. 1101 (1) or (8) (b) (10 to 19 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	135.00	16.00
Sec. 1101 (1) or (8) (b) (20 to 24 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	200.00	32.00
Sec. 1101 (8)(g) (1 to 4 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	50.00	6.00
Sec. 1101 (8) (g) (5 to 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	75.00	10.00
Sec. 1101 (8) (g) (greater than 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	100.00	16.00
Sec. 1101 (3)	100.00	10.00
Sec. 1103	50.00	6.00
Sec. 1104	30.00	6.00
Sec. 1105	100.00	32.00

(M) Parking violations:

Section Violated	Penalty	Surcharge
Sec. 1201	\$30.00	\$6.00
Sec. 1202	50.00	6.00
Sec. 1204	150.00	6.00
Sec. 1206	150.00	6.00
Sec. 1207	150.00	6.00
Sec. 1208 (9), (15), or (16)	150.00	32.00

(N) Other offenses:

Section Violated	Penalty	Surcharge
Sec. 1401	300.00	32.00
Sec. 1402	150.00	16.00
Sec. 1403	30.00	6.00
Sec. 1404	15.00	6.00
Sec. 1406	35.00	10.00
Sec. 1407 (3)(a)	35.00	10.00
Sec. 1407 (3)(b)	100.00	30.00
Sec. 1407 (3)(c)	500.00	200.00
Sec. 314 (1) and (2)	35.00	10.00
Sec. 314 (6)(a)	100.00	10.00
Sec. 1408	15.00	6.00
Sec. 1414 (2)(a)	500.00	156.00
Sec. 1414 (2)(b)	1,000.00	312.00
Sec. 1414 (2)(c)	5,000.00	1,560.00

(O) Motorcycle violations:

Section Violated	Penalty	Surcharge
Sec. 1502 (1), (2), (3), or (4)	\$30.00	\$6.00
Sec. 1502 (4.5)	100.00	15.00
Sec. 1503	30.00	6.00
Sec. 1504	30.00	6.00

(P) Offenses by persons controlling vehicles:

Section Violated	Penalty	Surcharge
Sec. 239 (5)(a)	\$50.00	\$6.00
Sec. 239 (5)(b)	100.00	6.00
Sec. 239 (5.5)	300.00	6.00

**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, located in unincorporated Archuleta 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 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.** Existing or parts of ordinances 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 (specifically Ordinance 1-1989) 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 the taking effect of this ordinance. This Section 7 does not apply to Ordinance 17-2016 regarding weight limits on Cascade Avenue, which Ordinance shall remain in full force and effect.

**Section 8 - 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.

**Section 9 - Certification.** The County Clerk 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.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, STATE OF COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 3rd DAY OF September, 2019.

BOARD OF COUNTY COMMISSIONERS  
OF ARCHULETA COUNTY, STATE OF  
COLORADO

By: 

Ronnie Maez, Chair

I hereby certify that the above Ordinance was introduced to the Board of County Commissioners of Archuleta County, State of Colorado, at its meeting of September 3, 2019 and ordered published one time in full in *The Pagosa Sun* newspaper and on the County website on September 12, 2019.

ATTEST:

  
By: Kristy Archuleta,  
by Mary Helminski,  
Deputy Clerk - Recorder  
Kristy Archuleta





FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE PAGOSA SUN* NEWSPAPER AND ON THE COUNTY WEBSITE, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019, BY A VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ AGAINST.

BOARD OF COUNTY COMMISSIONERS  
OF ARCHULETA COUNTY, STATE OF  
COLORADO

By: \_\_\_\_\_  
Ronnie Maez, Chair

I hereby certify that the above Ordinance was finally adopted by the Board of County Commissioners of Archuleta County, State of Colorado, at its meeting of \_\_\_\_\_, 2019 and ordered published one time by title only in *The Pagosa Sun* newspaper and on the County website on \_\_\_\_\_, 2019.

ATTEST:

By: \_\_\_\_\_  
Kristy Archuleta

Published in full on the Archuleta County website, [www.archuletacounty.org](http://www.archuletacounty.org) on \_\_\_\_\_, 2019.

By: /s/ Mary Helminski, Paralegal