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Kathleen Neel - Summit County Recorder

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**ORDINANCE No. 2010-09  
BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF SUMMIT  
STATE OF COLORADO**

**AN ORDINANCE FOR THE REGULATION OF TRAFFIC AND VEHICLES BY THE COUNTY OF SUMMIT, COLORADO; ADOPTING BY REFERENCE THE 2010 EDITION OF THE "MODEL TRAFFIC CODE" WITH AMENDMENTS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

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

**WHEREAS, § 42-4-110(1), C.R.S., as amended, authorizes all local authorities, including counties, to adopt by reference all or any part of the model traffic code for Colorado published by the Colorado Department of Transportation; and**

**WHEREAS, § 42-4-111(1), C.R.S., as amended, authorizes the County's reasonable exercise of police power with respect to streets and highways under its jurisdiction; and**

**WHEREAS, pursuant to § 30-15-402(1), as amended, the BOCC may authorize the Sheriff to apply the penalty assessment procedure provided for in § 16-2-201, C.R.S., for violations of the traffic code; and**

**WHEREAS, § 30-15-402(1), C.R.S., as amended, authorizes the BOCC's adopting a graduated fine schedule for violations of the traffic code, which graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual; and**

**WHEREAS, pursuant to § 30-15-402(2) and (3), C.R.S., persons convicted of violating a traffic code ordinance may be required to pay certain surcharges to penalty assessments; and**

**WHEREAS, the existing Summit County Traffic Code was adopted in 2006 and incorporated by reference the 2003 Model Traffic Code for Colorado, and, since that time, the 2010 Model Traffic Code for Colorado has been published by the Colorado Department of Transportation, which version incorporates all changes in traffic and vehicle related laws enacted since 2003; and**

**WHEREAS, the Board of County Commissioners finds that the adoption of a traffic ordinance that incorporates by reference the 2010 Model Traffic Code for Colorado is in the best interests of the public health, safety and welfare of the citizens of Summit County; and**

**WHEREAS, the Board of County Commissioners held a public meeting on this ordinance for a first reading June 22, 2010 and a second reading on July 13, 2010 and have considered testimony and evidence presented at the meetings.**

**BE IT ORDAINED** by the Board of County Commissioners of the County of Summit County, State of Colorado:

**Section 1.      Purpose.**

The purposes of this ordinance and the 2010 Model Traffic Code for Colorado adopted herein are to provide a system of traffic, vehicle, and parking regulations that promote the interests of public safety, are generally conforming to similar regulations throughout the state and the nation and address issues unique to Summit County, Colorado.

**Section 2. Adoption of the 2010 Model Traffic Code for Colorado by Reference.**

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 2010 edition of the "Model Traffic Code" 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 Summit County, Colorado. Three copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk and Recorder of Summit County, Colorado, and may be inspected during regular business hours.

**Section 3. Deletions from the 2010 Model Traffic Code for Colorado.**

The 2010 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: None.

**Section 4. Modifications to the 2010 Model Traffic Code for Colorado.** The following modifications to the 2010 edition of the Model Traffic Code are adopted for the Summit County Traffic Code:

- A. All references made to "Model Traffic Code" shall be deleted and the words "Summit County Traffic Code" be inserted in their stead.
- B. All references made to "municipal", "municipality" or "municipalities" shall be deleted and the words "county" or "counties" be inserted in their stead.
- C. All references made to "chief of police", "police department", "and "police officer" shall be deleted and the words "Summit County Sheriff" and "Sheriff's Office", and "deputy sheriff" shall be respectively inserted in their stead.
- D. All modifications to Colorado Statutes since the date of publication of the 2010 edition of the Model Traffic Code that effectively modify provisions of the 2003 edition of the Model Traffic Code to the date of adoption of this edition of the Summit County Traffic Code are hereby adopted and incorporated into the Summit County Traffic Code.
- E. 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 § 42-1-102(59), C.R.S., 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.

**Section 5. Additional Provisions of the Summit County Traffic Code.** In addition to the provisions of the 2010 edition of the Model Traffic Code, as modified above, pursuant to C.R.S. 42-4-110(1)(a), the following local additions are adopted as written for inclusion as regulations in the Summit County Traffic Code:

- A. **Parking Violations.** Pursuant to 42-4-111(1)(a) and 42-4-111(1)(v):
1. No person, business or corporation shall park or leave standing any unattended vehicle on a public road or highway, in a public road or highway right-of-way, or on private property designated pursuant to 42-4-1210 that is located within Summit County, Colorado without specific authorization from the property owner, which road, right-of-way or private property is marked to indicate that parking of private vehicles is prohibited or restricted in some particular manner. This section shall not apply when the subject parking or standing was in compliance with the directions of a Sheriff's Officer, an official traffic control device, or the subject private property owner.
  2. It shall be unlawful to park any vehicle on a public road or highway, in a public road or highway right-of-way or on private property without specific authorization of the property's owner for the sole purpose of displaying the vehicle for sale.
  3. No person shall park a vehicle upon a public road or highway, in a public road or highway right-of-way or on private property without specific authorization of the property's owner to grease or repair the vehicle except for repairs necessitated by an emergency.
  4. No person shall park a vehicle upon a public road or highway, in a public road or highway right-of-way or on private property without specific authorization of the property's owner to sell merchandise from such vehicle except in a duly established market or pursuant to permit.
- B. **Failure to Obey Turn Prohibited Sign.** Pursuant to 42-4-111(1)(l), C.R.S., no driver shall disobey the directions of any sign prohibiting or restricting right or left turn or all turns, wherever any such official signs are erected.
- C. **Littering.** Pursuant to 18-4-511, C.R.S., no person, business or corporation shall deposit, throw, or leave any litter on any public property or in any waters in the County.
- D. **Vehicle Signs.** Pursuant to 43-1-416 and 42-4-111(1)(v), C.R.S., signage displays on vehicles that use highways or roadways under the jurisdiction of the County constitute traffic or pedestrian hazards by impeding or interfering with the flow of traffic by distracting drivers or others are prohibited. Parked vehicles are prohibited from being used as signs or to support signs. This section shall not apply to a licensed vehicle used on a daily basis as part of a business operation for the transport of goods or the delivery of services, such vehicles may display signs that relate to that business.
- E. **Roadside Signage.** Pursuant to 43-2-139, 43-1-416, and 43-1-101, et seq., C.R.S., it shall be unlawful for any person to place or maintain road signs, guide boards, billboards, and bulletin boards, of any kind on any road constituting a part of the County highway system which does not conform to the standards designated by the State transportation commission. No signs or board shall be erected outside of the right-of-way in such a manner that any portion of the sign or board projects onto the right-of-way of a County road.
- F. **Idling.** Pursuant to 42-4-111(1)(v), C.R.S., 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.

- G. Emergency Orders. Pursuant to 18-8-104, C.R.S., 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. Plowing Snow on Public Way. Pursuant to 42-4-111(1)(v), no person, business or corporation shall plow, shovel, or otherwise deposit, or cause to be deposited, any snow upon any public way or any portion thereof that impedes traffic or otherwise creates a public safety hazard.
- I. Plowing Snow on Private Property. Pursuant to 42-4-111(1)(v), no person, business or corporation shall plow, shovel or otherwise deposit snow or ice upon or across any public way or any portion thereof and onto any other private property without the written permission of the property owner to which the snow will be deposited and notification of such permission of the property owner to the County.
- J. Piling Snow that Impedes Vision. Pursuant to 42-4-111(1)(v), no person, business or corporation shall deposit snow in any area where such deposit would impede the vision of anyone driving a motor vehicle on a public street or right-of-way.
- K. Off-highway Vehicles. Off-highway vehicles, as that term is defined in § 33-14.5-101(3), C.R.S., are specifically, and without limitation, prohibited from being operated on the following county roads or portions thereof: Tiger Road, C.R. 6, from the parking area located at the Tiger Townsite westward for approximately 4.7 miles to State Highway 9; Parkville Road C.R. 355., and; French Gulch Road, C.R. 2, from the parking area located at the Lincoln Townsite which is located approximately 2.7 miles from the intersection of C.R. 2 and Wellington Road, and thence eastward 0.8 miles to the gate located at the eastern end of the Cobb and Ebert Placer M.S. No. 340 immediately west of Mountain Meadows Parcel A ("French Gulch Road Gate"). Notwithstanding the foregoing, Use of French Gulch Road, C.R. 2, beyond the French Gulch Gate is hereby restricted to non-motorized use only, except that motorized vehicle use beyond the French Gulch Road Gate is authorized for owners of real property located beyond the subject gate, or their invitees. Notwithstanding the foregoing, the BOCC reserves the right to open, remove or relocate the French Gulch Road Gate without further amendment of this ordinance.
- L. Location of Utility Facilities on Exposed, Elevated, or Scenic Rights of Way.
  - 1. It is hereby determined that the location of above ground utility facilities, including without limitation power lines, telephone lines and other such utility facilities that are constructed through the use of utility poles and transmission wires and located along the roadway area of any County right of way, may present a threat to the public health safety and welfare.
  - 2. Specifically, it is determined that such utility facilities, when located on rights of way situated in exposed or open areas, on elevated areas such as ridgelines, hillsides, and mountain passes, or in scenic vista points, can pose the following concerns:
    - a. Location of said utility facilities in such subject right of way areas may pose a threat to the public health safety and welfare because such above ground facilities are subject to a greater

- likelihood of damage due to their exposure to natural elements such as wind and snow, and due to the risk of manmade hazards such as out of control vehicles, particularly when operated during inclement weather conditions.
- b. Location of said utility facilities in such subject right of way areas may pose a threat to the public health safety and welfare because such above ground facilities pose a greater risk to the public utilizing such rights of way and the improvements located upon such rights of way due to concerns over such incidents as downed wires, felled poles, and other facility damage that may directly affect the use of the right of way.
  - c. Location of said utility facilities in such subject right of way areas may pose a threat to the public health safety and welfare because such above ground facilities may present a visual impediment that may affect the proper use and operation of vehicles upon such rights of way.
  - d. Location of said utility facilities in such subject right of way areas may pose a threat to the public health safety and welfare because such above ground facilities may have a significant detrimental effect upon the important scenic values associated with such rights of way.
3. In light of the above referenced concerns, it is hereby determined that, if feasible, all utility facilities to be located along any rights of way situated in exposed or open areas, on elevated areas such as ridgelines, hillsides, and mountain passes, or in scenic vista points, shall be located in an underground fashion, unless not feasible due to demonstrated physical conditions or environmental impacts. Location of such facilities in an above ground fashion shall not be permitted unless no viable alternative is available. In making such a determination on feasibility, fiscal concerns such as the costs to the utility provider to locate such facilities undergrounds shall not be a significant consideration.

**Section 6. Penalty Assessment Procedures and Penalty Schedule.**

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. The penalty assessment procedure provided by § 16-2-201, C.R.S., as amended, may be followed by an arresting officer for any such violation of this ordinance.
- B. Every person convicted of a violation of any provision adopted by this Ordinance commits a traffic infraction pursuant to § 30-15-402, C.R.S., as amended.
- C. For its schedule of fines, Summit County Board of County Commissioners hereby adopts the schedule of fines, penalties and surcharges set forth in § 42-4-1701, C.R.S., as amended, as those fines and penalties correspond to the sections of the Model Traffic Code adopted by this Ordinance, for all cases wherein the alleged violator acknowledges guilt or liability, is found guilty by a court of competent jurisdiction, or has judgment entered against him/her. If the penalty for violation of a provision is not otherwise provided in § 42-4-1701, C.R.S., as amended, or this Ordinance, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be ten dollars.
- D. Unless otherwise provided by law, all fines and penalties, and surcharges thereon, for violations of this Ordinance shall be paid into the treasury of Summit County.

- E. The provisions of §42-2-127(5), (5.5) and (5.6)(b), C.R.S., as amended, are applicable to penalty assessment notices issued by the County. If a traffic offense is reduced, the points assessed for such reduced offenses shall conform to the point assessment schedule under § 42-2-127(5), C.R.S., as amended. If a person receives a penalty assessment notice for a violation hereunder and such person pays the fine and surcharge for the violation hereunder and such person pays the fine and surcharge for the violation on or before the payment is due, the points assessed for the violation are reduced as follows:
1. For a violation having an assessment of three or more points, the points are reduced by two points;
  2. For a violation having an assessment of two points, the points are reduced by one point.
- F. For violations of this ordinance that are not set forth in section § 42-4-1701, C.R.S., as amended, the schedule of fines and penalties shall be as follows:
1. Violation of Section 5.A. of this ordinance, Parking Violations, shall constitute a traffic infraction punishable in accordance with § 30-15-402(1), C.R.S., by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of section § 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation. Each day the vehicle remains in violation of this subsection shall constitute a separate and distinct offense for which a separate penalty shall be imposed. Additionally, vehicles found to be parked in violation of Section 5.A. shall be subject to vehicle impoundment under Part 18 "Vehicles Abandoned on Public Property" of the Model Traffic Code for Colorado
  2. Violation of Section 5.B. of this ordinance, Failure to Obey Turn Prohibited Sign, shall constitute a traffic infraction punishable in accordance with § 30-15-402(1), C.R.S., by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of § 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of forty-five dollars (\$45.00) for each separate violation.
  3. Violation of Section 5.C. of this ordinance, Littering, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with § 18-4-511, C.R.S. The penalty assessment procedure of § 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation.
  4. Violation of Section 5.D of this ordinance, Vehicle Signs, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with § 30-15-402(1), C.R.S., by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of section 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of not less than fifteen dollars (\$15.00) nor more than fifty dollars (\$50.00). Every day the sign is cited shall be considered a separate violation subject to said fine.
  5. Violation of Section 5.E of this ordinance, Roadside Signage, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with § 30-15-402(1), C.R.S., by a fine of not more than one thousand dollars for each violation. Where road signs, guide boards,

billboards, and bulletin boards do not conform to the standards designated by the State transportation commission the County may remove said signs and boards without notice. If any portion of said sign or board projects onto the right-of-way of any County road, the County may without notice remove as much of said sign or board projecting onto said right-of-way as necessary to keep the right-of-way free and clear of obstruction. The penalty assessment procedure of § 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of not less than fifteen dollars (\$15.00) nor more than fifty dollars (\$50.00). Every day the sign is cited shall be considered a separate violation subject to said fine.

6. Violation of Section 5.F of this ordinance, Idling, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with § 30-15-402(1), C.R.S. by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of § 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation.
7. Violation of Section 5.G of this ordinance, Emergency Orders, shall constitute a class 2 misdemeanor and, upon conviction thereof, shall be punishable in accordance with § 18-1.3-505, C.R.S., as amended.
8. Violation of Section 5.H of this ordinance, Plowing Snow on Public Way, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with § 30-15-402(1), C.R.S. by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of § 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation.
9. Violation of Section 5.I of this ordinance, Plowing Snow on Private Property, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with § 30-15-402(1), C.R.S. by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of § 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation.
10. Violation of Section 5.J of this ordinance, Piling Snow that Impedes Vision, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with § 30-15-402(1), C.R.S. by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of § 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation.
11. Violation of Section 5.K of this ordinance, Off-highway Vehicles, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with § 33-14.5-108(2), C.R.S. by a fine of fifty dollars for each violation. The penalty assessment procedure of § 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation.

- G. In the case of multiple traffic offenses involving aggressive driving, the applicable penalty or penalty assessment shall be doubled for each traffic offense. For purposes of this subsection, "aggressive driving" means committing any two or more of the following violations in a single act or series of acts in close proximity to another motor vehicle: 1) exceeding the speed limits (1101); 2) following too closely (1008); 3) failure to obey official traffic control devices (603); 4) passing on shoulder of road (1004(2)); 5) failure to give an adequate signal (903); 6) failure to yield right-of-way (701, 702, 703); and 7) unsafe lane change (903).

**Section 7. Surcharges.**

In addition to the fines, penalties and surcharges otherwise prescribed in this Ordinance, any person convicted of a violation of this Ordinance shall be subject to the statutory surcharges for the: Victims and Witnesses assistance and Law Enforcement Fund established in the Fifth Judicial District pursuant to § 24-4.2-103, C.R.S., as amended; Colorado Traumatic Brain Injury Trust Fund established pursuant to section 26-1-309, C.R.S., as amended, and; Offender Identification Fund established pursuant to § 24-33.5-415.6, C.R.S., as amended. These surcharges shall be paid to the clerk of the court by each person convicted of violating this Ordinance. The clerk shall transmit the monies to the respective funds in accordance with § 30-15-402(2) C.R.S., as amended.

**Section 8. Related Ordinances.**

In the event of any conflicts between the provisions of this ordinance and those of other existing County ordinances:

- A. The regulation of noise within unincorporated Summit County shall continue to be accomplished in accordance with Summit County Ordinance No. 12.
- B. The regulation of operation of snowmobiles within unincorporated Summit County shall continue to be regulated in accordance with Summit County Ordinance No. 13.
- C. The regulation of illegal parking and abandoned cars in secure areas within unincorporated Summit County shall continue to be regulated in accordance with Summit County Ordinance No.17.

**Section 9. Application.**

This ordinance shall apply to every street, alley, sidewalk, driveway, park, and to every other public way or public place, or public parking area within Summit County and to all other areas designated herein. This ordinance shall in no way limit application and enforcement of any statutes of the State of Colorado but shall be in addition thereto. The provisions of sections 1401, 1402, and 1413 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, and eluding a police officer shall apply not only to public places and public ways by also throughout this County.

**Section 10. Validity.**

If any part or parts of this ordinance are for any reason held to be invalid, such provision 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 hereof, irrespective of the fact that any one part or parts be declared invalid.

**Section 11. Repeal.**

Except as specifically provided herein, all ordinances and/or resolutions or parts of ordinances and/or resolutions inconsistent with the provisions of this ordinance, including but not limited to previous versions of the Summit County Traffic Code, 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 effective date of this ordinance.

**Section 12. 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 13. Certification.**

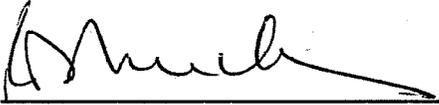
The Summit County Clerk and Recorder shall certify to the passage of this Ordinance and make not less than three copies of the adopted Summit County Traffic Code available for inspection by the public in the Summit County Clerk and Recorder's Office during regular business hours.

**Section 14. Effective Date.**

This Ordinance shall be effective thirty days after publication after adoption on the second reading.

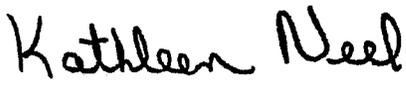
**INTRODUCED, READ, AND ADOPTED ON FIRST READING on June 23, 2010, and ORDERED PUBLISHED in the SUMMIT COUNTY JOURNAL.**

**BOARD OF COUNTY COMMISSIONERS OF  
THE COUNTY OF SUMMIT, COLORADO**

By: 

**Robert H.S. French, Chair**

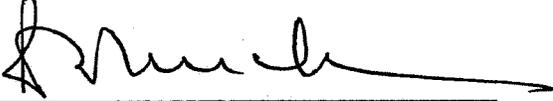
**ATTEST:**

  
Summit County Clerk and Recorder



ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED in part, those sections of the ordinance that were changed from the version originally published in the Summit County Journal on July 2, 2010.

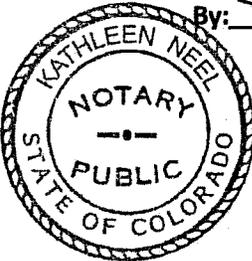
BOARD OF COUNTY COMMISSIONERS OF  
THE COUNTY OF SUMMIT, COLORADO



By: \_\_\_\_\_  
Robert H.S. French

ATTEST:

Kathleen Neel  
Summit County Clerk and Recorder



My Comm. Exp. \_\_\_\_\_

