ORDINANCE NO. 2010-1

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

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

WHEREAS, pursuant to § 42-4-111(1)(a), (c), and (w), C.R.S., as amended, the Board of County Commissioners is authorized to regulate or prohibit the stopping, standing or parking of vehicles, to regulate traffic by means of Official Traffic Control Devices, and to adopt such other traffic regulations as provided for by Article 4 of Title 42 of the Colorado Revised Statutes; and

WHEREAS, § 42-4-1210(1), C.R.S., as amended, provides that the owner or lessee of any private property available for public use in the unincorporated areas of a county may request in writing that specified areas on such property be designated by the Board of County Commissioners for use only by authorized vehicles; and

WHEREAS, § 42-4-1210(2), C.R.S., as amended, provides that it is unlawful for any person to park any vehicle other than an authorized vehicle in any area designated and marked for such use as provided therein; 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 a model traffic code; and

WHEREAS, the Board of County Commissioners has previously adopted the 2003 "Model Traffic Code for Colorado" and desires to replace the 2003 edition with the recently published 2010 edition; and

WHEREAS, the Board of County Commissioners has previously adopted the "Manual on Uniform Traffic Control Devices" as authorized by § 42-4-104, C.R.S., as amended, which addresses all aspects of traffic control devices"; and

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

Section 1. Adoption.

Pursuant to parts 1 and 2 of article 16 of title 31, part 4 of article 15 of title 30, and § 42-4-110, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 2010

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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, and the amendments thereto as written into this Ordinance (hereinafter "Model Traffic Code"). The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the County. The purpose of this Ordinance is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation, and to provide additional regulations in the interest of safety on county roads. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk and Recorder for the County of Boulder, Colorado, and may be inspected during regular business hours. The Model Traffic Code is also reviewable on the State of Colorado Department of Transportation website. See http://www.dot.state.co.us/Traffic_Manuals_Guidelines/Federal_and_State_Traffic_Manuals.asp

Section 2. Deletions.

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:

Misdemeanor traffic offenses contained in the 2010 edition of the Model Traffic Code are not included in this Ordinance.

Section 3. Additions or Modifications.

The said adopted Model Traffic Code is subject to the following additions or modifications:

A. Article I, Section 105, "Local traffic control devices," is hereby revised by adding thereto:

> The County Engineer is responsible for authorizing the placement of traffic control devices upon highways under the jurisdiction of Boulder County in consultation with the Road Supervisor and the Sheriff's Office. Placement and maintenance of such devices is the responsibility of the Road Supervisor.

B. Article I, Section 111, "Powers of Local Authorities" is hereby modified and supplemented as follows:

> The County Engineer is responsible for regulating or prohibiting the stopping, standing, or parking of vehicles upon highways under the jurisdiction of Boulder County in consultation with the Road Supervisor and the Sheriff's Office. The County Engineer is responsible for regulating the operation of bicycles or electric assisted bicycles and regulating persons upon skates, coasters, sleds, or similar devices upon highways under the jurisdiction of Boulder County in consultation with the Road Supervisor and the Sheriff's Office.

C. The following paragraph is added to Article I, Section 606, "Display of unauthorized signs or devices":

> **§606 (6)** The County Engineer is responsible for authorizing and maintaining a traffic sign inventory. The County Engineer and/or the Road Supervisor are empowered to remove or cause prohibited signs, signals, or markings to be removed without notice.

D. The following paragraph is added to Article I, Section 1102(7), "Altering of speed limits - when":

> **§1102 (7)** The County Engineer is responsible for conducting traffic investigations or surveys, and evaluating appropriate design standards and projected traffic volumes necessary for declaring the reasonable and safe speed limits.

E. The following paragraph is added to Article I, Section 1103(2), "Minimum Speed Regulation":

> **§1103 (2)** The County Engineer is responsible for conducting traffic investigations or surveys, and evaluating appropriate design standards and projected traffic volumes necessary for declaring the reasonable and safe speed limits.

F. **Sec. 1815. Authority for impoundment** is added to Article I, Part 18, "Vehicles Abandoned on Public Property":

> **§1815 (1)** Any person, at the direction of the Sheriff, Board of County Commissioners, County Administrative Services Director, County Engineer, or their designee, is hereby authorized to remove, or have removed at their direction, a vehicle, automobile hulk or junker from any public or private way or place, under any of the circumstances hereinafter enumerated, the Sheriff or designee hereby finding and determining such vehicles under such circumstances to be obstructions to traffic or public nuisances:
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> (a) When any vehicle is left unattended upon any bridge, viaduct, subway or tunnel, or where such vehicle constitutes an obstruction to traffic;
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> (b) When any vehicle upon a public way is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
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> (c) When any vehicle is left unattended upon a street or parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic, or left

unattended on any public street with engine running or with keys in the ignition switch or lock;

(d) When any vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition established by the County Engineer, provided such area or portion of such public street has been posted with an official sign giving notice both of such limitation or prohibition and of the fact that such area or portion of such street is a "Tow Away" area;

(e) When a vehicle is parked in violation of any traffic ordinance and is an obstruction or hazard or potential obstruction or hazard to any lawful function, street maintenance or snow removal, or limits the normal access to or use of any public or private property;

(f) When a vehicle is left on a public way or place and appears to be abandoned or a complaint is received that it is abandoned and remains there continuously for a period of twenty-four (24) hours after notice is posted on the windshield that it may be impounded, or when an automobile hulk or junker is left on public or private property. A junker is a vehicle having the attributes of an automobile hulk, except that a junker has an apparent value of three hundred fifty dollars ($350.00) or less;

(g) When the driver of such vehicle is taken into custody by a peace officer and the vehicle would thereby be left unattended upon a street, highway or restricted parking area, or other public or private way;

(h) When a vehicle is found being driven upon the streets or other public way of the County and the same is not equipped with all of the necessary parts and equipment as required for safe operation, or does not meet the safety standards for the parts or equipment required therein;

(i) When the driver of a vehicle is reasonably suspected of using license plates or a license permit unlawfully, misusing the license plates or license permit issued to the driver, or a vehicle is driven or parked without proper license plates or license permit, or with no license plates or license permit, or driven or parked with an invalid or expired license permit;

(j) When the driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid, or does not have such license in the driver's immediate possession, or drives a vehicle contrary to restrictions imposed upon the license, or drives a vehicle while their operator's or chauffeur's license has been denied, suspended, canceled or revoked by the state;

(k) When a vehicle is found parked on or so near to any railroad track as to block the same in any manner;

(l) When the driver of any vehicle, or the vehicle which the driver is driving, is reasonably suspected of having been involved in any hit and run accident;

(m) When any vehicle is reasonably suspected of being a stolen vehicle, or parts thereof to be stolen parts;

(n) When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor, or when the vehicle is suspected of containing stolen goods, or other contraband;

(o) When a driver, owner or person in charge of a vehicle has failed to respond to a notice of illegal parking;

(p) When any vehicle is parked or stopped in any emergency access lane provided that such emergency access lane has been posted with an authorized sign giving notice both of such prohibition and of the fact that such area or portion of such public roadway or private property is a "tow away" area.

§1815 (2) When any person or vehicle is found in violation of the aforementioned subsections of Section 1815(1), and said violation constitutes an immediate and dangerous traffic hazard, the vehicle may be impounded immediately without any notice at the discretion of the officer.

§1815 (3) The Sheriff's Office will establish a procedure for a person to appeal the impoundment of his/her vehicle. The appeal procedure will be posted on the Sheriff's Office website and a copy will be available at the Sheriff's Office.

Section 4. 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 in this Ordinance commits a traffic infraction pursuant to § 30-15-402, C.R.S., as amended.

C. For its schedule of fines, Boulder County Board of Commissioners hereby adopts the schedule of fines, penalties and surcharges set forth in § 42-4-1701, C.R.S. (as that section may be 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 of 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 the surcharge thereon, for the violation of this Ordinance shall be paid into the treasury of Boulder 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 offense 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 on or before the date the payment is due, the points assessed for the violation are reduced as follows:

(I) For a violation having an assessment of three or more points, the points are reduced by two points;

(II) For a violation having an assessment of two points, the points are reduced by one point.

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 or designated private area as authorized, either within the unincorporated areas of this County or within the incorporated areas of this County as provided for in intergovernmental agreements, wherein this County has jurisdiction and authority to regulate.

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 ordinance 2008-1, "The Boulder County Traffic Code", 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 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.

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 this 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 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.

Section 10. Effective Date.

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

INTRODUCED, READ AND ADOPTED ON FIRST READING on March 30, 2010, and ORDERED PUBLISHED in the LONGMONT DAILY TIMES-CALL and the BOULDER DAILY CAMERA.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BOULDER, COLORADO

By: Cindy Domenico

Cindy Domenico, Chair

ATTEST:

Clerk to the Board

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED by reference to title only on April 15, 2010.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BOULDER, COLORADO

By: Cindy Domenico

Cindy Domenico, Chair

ATTEST:

Cecilia G. Lacy

Clerk to the Board

CERTIFICATE

I hereby certify that the foregoing Ordinance No. 2010-1 was introduced, read and adopted on first reading at the regular meeting of the Board of County Commissioners of the County of Boulder on March 30, 2010, and the same was published in full in the following newspapers of general circulation published in Boulder County: the Longmont Daily Times-Call on April 2, 2010, and the Boulder Daily Camera on April 2, 2010, and thereafter was adopted on second and final reading at a regular meeting of the Board of County Commissioners of the County of Boulder on April 15, 2010. Said ordinance was published by reference to title only in the Longmont Daily Times-Call on April 19, 2010 and the Boulder Daily Camera on April 19, 2010.

Mike Ryder

Clerk to the Board

State of Colorado)
)ss.
County of Boulder)

Subscribed and sworn to before me by Mike Ryder this 26th day of April, 2010.

(S E A L)

My Commission expires: 4/9/11

Carrie Haverfield

Notary Public

CARRIE HAVERFIELD NOTARY PUBLIC STATE OF COLORADO

My Commission Expires 04/09/2011

CERTIFICATION

I, Hillary Hall, Boulder County Clerk and Recorder, do hereby certify that the foregoing Ordinance No. 2010-1, entitled "An Ordinance for the Regulation of Traffic by the County of Boulder, Colorado; Adopting by Reference the 2010 Edition of the "Model Traffic Code" Repealing All Ordinances in Conflict Therewith; and Providing Penalties for Violation Thereof" is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of the County of Boulder and is in full force and effect. Further, three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk and Recorder for the County of Boulder, Colorado, and may be inspected during regular business hours.

Hillary Hall

Clerk and Recorder