

ORDINANCE NO. 2022 - 01

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN, COUNTY, COLORADO ADOPTING BY REFERENCE THE 2020 EDITION OF THE "MODEL TRAFFIC CODE", REPEALING ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, C.R.S. § 30-15-401(1)(h) 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, C.R.S. § 42-4-110(1) 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, C.R.S. § 42-4-111(1) authorizes the County's reasonable exercise of police power with respect to streets and highways under its jurisdiction; and

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

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

WHEREAS, the Board of County Commissioners finds that the adoption of a traffic Ordinance that incorporates by reference the 2020 Model Traffic Code for Colorado is in the best interests of the public health, safety, and welfare of the citizens of San Juan County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN 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 the 2020 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 the City, Town, 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 San Juan County Clerk and Recorder and may be inspected during regular business hours.

Section 2 - Deletions. The 2020 edition of the Model Traffic Code is adopted in its entirety as if set out at length, except for the following sections which are declared to be inapplicable to this County and are therefore expressly deleted:

A. Sections

- 106(4.5)(b)(I) and (II);
- 613; and
- 1012.

B. Section 225(3) is modified to delete the third sentence.

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

A. 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 San Juan 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 San Juan County Sheriff's office at no cost in order to park on any County Road overnight.

B. All references to "police" or "peace" officer shall mean the San Juan County Sheriff, Undersheriff, and all related Deputy Sheriffs.

C. Section 109(9) is modified to include skateboards.

D. Section 110(2) is modified to add the following clause: "The San Juan County Court or 6th Judicial District Court, whichever is most appropriate, shall have jurisdiction over violations of traffic regulations enacted or adopted by San Juan County."

M. 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 San Juan County Sheriff's Office".

N. All references made to the "Model Traffic Code" shall be deleted and the words "San Juan County Traffic Code" be inserted in their stead.

Section 4 - Penalties. The following penalties, set forth in full herein, 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 C.R.S. § 16-2-201, may be followed by an arresting officer for any such violation of this Ordinance.

B. Any person who violates this Ordinance commits a traffic infraction C.R.S. § 30-15-402.

C. For its schedule of fines, the BOCC hereby adopts the schedule of fines, penalties, and surcharges set forth in C.R.S. § 42-4-1701, 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 C.R.S. § 42-4-1701, 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 San Juan County.

E. In addition to the penalties prescribed in subsection B, D, and E of this Section, persons convicted of, or admitting responsibility to, a violation of this Ordinance are subject to:

I. Additional surcharges as set forth in C.R.S. § 42-4-1701, if the surcharge is not specified in this Ordinance, which shall be paid to the County General Fund or to the State Treasurer as specified by the Colorado Revised Statute, as amended; and

II. A surcharge of ten dollars that shall be paid to the Clerk of the Court by the defendant. Each Clerk shall transmit the moneys to the Court Administrator of the 6th Judicial District for credit to the Victims and Witness' Assistance and Law Enforcement Fund established in the 6th Judicial District pursuant to C.R.S. § 24-4.2-103.

D. In addition to the penalties prescribed in subsection B, C, and E of this Section, 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 General Fund a twenty dollar (\$20.00) surcharge, as provided in C.R.S. § 30-15-402(3). The Clerk of the Court or the County Administrator shall transmit the moneys to the State Treasurer, who shall credit them to the Colorado Traumatic Brain Injury Trust Fund created pursuant to C.R.S. § 26-1-309.

I. If the surcharge is collected by a county or county court, the surcharge shall be twenty-two dollars of which two dollars shall be retained by the county and the remaining twenty dollars shall be transmitted to the state treasurer and credited to the Colorado traumatic brain injury trust fund created pursuant to C.R.S. § 26-1-309, within fourteen days after the end of each quarter, to be used for the purposes set forth in C.R.S. §§ 26-1-301 to 26-1-310.

E. Pursuant to part 17 of the Model Traffic Code, points assessed against a driving privilege shall be in conformance to the provisions of C.R.S. § 41-2-127 to include reduction in points

specified in C.R.S. § 42-2-127 (5.5), except that points assessed for any violation of the provisions stated or adopted in or by this Ordinance shall be reduced as follows if the penalty assessment or fine and surcharge is paid within twenty days of the date of the penalty assessment, notice, or summons and complaint: a six point violation shall be reduced to a three point violation; a four point violation shall be reduced to a two point violation; a three point violation shall be reduced to a two point violation; and a two point violation shall be reduced to a one point violation. If the penalty assessment and surcharge is not paid within the time provided in this Subsection and the alleged offender is found guilty, Court costs shall be assessed in addition to the fine and surcharges imposed on the penalty assessment, notice, or summons and complaints, with said court costs to be used to assist the San Juan County Sheriff's Office Victim Locate and Officer Training Programs.

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

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 San Juan County, the use of which this County has jurisdiction and authority to regulate. 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 but also throughout the 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 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 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 and Recorder 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. Public Safety. The provisions of this traffic code are necessary for the immediate preservation of public safety by ensuring a uniform and predictable code to the traveling public and ensuring first responders have access to remote and sensitive areas.

Section 15. Effective Date. This Ordinance shall be effective ten days after publication after adoption on the second reading.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, STATE OF COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 13th DAY OF July, 2022.

BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, STATE OF COLORADO



Scott Fetchenier, Chairman



Austin Lashley



Ernest Kuhlman

I hereby certify that the above Ordinance was introduced to the Board of County Commissioners of San Juan County, State of Colorado, at its meeting of July 13, 2022 and ordered published one time in full in the Silverton Standard and Miner newspaper and on the County website on July 13, 2022.

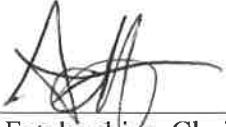
ATTEST:



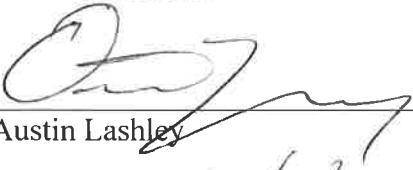
Ladonna L. Jaramillo
Clerk and Recorder

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN THE SILVERTON STANDARD AND MINER NEWSPAPER AND ON THE COUNTY WEBSITE, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 10TH DAY OF AUGUST.

BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, STATE OF COLORADO



Scott Fetchenhier, Chairman



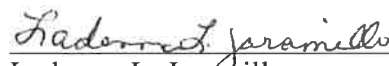
Austin Lashley



Ernest Kuhlman

I hereby certify that the above Ordinance was finally adopted by the Board of County Commissioners of San Juan County, State of Colorado, at its meeting of August 10, 2022 and ordered published one time by title only in the Silverton Standard and Miner newspaper and on the County website on August 10, 2022.

ATTEST:



Ladonna L. Jaramillo
Clerk and Recorder