

**ORDINANCE NO. 9
ADAMS COUNTY TRAFFIC CODE**

WHEREAS, Sections 30-15-401(1)(h) and 42-4-110, C.R.S., authorize a board of county commissioners to adopt ordinances which control and regulate the movement and parking of motor vehicles on public property; and,

WHEREAS, Section 42-4-110(1)(b), C.R.S., authorizes local authorities to adopt by reference all or part of a model traffic code, which embodies the rules of the road and the vehicle requirements set forth in Section 42-4-110, C.R.S., and Section 42-4-111, C.R.S., except in the case of state highways, in which case any regulations shall also be approved by the Colorado Department of Transportation; and,

WHEREAS, the Board of County Commissioners of Adams County wishes to repeal the Ordinance No. 9 Adams County Traffic Code that was adopted on November 2, 2011 in order to amend Section V- Penalty Procedure and Penalty; and,

WHEREAS, simultaneous with this repeal, the Board of County Commissioners of Adams County wishes to re-enact Ordinance No. 9 and adopt by reference the 2010 edition of the Model Traffic Code for Colorado with said amendments as its new Ordinance No. 9, to be known as the Adams County Traffic Code; and,

WHEREAS, the Board of County Commissioners finds that local traffic regulation and enforcement are of paramount importance in furthering the health, safety and welfare of the citizens of Adams County, Colorado.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Adams County, Colorado as follows:

SECTION I – REPEAL AND RE-ENACTMENT

The Board of County Commissioners hereby repeals the November 2, 2011 version of Ordinance No. 9 Adams County Traffic Code, and re-enacts Ordinance No. 9 as indicated below.

SECTION II – ADOPTION

Pursuant to Sections 42-4-110(1) and 30-15-401(1)(h), 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, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for Adams 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. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the County Clerk and Recorder of Adams County, and may be inspected during regular business hours. This traffic code of this Ordinance referencing the 2010 edition of the Model Traffic Code shall be known as the Adams County Traffic Code.

SECTION III – 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 the County of Adams and are therefore expressly excluded and/or deleted from the Adams County Traffic Code:

Section 107
Section 203
Section 228(7)
Section 233
Section 238
Section 507
Section 508
Section 509
Section 510
Section 511
Section 611
Section 613
Section 705 (2), (2.5), and (2.6)
Section 1008.5
Section 1101(12)(b)
Section 1105
Section 1210
Section 1401
Section 1402
Section 1406(1)(b)
Section 1407(3)(c)
Section 1409
Section 1412
Section 1413
Section 1706
Section 1901
Section 1902
Section 1903
Section 1904

SECTION IV – ADDITIONS AND MODIFICATIONS

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

Throughout the Model Traffic Code, all references made to “police officers” shall be replaced with “deputy sheriff.”

Throughout the Model Traffic Code, the terms “offenses” and “infractions” shall be interchangeable.

Throughout the Model Traffic Code, the terms “complaint,” “citation,” and “penalty assessment notice” shall be interchangeable.

Throughout the Model Traffic Code, references to bail and bail forfeiture are not applicable.

SECTION V – PENALTY PROCEDURE AND PENALTY

(A) Any person who violates any provision of this Ordinance commits a traffic infraction, and may be punished by a fine not exceeding one thousand dollars (\$1,000) for each separate violation. The penalty and fine schedule set forth in Sections 42-4-1701 and 42-4-1703, and sections 42-4-1708 through 42-4-1718, C.R.S., as amended, shall apply.

(B) In addition to the penalties prescribed in this section, persons convicted of a violation of this Ordinance are subject to surcharges, which shall be in accordance with the surcharge amounts set forth in Section 42-4-1701, C.R.S., as amended. Unless otherwise provided for, all fines, penalties, and surcharges shall be paid into the treasury of Adams County. Court costs, if any, shall be paid directly to the Clerk of the Court by each defendant.

(C) In addition to the fines, penalties and surcharges prescribed in this Ordinance, persons convicted of a violation of this Ordinance shall be subject to the statutory surcharge prescribed in Section 30-15-402(2), C.R.S., as amended, which shall be transmitted to the court administrator of the 17th Judicial District for credit to the Victims and Witness Assistance and Law Enforcement fund established pursuant to Section 24-4.2-103, C.R.S., as amended.

(D) In addition to the fines, penalties and surcharges prescribed in this Ordinance, persons convicted of operating a vehicle in excess of the speed limit shall be subject to the statutory surcharge prescribed in Section 30-15-402(3), C.R.S., as amended, which shall be transmitted to the state treasurer for credit to the Colorado traumatic brain injury trust fund created pursuant to Section 26-1-309, C.R.S., as amended.

(E) When Adams County issues a citation pursuant to Sections 42-4-507 or 42-4-508, C.R.S., as amended, and a person is convicted of the violation, the penalties and surcharges prescribed in Section 42-4-1701(4)(a)(II)(A), C.R.S., as amended, shall apply, and Adams County shall retain the portion of the penalty prescribed in Section 42-4-1701(4)(a)(II)(B), C.R.S., as amended, which shall be paid into the treasury of Adams County. The remainder of the penalty shall be transmitted to the state treasurer to be credited to the commercial vehicle enterprise tax fund created in Section 42-1-225, C.R.S., as amended.

(F) Any person who commits a moving traffic violation in a designated school zone or highway construction zone is subject to double the penalties and surcharges imposed by paragraph (A) of this Section V, and Section 42-4-1701, C.R.S., as amended.

(G) Points assessed against a driving privilege shall be in conformance to the provisions of Section 42-2-127, C.R.S., as amended, to include reduction in points as specified in the statute.

SECTION VI – 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 within the unincorporated areas of Adams County, Colorado. 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 the public places and ways but also throughout Adams County.

SECTION VII - 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 VIII – REPEAL

Existing or parts of prior 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 IX – INTERPRETATION

This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform to the State’s uniform system for the regulation of vehicles and traffic. Section headings and cross references 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 the provisions of any article or section thereof.

SECTION X – ENFORCEMENT

The provisions of this Ordinance shall be enforced by the Adams County Sheriff.

SECTION XI – CERTIFICATION

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

SECTION XII – EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the final publication of its adoption by the Board of County Commissioners.