



## Board Summary Report

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**File #:** 21-304

**Agenda Date:** 4/13/2021

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**To:** Board of County Commissioners

**Through:** Tyler Brown, Sheriff; Bryan Weimer, Director, Public Works and Development

**Prepared By:**

Kenneth McKlem, Captain, Sheriff's Office; Karl Packer, Traffic Operations Manager, Public Works and Development

**Presenter:** Kenneth McKlem, Captain, Sheriff's Office; Karl Packer, Traffic Operations Manager, Public Works and Development

**Subject:**

3:30 PM \*Discussion of the Arapahoe County Traffic Ordinance and Adoption by Reference the 2020 Edition of the Model Traffic Code for Colorado

**Purpose and Request:**

The purpose of this study session to advise the Board and obtain direction on updating the Arapahoe County Traffic Ordinance to adopt by reference the 2020 edition of Model Traffic Code for Colorado. The Arapahoe County Traffic Ordinance in effect now is based off the 2003 edition of the Model Traffic Code (though for some unknown reason adopt of the 2003 edition retained the original adoption Ordinance of 99-01)

Staff recommends that the Arapahoe County Traffic Code be updated to adopt by reference the 2020 edition of the Model Traffic Code for Colorado. This would involve passage of a new ordinance under the procedures set forth in CRS 30-15-401, *et seq.* and starts with the introduction and first reading of the proposed ordinance at Board public meeting.

**Background and Discussion:** The Model Traffic Code for Colorado is published by CDOT to provide for local traffic enforcement while maintaining a statewide consistency in rules for traffic on public roads. The County has previously adopted and the Sheriff's Office enforces within the unincorporated territory of the County the 2003 edition of the Model Traffic Code. Since 2003, CDOT has issued subsequent editions of the Code with the most recent being the 2020 edition. The Arapahoe County Sheriff and Transportation Division staff from

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the Department of Public Works and Development have recommended updating the Model Traffic Code in Arapahoe County to the current version. Proposed Ordinance No. 2021-02, if adopted, would update the Arapahoe County Traffic Code to the most current edition. Arapahoe County has not updated the Arapahoe County Traffic Code since the 2003 edition of the Model Traffic Code. Although the Sheriff's Office is currently able to enforce traffic rules and cite for traffic infractions under the 2003 edition, updating to the latest edition of the Model traffic Code is warranted. The purpose of the Model Traffic Code is to make available a specimen set of uniform motor vehicle and traffic regulations that track state law. Local governments, including Counties, are authorized to adopt the Model Traffic Code by state law in Titles 30 and 42 of the Colorado Revised States. Local governments that adopt the Model Traffic Code cannot make any changes or additions to the adopted Code that conflict with state law. However, the adopting local governments can delete any parts, articles, or sections which are deemed to be inapplicable. The procedure for adoption of an ordinance, including a model traffic code, is specified in Article 15 of Title 30, C.R.S. This procedure requires that the ordinance be first introduced and read aloud at public meeting and then published in full in a newspaper of general circulation in the County at least 10 days prior to a public hearing on the proposed ordinance. Staff requests direction to schedule a general business agenda item to introduce and read the proposed Ordinance No. 2021-02 and to set a date for a public hearing on the proposed Ordinance.

**Fiscal Impact:** Adoption of the 2020 edition of the Model Traffic Code will not have a significant fiscal impact but traffic infraction enforcement provides revenue to the County from the fines collected for violations.

**Alternatives:** The Board of Commissioners can choose not to adopt the 2020 edition of the Model Traffic Code and leave the 2003 edition in place and so direct staff.

**Alignment with Strategic Plan:**

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

**Staff Recommendation:** Staff recommends approving a resolution to set a public hearing and following same, approve and adopt proposed Ordinance No. 2021-02 to adopt by reference the 2020 edition of the Model Traffic Code for Colorado.

**Concurrence:** Sheriff's Office and the Transportation Division staff from PWD concur with the above recommendation. County Attorney's Office has revised the propose Ordinance.