

RESOLUTION NO. First Reading on proposed Ordinance Number 2021-02, to adopt by reference the 2020 edition of the Model Traffic Code and providing penalties for violation thereof; and to repeal and replace Ordinance No. 99-1 and Ordinance No. 2005-1. Said proposed Ordinance 2021-02 was read into the record. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to set a public hearing on the proposed Ordinance for May 11, 2021 at 9:30 a.m. and that the proposed ordinance be published in the Villager Newspaper at least ten days prior to said hearing. The text of the proposed Ordinance is as follows:

MODEL TRAFFIC CODE (2020 EDITION) ORDINANCE NO. 2021-02

ARAPAHOE COUNTY,
COLORADO ORDINANCE NO.
2021-02

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS, ARAPAHOE COUNTY, FOR THE REGULATION OF TRAFFIC, TO ADOPT BY REFERENCE THE 2020 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO; PROVIDING PENALTIES FOR VIOLATION THEREOF; AND REPEALING AND REPLACING ORDINANCE NO. 99-1 AND ORDINANCE NO. 2005-1:

WHEREAS, pursuant to § 42-4-110(1), Colorado Revised Statutes (“C.R.S.”), local authorities are granted the power to enact, adopt, and enforce traffic regulations on the roads and streets within the jurisdiction of the local authority, subject to the conditions and limitations set forth in such Section of the C.R.S.; and

WHEREAS, pursuant to § 42-1-102 (48), a local authority is defined to include every county and other local board or body having authority to adopt police regulations under the constitution and laws of the State of Colorado for the unincorporated territory of the County; and

WHEREAS, pursuant to § 42-4-110 (1) (b), a local authority may in the manner prescribed in Article 15 of Title 30, C.R.S., adopt by reference all or any part of a model traffic code, which embodies the rules of the road and vehicle requirements set forth in Article 4 of Title 42 and § 42-4-111, except that in the case of state highways, any such additional regulations shall have the approval of the Colorado Department of Transportation; and

WHEREAS, the Board of County Commissioners of Arapahoe County (“the Board”) has the authority to adopt police power ordinances under the Colorado Constitution and as authorized in Article 4 of Title 42, C.R.S., and in Article 15 of Title 30, C.R.S.; and

WHEREAS, by Ordinance No. 99-1, the Board of County Commissioners of the County of Arapahoe (“the Board”) adopted, in part, the 1995 Model Traffic Code as Ordinance No. 99-1; and

WHEREAS, by subsequent adoption and by Ordinance No. 2005-1, the Board amended Ordinance 99-1 to incorporate the 2003 edition of the Model Traffic Code and to provide for enforcement within any incorporated municipality with the consent of the municipality; and

WHEREAS, the Board of County Commissioners of Arapahoe County desires to repeal and replace in its entirety Ordinances 99-1 and 2005-1, and to adopt by reference the 2020 Edition of the Model Traffic Code for Colorado and to authorize the enforcement of same within the unincorporated territory of Arapahoe County; and

WHEREAS, the Board finds that the adoption of the 2020 version of the Model Traffic Code is in the best interest of the public and will serve to preserve the public peace, health, safety and welfare of the citizens of Arapahoe County.

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

SECTION I: ADOPTION

Pursuant to § 42-4-110(1)(1)(b) and § 30-15-401(1)(h), the Board of County Commissioners of Arapahoe County hereby adopts by reference the 2020 Edition of the Model Traffic Code for Colorado, promulgated and published by the Colorado Department of Transportation. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations. The purpose of the Model Traffic Code 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 this Ordinance is intended to update the existing Arapahoe County Traffic Code, which adopted by reference the 2003 edition, to the 2020 edition of said Model Code as provided herein.

SECTION II; DELETIONS

The 2020 edition of the Model Traffic Code for Colorado is adopted as if set out at length, save and except the following articles and/or sections of the Model Traffic Code and Title 42, Section 4, C.R.S., which are declared to be inapplicable to the County of Arapahoe and are therefore expressly excluded and/or deleted from the Arapahoe County Traffic Code:

- a). Section 107;
- b). Section 108;
- c). Section 114;
- d). Section 203;
- e). Section 507;
- f). Section 510;
- g). Section 1101 (Subpart 12(b), speeding 25 miles per hour or more in excess of reasonable and prudent speed or in excess of maximum lawful speed limit of 75 mph);
- h). Section 1105;
- i) Section 1401;

- j). Section 1402;
- k). Section 1406(5)(b)
- l); Section 1409;
- m). Section 1412;
- n). Section 1413;
- o). Section 1701 (relating to fines for arrestable offenses, otherwise the Ordinance includes as necessary the provisions in the Model Traffic Code for fines for those traffic infractions covered under this Ordinance);
- p). Section 1705;
- q). Section 1706;
- r). Section 1707(1), (2), (4) (a) and (b), and (6);
- s) Section 1715(2) (delete "forfeiture of bail," "Bail was forfeited" and "or forfeited");
- t). Section 1715(3) (delete "or whether bail was forfeited" and "or forfeiture");
- u). Section 1901;
- v). Section 1902;
- w). Section 1903;
- x). Section 1904.

SECTION III: ADDITIONS AND MODIFICATIONS

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

- a). Section 1209 delete "prosecutorial division of the appropriate jurisdiction" and insert in its stead, "the Arapahoe County Sheriff's Office Traffic Clerk."
- b). Section 1707(3)(a) delete all references to "misdemeanor" or "offense" and insert "infraction" in their stead.
- c). Section 1707 delete all references to "summons" and "summons and complaint" and insert "Penalty assessment notice" in their stead and delete all references to "offense" and insert "infraction" in their stead.
- d). Section 1710 delete all references to "complaint" and insert "penalty assessment notice" in their stead.

SECTION IV: PENALTY PROCEDURE AND PENALTIES

The following penalties, herewith set forth in full, shall apply to this Ordinance:

- (A) Pursuant to § 30-15-402(1), any person who violates any provision of this Ordinance commits a traffic infraction.
- (B) Except may otherwise be provided herein, the penalty assessment procedure provided in C.R.S. 42-4-1702(5)(a) may be followed by the assessing officer for any such violation of this Ordinance. In addition to the penalties prescribed in § 42-4-1701, C.R.S. and in Section 1701 of the 2020 edition of the Model Traffic Code for the traffic infraction

violations included within the proscriptions of this Ordinance, persons convicted of a violation of this Ordinance are subject to surcharges as set forth in C.R.S. § 42-4-1701. The fines and the surcharges shall be paid to the Arapahoe County Sheriffs Traffic Violations Clerk by each defendant. The Clerk shall transmit the surcharge to the court administrator of the 18th Judicial District for credit to the Victims and Witness Assistance and Law Enforcement fund established pursuant to C.R.S. § 24-4.2-104(1)(b). The Clerk shall transmit the surcharge collected for the Colorado Brain Injury Trust Fund. to the State Treasurer as set forth in C.R.S. § 42-4-1701(4)(e)(I), (II) and (III), and in C.R.S. § 30-15-402(3). Further, the surcharge as set forth in C.R.S. § 42-4-1701(4)(a)(VI)(A), for the Family Friendly Court Cash Fund, shall be sent by the Clerk to the State Treasurer. Court costs, if any, shall be paid directly to the Clerk of the Court by each defendant.

- (C) Traffic infractions are divided into two classes denoted by "TIA" for Class A Traffic Infractions, and "TIB" for Class B Traffic Infractions.
- (D) From time to time, the Colorado Legislature changes the amount of fines and/or surcharges for traffic infractions. In accordance with future legislative changes to such fines and/or surcharges, the fines and/or surcharges as set forth in Section IV(A) above will change and may be changed accordingly without a new Ordinance having to be passed by the Board of County Commissioners of Arapahoe County or specific amendment of this Ordinance.
- (E) Driving Privilege and points:
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 § 42-2-127, to include reduction in points specified in C.R.S. § 42-2-127 (5.5).

SECTION V: 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 Arapahoe County, Colorado.

SECTION VI: 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. 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 VII: ENFORCEMENT

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

SECTION VIII: DISPOSITION OF FINES

All fines for violations of this Ordinance shall be paid to the Arapahoe County Sheriffs Traffic Violations Clerk who will deposit said fines into the Arapahoe Law Enforcement Assistance Fund.

SECTION IX: SEVERABILITY

If any one or more of the provisions of this Ordinance is determined by a court of law to be invalid, such determination shall not affect the validity of the remaining provisions of this Ordinance.

SECTION X: REPEAL

Ordinance Nos. 99-1 and 2005-1 are repealed in their entirety and shall be replaced by this adoption of the 2020 Model Traffic Code for Colorado as provided in this Ordinance.

SECTION XI: EFFECTIVE DATE

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

[end of ordinance]

The vote was:

Commissioner Baker, ___; Commissioner Holen, ___; Commissioner Jackson, ___; Commissioner Sharpe, ___; Commissioner Warren-Gully, ___.

Chair declared the motion carried and so ordered.