

ORDINANCE NO. 2024-0326

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MOFFAT, COLORADO

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE COUNTY OF MOFFAT, COLORADO; ADOPTING BY REFERENCE THE 2020 EDITION (REVISION 2: DATED JULY 7, 2021) OF THE "MODEL TRAFFIC CODE"; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MOFFAT COLORADO:

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

WHEREAS, § 42-4-110(1), C.R.S., 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 Moffat County Ordinance 05-001, "An Ordinance Pertaining to the Control and Regulation of the Movement and Parking of Motor Vehicles on Public Property in Moffat County" and Ordinance No. 13-04, entitled "'An Ordinance for the Regulation of Traffic by the County of Moffat, Colorado; Adopting by Reference the 2010 Edition of the "Model Traffic Code"; Repealing All Ordinances and Resolutions in Conflict Therewith; and Providing Penalties for Violation Thereof", and desires to replace those Moffat County Ordinances with the 2020 "Model Traffic Code for Colorado", (Revision 2: Dated: 7/7/2021); and

WHEREAS, the Board of County Commissioners finds that the adoption of a revised traffic Ordinance that incorporates by reference the 2020 Model Traffic Code for Colorado (Revision 2: Dated: 7/7/2021) is in the best interests of the public health, safety, and welfare of the citizens of Moffat County. Thus, the Board of County Commissioners desires to adopt this Ordinance establishing consolidated traffic enforcement and establishing the current authorities and priorities thereof on which Moffat County will rely, hereby superseding and revoking all prior ordinances and resolutions inconsistent or overlapping herewith; now, therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MOFFAT as follows:

Section 1. Adoption.

Pursuant to 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" (Revision 2: Dated: 7/7/2021); promulgated and published as such by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 W. Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for Moffat 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 Clerk and Recorder of the County of Moffat, Colorado, and may be inspected during regular business hours.

Section 2. Deletions.

The 2020 edition of the Model Traffic Code (Revision 2: Dated 7/7/2021) 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:

The definition for "Automobile" in (8) of the Appendices on page 174 of said Code is deleted.

Section 3. Additions or Modifications.

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

The definition of "Vehicle" is modified. "Vehicle" means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes, without limitation, a bicycle, electrical assisted bicycle, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air. For the purpose of offenses described in Part 6, Part 7, Part 9, Part 10, Part 11, Part 12, and Part 14, an off-highway vehicle as defined in section 33-14.5-101(3), operated on a street, highway, or park or other public property within the unincorporated territory of Moffat County, "vehicle" includes an off-highway vehicle that is not otherwise classified as a vehicle.

The definition of "Motor Vehicle" is added. "Motor Vehicle" means any self-propelled vehicle that is designed primarily for travel on the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of the offenses described in Part 6, Part 7, Part 9, Part 10, Part 11, Part 12, and Part 14, off-highway vehicles, as defined in section 33-14.5-101(3), operated on streets, highways, or park or other property within the unincorporated territory of Moffat County, "motor vehicle" includes an off-highway vehicle that is not otherwise classified as a motor vehicle.

Section 4. Penalties.

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 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 Board of County Commissioners 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 in which 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 Moffat County.

(e) In addition to the penalties prescribed in the preceding subsections 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 Moffat 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 14th Judicial District for credit to the Victims and Witness' Assistance and Law Enforcement Fund established in the 14th Judicial District pursuant to C.R.S. C.R.S. § 24-4.2-103.

(f) In addition to the penalties prescribed previously, each defendant convicted of, or admitting responsibility to, operating a vehicle in excess of the speed limit in violation of Section 1101 shall pay to the Clerk of the Court a twenty-dollar surcharge, as provided in C.R.S. § 30-15-402(3). The Clerk of the Court 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.

(g) 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, or driveway, the use of which the County of Moffat has jurisdiction and authority to regulate, to include all park or other public property within the unincorporated territory of Moffat County. 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 public places and ways but also throughout this 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. Enforcement.

The Moffat County Sheriff is hereby directed to enforce the provisions of this Ordinance. As to subsection 1202, the Moffat County Sheriff and all deputies and designees thereof shall have the authority to tow and impound any vehicle found to be in violation of that section of this Ordinance.

Section 10. Certification.

The Moffat 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 11. 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 12. Effective Date

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

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INTRODUCED, READ, AND ORDERED PUBLISHED AFTER A PUBLIC HEARING ON FEBRUARY 13, 2024, AND ORDERED PUBLISHED IN THE CRAIG DAILY PRESS AND ON THE COUNTY WEBSITE.

BOARD OF COUNTY COMMISSIONERS OF
MOFFAT COUNTY, COLORADO




Tony Bohrer, Chair

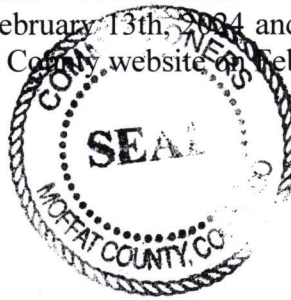
Melody Villard

Donald Broom

I hereby certify that the above Ordinance was introduced to the Board of County Commissioners of Moffat County, State of Colorado, at its meeting on February 13th, 2024 and ordered published one time in full in the Craig Daily Press newspaper and on the County website on February 16th, 2024.

ATTEST:



Moffat County Clerk and Recorder

FINALLY ADOPTED, PASSED, AND APPROVED WITH AMENDMENTS, IF ANY, AFTER A PUBLIC HEARING, AND ORDERED PUBLISHED BY TITLE ONLY IN THE CRAIG DAILY PRESS AND ON THE COUNTY WEBSITE, UPON A MOTION DULY MADE, SECONDED, AND PASSED AT ITS MEETING HELD ON THE 26th DAY OF MARCH, 2024.

MOFFAT COUNTY BOARD OF COUNTY
COMMISSIONERS

Tony Bohrer, Chair

Melody Villard

Donald Broom

I hereby certify that the above Ordinance was finally adopted by the Board of County Commissioners of Moffat County, State of Colorado, at its meeting of March 26th, 2024, and ordered published one time by title only in the Craig Daily Press newspaper and on the County website on March 26th, 2024.

ATTEST:

(SEAL)

Moffat County Clerk and Recorder