



**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY**

ORDINANCE NO. 18

TITLE: AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE COUNTY OF GUNNISON, COLORADO; ADOPTING BY REFERENCE THE 2020 EDITION OF THE "MODEL TRAFFIC CODE"; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO:

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" promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services, 2829 W. Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the 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 of the County of Gunnison, Colorado, and may be inspected during regular business hours.

Section 2. Deletions.

The 2020 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 this county and are therefore expressly deleted: none.

Section 3. Additions or Modifications.

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

A. Parking Violations. Pursuant to C.R.S. §§ 42-4-111(1)(a), (c), (v), and (w):

1. No Owner of a motor vehicle shall allow, or fail to prevent, the parking or standing of that motor vehicle on a public road or highway or in a public road or highway right-of-way which road, highway, or right-of-way is marked to indicate that parking is prohibited or restricted. The Owner of a motor vehicle is liable for any such violation, and it shall not be a defense that the Owner was not the person who placed the motor vehicle in the prohibited or restricted area.



2. For purposes of Section 3.A., "Owner" means a person, business, or corporation that holds legal title of a motor vehicle; or, if a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for purposes herein.

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. Every person convicted of a violation of any provision adopted by this Ordinance commits a traffic infraction pursuant to C.R.S. § 30-15-402(1).
- C. Every person convicted of a violation of any provision adopted in this Ordinance shall be punished by a surcharge in accordance with C.R.S. § 42-4-1701(4)(e)(II).
- D. Pursuant to C.R.S. § 30-15-402, the county 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 (\$15.00), and the surcharge shall be ten dollars (\$10.00).
- E. Parking violations pursuant to Section 3.A. shall constitute a traffic infraction punishable in accordance with C.R.S. § 30-15-402(1) by a fine of not more than one thousand dollars (\$1,000) for each violation. The penalty assessment procedure of C.R.S. § 16-2-201 may be followed by law enforcement officers for violations of this Section, in which case the penalty assessment shall be fifty dollars (\$50.00) for the first violation, one hundred fifty dollars (\$150.00) for the second violation, and three hundred dollars (\$300.00) for each subsequent violation. Each day the motor vehicle remains in violation of this subsection shall constitute a separate and distinct offense for which a separate penalty shall be imposed. Additionally, motor vehicles found to be parked in violation of Section 3.A. shall be subject to vehicle impoundment under C.R.S. § 42-4-1801 *et seq.*, "Vehicles Abandoned on Public Property" of the Model Traffic Code for Colorado. Any vehicles parked in violation of Section 3.A. that are found standing on any



portion of a highway right-of-way in such manner as to constitute an obstruction to traffic, proper highway maintenance, or snowplowing may be immediately moved to eliminate any such obstruction pursuant to C.R.S. § 42-4-1803(2).

- F. Unless otherwise provided by law, all fines and penalties, and surcharges thereon, for violations of this Ordinance shall be paid into the treasury of Gunnison County.
- G. In addition to the fines, penalties and surcharges otherwise prescribed in this Ordinance, any person convicted of a violation of this Ordinance shall be subject to the statutory surcharges for: the Victims and Witnesses Assistance and Law Enforcement Fund established in the Seventh Judicial District pursuant to C.R.S. § 24-4.2-103; the Colorado Traumatic Brain Injury Trust Fund established pursuant to C.R.S. § 26-1-309; and the Offender Identification Fund established pursuant to C.R.S. § 24-33.5-415.6. These surcharges shall be paid to the clerk of the court by each person convicted of violating this Ordinance. The clerk shall transmit the monies to the respective funds in accordance with C.R.S. § 30-15-402(2).

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, either within or outside the corporate limits of this County, the use of which this County has jurisdiction and authority to regulate.

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 Ordinance No. 8 and Ordinance No. 9 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 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.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS AFTER A PUBLIC HEARING AND SIGNED THIS 1st DAY OF March, 2022.

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO**



Jonathan Houck, Chairperson

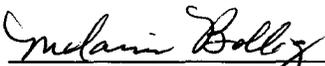


Roland Mason, Commissioner



Elizabeth Smith, Commissioner

Attest:



Deputy County Clerk





CLERK'S CERTIFICATION

I, Kathy Simillion, Clerk and Recorder of Gunnison County, Colorado, do hereby attest and certify that the Ordinance set forth above was introduced, read and ordered published at a regular meeting of the Board of County Commissioners of Gunnison County, Colorado on February 15, 2022. The Ordinance was then published in the Gunnison County Times on February 17, 2022. It was thereafter passed at a regular meeting of the Board of County Commissioners of Gunnison County, Colorado on Tuesday March 1, 2022 and published in the Gunnison Country Times on March 3, 2022



Kathy Simillion
Clerk and Recorder of Gunnison County