

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

ORDINANCE NO. 8

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY GUNNISON COUNTY, COLORADO; ADOPTING BY REFERENCE THE 1995 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES;" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, pursuant to Colorado Revised Statutes, Section 30-15-401, as amended, the Board of County Commissioners of Gunnison County has the authority to adopt ordinances for control or licensing of those matters of purely local concern as described in that Section; and

WHEREAS, the Board of County Commissioners of Gunnison County deems it in the best interests of the citizens of Gunnison County and the general public for the Board to adopt the 1995 Edition of the "Model Traffic Code For Colorado Municipalities" with certain additions, deletions and amendments;

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

Section 1. Adoption. Pursuant to Colorado Revised Statutes, Section 30-15-401 *et seq.*, as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 1995 edition of the "Model Traffic Code for Colorado Municipalities," promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, CO 80222 (hereinafter the "Model Traffic Code"). The subject matter of the Model Traffic Code as adopted relates primarily to comprehensive traffic control regulations for the County of Gunnison, Colorado. The purpose of this Ordinance and the Model Traffic 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 Gunnison County, Colorado, and may be inspected during regular business hours.

Section 2. Deletions. Articles I and II, inclusive, of the 1995 edition of the Model Traffic Code are 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 Model Traffic Code as adopted is subject to the following additions or modifications:

A. Whenever the words "municipal," "the municipality," "this municipality" or "municipality" appear in the said adopted Model Traffic Code, they shall be deemed to be replaced with the words "Gunnison County."

B. **Speed Limits On State Highways.**

1. The speed limit on all state highways lying in the unincorporated portions of Gunnison County are deemed, by statute, to be a matter of state interest and shall be determined by the State of Colorado.

2. Section 1701, Traffic Offenses Classified, is amended as set forth below in Section 4.

Section 4. Offenses classified; schedule of penalties; surcharges; penalty assessment procedure adopted.

a. It is unlawful for any person to violate any of the provisions adopted in this Ordinance.

b. Any person who violates any of the provisions of this Ordinance or of the Model Traffic Code as adopted commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than six hundred dollars for each separate violation.

c. In addition to other penalties provided for by this Section 4, each person violating any of the provisions of this Ordinance or of the Model Traffic Code hereby enacted shall pay a surcharge of ten dollars (\$10.00) per violation. Such surcharge(s) shall be paid to the Clerk of the court by the violator. The Clerk shall transmit the monies to the Court Administrator of the Seventh Judicial District for credit to the victims and witnesses assistance and law enforcement fund established in the Seventh Judicial District pursuant to C.R.S. Section 24-4.2-103.

d. The penalty assessments procedure provided in C.R.S. Section 16-2-201, as amended, may be followed by any arresting law enforcement officer for each such applicable violation. The Board of County Commissioners of Gunnison County hereby adopts the schedule for penalty assessments, as it may be amended, adopted by the State of Colorado.

Section 5. Application. This Ordinance and the Model Traffic Code as adopted shall apply to every public street, road, highway, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, within unincorporated Gunnison County the use of which this County has jurisdiction and authority to regulate.

Section 6. Validity. If any part or parts of this Ordinance or the adopted Model Traffic Code are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance or the adopted Model Traffic Code. No incorrect reference to the Colorado Revised Statutes in any section of the adopted Model Traffic Code shall affect the validity of that section. The Board of County Commissioners hereby declares that it would have adopted this Ordinance and the Model Traffic Code 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. Certification. The County Clerk 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.

INTRODUCED, READ AND ORDERED PUBLISHED on the 20th day of May, 1997.

PUBLISHED on the 23rd day of May, 1997.

ADOPTED, APPROVED AND ORDERED PUBLISHED AS ADOPTED the 3rd day of June, 1997.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY, COLORADO


Fred R. Field, Chairperson


R.A. Santarelli


Marlene Zanetell

Attest:



CLERK'S CERTIFICATION

I, Joanne Reiting, 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 the 20th day of May, 1997. The Ordinance was then published in the Gunnison Country Times on the 23rd day of May, 1997. It was thereafter passed at a regular meeting of the Board of County Commissioners of Gunnison County, Colorado, on the 3rd day of June, 1997, and published in the Gunnison Country Times on the 9th day of June, 1997.


Joanne Reiting, Clerk and Recorder