



**ORDINANCE NO. 9**  
**BOARD OF COUNTY COMMISSIONERS**  
**OF THE**  
**COUNTY OF SUMMIT**  
**STATE OF COLORADO**

**A REVISED AND RESTATED ORDINANCE FOR THE CONTROL AND REGULATION OF THE MOVEMENT AND PARKING OF MOTOR VEHICLES BY THE COUNTY OF SUMMIT, STATE OF COLORADO; ADOPTING BY REFERENCE THE 2003 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO"; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.**

**WHEREAS**, Title 30, Article 15, Part 4; and Title 42, Article 4, as amended, authorizes the Board of County Commissioners to adopt ordinances to control and regulate the movement and parking of motor vehicles on public property; and

**WHEREAS**, Title 42, Article 4, section 111, C.R.S., as amended, authorizes the County's reasonable exercise of police power with respect to streets and highways under its jurisdiction; and

**WHEREAS**, Title 30, Article 15, Section 402, C.R.S., as amended, authorizes the Board of County Commissioners to execute the penalty assessment procedure provided in §16-2-201, C.R.S. as amended, and to adopt a graduated fine schedule for violations of this ordinance; and

**WHEREAS**, the currently utilized version of the Summit County Traffic Code was adopted in 1997 and numerous and significant changes to the laws providing the basis for the Summit County Traffic Code have been adopted by the State of Colorado since that time; and

**WHEREAS**, the Board of County Commissioners finds that the adoption of a revised and restated traffic ordinance is in the best interests of the public health, safety and welfare of the citizens of Summit County; and

**WHEREAS**, the Board of County Commissioners held a public meeting on this ordinance for a first reading September 26, 2006 and a second reading on October 10, 2006 and have considered testimony and evidence presented at the meetings.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, COLORADO AS FOLLOWS:**

1. **Adoption of the Model Traffic Code.** Pursuant to sections 42-4-110(1) and 30-15-401(1)(h), C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the "Model Traffic Code for Colorado" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations. The purpose of this ordinance is to promote the general public welfare and safety by imposing and enforcing a reasonable, necessary and comprehensive system of traffic related regulations that are consistent with state law and that generally conform to similar regulations utilized throughout the state and the nation. Three (3) copies of the Summit County Traffic Code adopted herein shall be filed in the office of the Clerk and Recorder of Summit County, Colorado, and may be inspected during regular business hours.

2. **Deletions.** The 2003 edition of the Model Traffic Code is adopted as if set out at length save and except for the following articles and/or sections which are declared to be inapplicable to this county and are therefore expressly deleted: None.

3. **Modifications.** The following modifications to the 2003 edition of the Model Traffic Code are adopted for the Summit County Traffic Code:

- A. All references made to "Model Traffic Code" shall be deleted and the words "Summit County Traffic Code" be inserted in their stead.
- B. All references made to "municipal", "municipality" or "municipalities" shall be deleted and the words "county" or "counties" be inserted in their stead.
- C. All references made to "chief of police", "police department", "and "police officer" shall be deleted and the words "Summit County Sheriff" and "Sheriff's Office," and "deputy sheriff" shall be respectively inserted in their stead.
- D. All modifications to Colorado Statutes since the date of publication of the 2003 edition of the Model Traffic Code that effectively modify provisions of the 2003 edition of the Model Traffic Code to the date of adoption of this edition of the Summit County Traffic Code shall be adopted and incorporated into the Summit County Traffic Code.
- E. Wherever the Model Traffic Code refers to pedestrians, bicycles, motorized bicycles, vehicles lead by animals, the leading of animals, or any other means of transportation not defined as a "motor vehicle" in Code, Article II, section 102(41), the relevant section will be applied only inasmuch as the particular operation occurs on or to the extent it interferes with the operation of vehicles on the highways and roadways under the jurisdiction of the County.

4. **Additional Provisions of the Summit County Traffic Code.** In addition to the provisions of the 2003 edition of the Model Traffic Code, as modified above, pursuant to C.R.S. 42-4-110(1)(a), the following statutory provisions are also adopted as written for inclusion as regulations

in the Summit County Traffic Code:

- A. All Colorado Statutes newly enacted since the date of publication of the 2003 edition of the Model Traffic Code that relate to regulation of the movement and parking of motor vehicles shall be adopted and incorporated into the Summit County Traffic Code as written, which statutes include:
- (1). C.R.S. 42-4-116 titled "Restrictions for minor drivers – definitions"
  - (2). C.R.S. 42-4-238 titled "Blue and red lights – illegal use or possession"
  - (3). C.R.S. 42-4-239 titled "Misuse of mobile communications devices – definitions"
  - (3). C.R.S. 42-4-1013 titled "Passing lane – definitions – penalty"
  - (4). C.R.S. 42-4-1105 titled "Speed contests--speed exhibitions--aiding and facilitating--immobilization of motor vehicle—definitions"
  - (5). C.R.S. 42-4-1305 titled "Open alcoholic beverage container – motor vehicle – prohibited"
  - (6). C.R.S. 42-4-1415 titled "Radar jamming devices prohibited – penalty"
- B. Parking Violation. "Pursuant to 42-4-111(1)(a) and 42-4-111(1)(v), no person, business or corporation shall park or leave standing any unattended vehicle on a Summit County road, in a Summit County road right-of-way or on private property designated pursuant to 42-4-1210 that is located within unincorporated Summit County, Colorado without specific authorization from the property owner, which road, right-of-way or private property is marked to indicate that parking of private vehicles is prohibited or restricted in some particular manner. This section shall not apply when the subject parking or standing was in compliance with the directions of a Sheriff's Officer, an official traffic control device, or the subject private property owner."
- C. Failure to Obey Turn Prohibited Sign. Pursuant to 42-4-111(1)(l), C.R.S., no driver shall disobey the directions of any sign a prohibiting or restricting right or left turn or all turns, wherever any such official signs are erected.
- D. Littering. Pursuant to 18-4-511, C.R.S., no person, business or corporation shall deposit, throw, or leave any litter on any public or private property or in any waters in the unincorporated areas of the County.
- E. Vehicle Signs. Pursuant to 43-1-416 and 42-4-111(1)(v), C.R.S., signage displays on vehicles that use highways or roadways under the jurisdiction of the County constitute traffic or pedestrian hazards by impeding or interfering with the flow of traffic by distracting drivers or others are prohibited. Parked vehicles are prohibited from being used as signs or to support signs. This section shall not apply to a licensed vehicle used on a daily basis as part of a business operation for the transport of goods or the delivery of services, such vehicles may display signs that relate to that business.
- F. Roadside Signage. Pursuant to 43-2-139, 43-1-416, and 43-1-101, et seq., C.R.S., it shall be unlawful for any person to place or maintain road signs, guide boards, billboards, and

bulletin boards, of any kind on any road constituting a part of the County highway system which does not conform to the standards designated by the State transportation commission. No signs or board shall be erected outside of the right-of-way in such a manner that any portion of the sign or board projects onto the right-of-way of a County road.

- G. Idling. Pursuant to 42-4-111(1)(v), C.R.S., it shall be unlawful for any person to idle or permit the idling of the engine of any bus, truck, or any motor vehicle of any kind whatsoever, for a period of time in excess of twenty minutes.
- H. Emergency Orders. Pursuant to 18-8-104, C.R.S., no person shall fail or refuse to comply with any order or direction of any member of a fire department at the scene of a fire, or a member of the County Ambulance Department at the scene of an emergency.
- I. Plowing Snow on Public Way. Pursuant to 42-4-111(1)(v), no person, business or corporation shall plow, shovel, or otherwise deposit, or cause to be deposited, any snow upon any public way or any portion thereof that impedes traffic or otherwise creates a public safety hazard.
- J. Plowing Snow on Private Property. Pursuant to 42-4-111(1)(v), no person, business or corporation shall plow, shovel or otherwise deposit snow or ice upon or across any public way or any portion thereof and onto any other private property without the written permission of the property owner to which the snow will be deposited and notification of such permission of the property owner to the County.
- K. Piling Snow that Impedes Vision. Pursuant to 42-4-111(1)(v), no person, business or corporation shall deposit snow in any area where such deposit would impede the vision of anyone driving a motor vehicle on a public street or right-of-way.
- L. Points Assessment. Points assessments for violations of the Summit County Traffic Code shall be in accordance with 42-2-127(5), C.R.S. The County hereby elects to have the provisions of section 42-2-127(5.5), C.R.S., apply to violations of this Ordinance. If a violator receives a penalty assessment notice for a violation of this Ordinance and such person pays the fine and surcharge for the violation on or before the date the payment is due, the points assessed for the violation are reduced as follows:
  - (1). For a violation having an assessment of three or more points, the points are reduced by two points;
  - (2). For a violation having an assessment of two points, the points are reduced by one point.
- 4.M. Off-highway Vehicles. Pursuant to 33-14.5-108(1)(a) and 42-4-11(1)(v), C.R.S.:
  - (1). The following Summit County roads are hereby declared open to use by Off-highway Vehicles, as that term is defined in 33-14.5-101(3), C.R.S.:
    - (a). Tiger Road, C.R. 6, from the parking area located at the Tiger Townsite, which is located approximately 4.7 miles from the intersection of C.R. 6 and State

Highway 9 and thence eastward to the terminus of C.R.6.

(b). Parkville Road C.R. 355.

(c). French Gulch Road, C.R. 2, from the parking area located at the Lincoln Townsite, which is located approximately 2.7 miles from the intersection of C.R. 2 and Wellington Road, and thence eastward 0.8 miles to the gate located at the eastern end of the Cobb and Ebert Placer M.S. No. 340 immediately west of Mountain Meadows Parcel A ("French Gulch Road Gate").

(2). Use of C.R. 2 beyond the French Gulch Road Gate is hereby restricted to non-motorized use only, except that motorized vehicle use beyond the French Road Gulch Gate is authorized for owners of real property located beyond the subject gate, or their invitees. Notwithstanding the foregoing, the BOCC reserves the right to open, remove or relocate the French Gulch Road Gate without further amendment of this ordinance.

**5. Other Applicable Regulations.** In the event of any conflicts between the provisions of this ordinance and those of other existing County ordinances:

A. The regulation of noise within unincorporated Summit County shall continue to be accomplished in accordance with Summit County Ordinance No. 12.

B. The regulation of operation of snowmobiles within unincorporated Summit County shall continue to be regulated in accordance with Summit County Ordinance No. 13.

C. The regulation of illegal parking and abandoned cars in secure areas within unincorporated Summit County shall continue to be regulated in accordance with Summit County Ordinance No.17.

**6. Violation.** It shall be unlawful for any person to violate any provision of this ordinance. Any person who violates any of the provisions of this ordinance commits a traffic infraction, pursuant to section 30-15-402(1), C.R.S., which offenses are punishable by a fine of not more than one thousand dollars per violation.

**7. Penalty Assessment Procedure.** The penalty assessment procedure provided in section 16-2-201, C.R.S., is authorized to be utilized and followed by any arresting law enforcement officer for any violation of this ordinance. If the penalty assessment procedure is not used, and the alleged offender is found guilty, court costs may be assessed in addition to the fine and penalties and surcharges set forth herein.

**8. Schedule of Fines and Penalties.**

A. For its schedule of fines and penalties, the County incorporates by this reference the schedule of fines, penalties and surcharges set forth in section 42-4-1701, C.R.S. (as that section may be amended), as those fines, penalties and surcharges correspond to the sections of the version of the Model Traffic Code adopted by this Ordinance, for all cases wherein the violator acknowledges guilt or liability, is found guilty by a court of competent

jurisdiction, or has judgment entered against him/her.

- B. Unless otherwise provided by law, all fines and penalties, and the surcharges thereon, for the violation of this ordinance shall be paid into the treasury of Summit County.
- C. For its schedule of fines and penalties for violations of this Ordinance that are not set forth in section 42-4-1701, C.R.S. (as that section may be amended), the schedule of fines and penalties shall be as follows:
- (1) Violation of Section 4.B. of this ordinance, Parking Violation, shall constitute a traffic infraction punishable in accordance with 30-15-402(1), C.R.S., by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of section 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of forty dollars (\$40.00) for each separate violation.
  - (2) Violation of Section 4.C. of this ordinance, Failure to Obey Turn Prohibited Sign, shall constitute a traffic infraction punishable in accordance with 30-15-402(1), C.R.S., by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of section 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of forty-five dollars (\$45.00) for each separate violation.
  - (3) Violation of Section 4.D. of this ordinance, Littering, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with section 18-4-511, C.R.S. The penalty assessment procedure of section 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation.
  - (4) Violation of Section 4.E. of this ordinance, Vehicle Signs, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with 30-15-402(1), C.R.S., by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of section 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of not less than fifteen dollars (\$15.00) nor more than fifty dollars (\$50.00). Every day the sign is cited shall be considered a separate violation subject to said fine.
  - (5) Violation of Section 4.F. of this ordinance, Roadside Signage, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with 30-15-402(1), C.R.S., by a fine of not more than one thousand dollars for each violation. Where road signs, guide boards, billboards, and bulletin boards do not conform to the standards designated by the State transportation commission the County may remove said signs and boards without notice. If any portion of said sign or board projects onto the right-of-way of any County road the County may without notice remove as much of said sign or board projecting onto said right-of-way as necessary to keep the right-of-way free and clear of obstruction. The penalty assessment procedure of section 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section

in which case the penalty assessment shall be a fine of not less than fifteen dollars (\$15.00) nor more than fifty dollars (\$50.00). Every day the sign is cited shall be considered a separate violation subject to said fine.

- (6) Violation of Section 4.G. of this ordinance, Idling, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with section 30-15-402(1), C.R.S. by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of section 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation.
  - (7) Violation of Section 4.H. of this ordinance, Emergency Orders, shall constitute a class 2 misdemeanor and, upon conviction thereof, shall be punishable in accordance with section 18-1.3-505, C.R.S.
  - (8) Violation of Section 4.I. of this ordinance, Plowing Snow on Public Way, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with section 30-15-402(1), C.R.S. by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of section 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation.
  - (9) Violation of Section 4.J. of this ordinance, Plowing Snow on Private Property, a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with section 30-15-402(1), C.R.S. by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of section 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation.
  - (10) Violation of Section 4.K. of this ordinance, Piling Snow that Impedes Vision, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with section 30-15-402(1), C.R.S. by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of section 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation.
  - (11) Violation of Section 4.M. of this ordinance, Off-highway Vehicles, shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with section 33-14.5-108(2), C.R.S. by a fine of fifty dollars for each violation. The penalty assessment procedure of section 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation.
- D. In the case of multiple traffic offenses involving aggressive driving, the applicable penalty or penalty assessment shall be doubled for each traffic offense. For purposes of this subsection, "aggressive driving" means committing any two or more of the following violations in a single act or series of acts in close proximity to another motor vehicle: 1) exceeding the speed limits (1101); 2) following too closely (1008); 3) failure to obey

official traffic control devices (603); 4) passing on shoulder of road (1004(2)); 5) failure to give an adequate signal (903); 6) failure to yield right-of-way (701, 702, 703); and 7) unsafe lane change (903).

9. **Surcharges.** 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 of ten dollars (\$10.00) for the Victims and Witnesses assistance and Law Enforcement Fund established in the Fifth Judicial District pursuant to section 24-4.2-103, C.R.S. Further, any person convicted of violating this ordinance by operating a vehicle in excess of the speed limit shall be subject to the statutory surcharge of twelve dollars (\$12.00) for the Colorado Traumatic Brain Injury Trust Fund established pursuant to section 26-1-309, C.R.S. 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 section 30-15-402(2) C.R.S.

10. **Application.** This ordinance shall apply to every street, alley, sidewalk, driveway, park, and to every other public way or public place, or public parking area within the unincorporated territory of Summit County and to all other areas designated herein. This ordinance shall in no way limit application and enforcement of any statutes of the State of Colorado but shall be in addition thereto. The provisions of sections 1401, 1402, and 1413 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, and eluding a police officer shall apply not only to public places and public ways by also throughout this County.

11. **Severability.** If any part or parts of this ordinance are for any reason held to be invalid, such provision 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 hereof, irrespective of the fact that any one part or parts be declared invalid.

12. **Repeal.** Except as specifically provided herein, all ordinances and/or resolutions or parts of ordinances and/or resolutions inconsistent with the provisions of this ordinance, including but not limited to previous versions of the Summit County Traffic Code, 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 effective date of this ordinance.

13. **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.

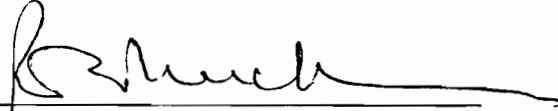
14. **Certification.** The County Clerk and Recorder shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.



15. **Effective Date.** This ordinance shall be effective thirty days after final publication subsequent to the adoption on a second reading.

**INTRODUCED, READ, ORDERED PUBLISHED IN FULL AND SET FOR PUBLIC HEARING THIS 26TH DAY OF SEPTEMBER 2006.**

**BOARD OF COUNTY COMMISSIONERS  
OF SUMMIT COUNTY, COLORADO**

By:   
Robert H.S. French, Chairman

Approved as  
to form  
  
Legal

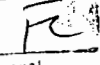


  
Cheri Brunvand, Clerk & Recorder

**READ, PASSED AND ADOPTED AFTER PUBLIC HEARING AND AFTER PUBLICATION IN FULL IN THE SUMMIT COUNTY JOURNAL ON SEPTEMBER 29, 2006. ORDERED REPUBLISHED IN FULL THIS 10TH DAY OF OCTOBER 2006.**

**COUNTY OF SUMMIT  
STATE OF COLORADO  
By and Through its  
BOARD OF COUNTY COMMISSIONERS**

By:   
Robert H.S. French, Chairman

Approved as  
to form  
  
Legal



  
Cheri Brunvand, Clerk & Recorder