

MODEL TRAFFIC CODE (2003 EDITION)

ORDINANCE NO. 99-1

**ARAPAHOE COUNTY, COLORADO
ORDINANCE NO. 99-1**

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE BOARD OF COMMISSIONERS, ARAPAHOE COUNTY, COLORADO; AMENDING IN ITS ENTIRETY ORDINANCE NO. 99-1; ADOPTING BY REFERENCE THE 2003 EDITION OF THE “MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES” REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF:

WHEREAS, pursuant to COLO. REV. STAT. § 42-4-110(1)(2004), the Board of County Commissioners of Arapahoe County has the power to enact, adopt, and enforce traffic regulations; and

WHEREAS, pursuant to COLO. REV. STAT. § 42-1-102 (48)(2004), a county is defined as a “local authority” having the authority to adopt local police regulations under the constitution and laws of the State of Colorado; and

WHEREAS, pursuant to COLO. REV. STAT. § 42-4-110 (1) (b)(2004), local authorities may 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 COLO. REV. STAT. § 42-4-110 (2004) and § 42-4-111 (2004), except in 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 the County of Arapahoe had adopted, in part, the 1995 Model Traffic Code as Ordinance No. 99-1; and

WHEREAS, the Board of County Commissioners of Arapahoe County wishes to amend in its entirety Ordinance 99-1, and to adopt by reference in its place, the 2003 Edition of the “Model Traffic Code for Municipalities,” as its new Ordinance No. 99-1; and

WHEREAS, it is the opinion of the Board of County Commissioners of Arapahoe County that in order to preserve the public peace, health, safety and welfare of the citizens of Arapahoe County, the Board should take the following action:

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

SECTION I: ADOPTION

Pursuant to COLO. REV. STAT. § 42-4-110(1) (2004) and § 30-15-401(1)(h)(2004), there is hereby adopted by reference Articles I and II, inclusive, of the 2003 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, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations. The purpose of this Ordinance

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 County Clerk of Arapahoe County, and may be inspected during regular business hours. This traffic code of this ordinance referencing the Model Traffic Code shall be known as the ARAPAHOE COUNTY TRAFFIC CODE.

SECTION II: DELETIONS

The 2003 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 the County of Arapahoe and are therefor 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 227(3)(b)
- (f) Section 228(8)
- (g) Section 233
- (h) Section 235
- (i) Section 507
- (j) Section 508
- (k) Section 509
- (l) Section 510
- (m) Section 611
- (n) Section 1101 – speeding 25 miles or more in excess of reasonable and prudent speed or in excess of maximum lawful speed limit of 75 mph
- (o) Section 1101(8)
- (p) Section 1105
- (q) Section 1401
- (r) Section 1402
- (s) Section 1406(1)(b) and (5)
- (t) Section 1409
- (u) Section 1412
- (v) Section 1413
- (w) Section 1701
- (x) Section 1705
- (y) Section 1706
- (z) Section 1707(1)
- (aa) Section 1707(2)
- (bb) Section 1707(4)(a) and (b)
- (cc) Section 1707(6)
- (dd) Section 1715(2) delete “forfeiture of bail,” “Bail was forfeited” and “or forfeited”
- (ee) Section 1715(3) delete “or whether bail was forfeited” and “or forfeiture”

- (ff) Section 1901
- (gg) Section 1902
- (hh) Section 1903
- (ii) Section 1904

SECTION III: ADDITIONS AND MODIFICATIONS

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

All references made to local government or local governments shall be deleted and county or counties inserted in their stead.

All references made to municipal, municipality or municipalities shall be deleted and county or counties be inserted in their stead.

All references made to police officers and/or sheriff's officers shall be deleted and deputy sheriff or deputy sheriffs be inserted in their stead.

All references made to appropriate local court shall be deleted and county court inserted in its stead.

All references to the Colorado Municipal Court Rules of Procedure (C.M.C.R.) shall be deleted and the Colorado Rules for Traffic Infractions, and/or the Colorado Rules for County Court Traffic Violations Bureaus be inserted in its stead, as applicable.

Section 1209 delete "prosecutorial division of the appropriate jurisdiction" and insert in its stead, "the Arapahoe County Sheriff's Traffic Clerk."

Section 1707(3)(a) delete all references to "offense" and insert "infraction" in their stead.

Section 1707(5) delete all references to "summons" and "summons and complaint" and insert "penalty assessment notice" in their stead.

Section 1707(5) delete all references to "offense" and insert "infraction" in their stead.

Section 1710(1) delete all references to "offense" and insert "infraction" in their stead.

Section 1710(1) delete all references to "complaint" and insert "penalty assessment notice" in their stead.

SECTION IV: PENALTY PROCEDURE AND PENALTY

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

- (A) Any person who violates any provision of this Ordinance commits a traffic infraction. Except when otherwise prohibited herein, the penalty assessment procedure provided in COLO. REV. STAT. § 42-4-1701 (2004), may be followed by the assessing officer for

any such violation of this Ordinance. In addition to the penalties prescribed in this section, persons convicted of a violation of this Ordinance are subject to surcharges as set forth in COLO. REV. STAT. § 42-4-1701 (2004). The fines and the surcharge shall be paid to the Arapahoe County Sheriff's Traffic Violations Bureau 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 COLO. REV. STAT. § 24-4.2-103 (2004). The Clerk shall transmit the surcharge collected for the Colorado Traumatic Brain Injury Trust Fund. to the State Treasurer as set forth in COLO. REV. STAT. § 42-4-1701(4)(e) I and II (2004) and COLO. REV. STAT. § 30-15-402(3) (2004). Further, the surcharge as set forth in COLO. REV. STAT. § 42-4-1701(4)(a)(VI)(A) (2004), 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.

(B) Traffic infractions are divided into two classes denoted by "TIA" for Class A Traffic Infractions, and "TIB" for Class B Traffic Infractions.

(C) The penalties for violating specific Sections of this ordinance shall be as follows:

Arapahoe County Traffic Code Section	Violation Description	Class-Fine or Summons	Surcharge
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Traffic Regulation - Generally			
0109	Operated or permitted operation of motorized bicycles, skates, skis, toy vehicles and recreational vehicles on highways.	TIB-\$15.00	\$3.60

Vehicle Equipment			
0201	Permitted obstruction of view or interference with driving mechanism	TIA-\$35.00	\$6.20
0202	Operated an unsafe vehicle	TIA-\$35.00	\$6.20
0204	Operated vehicle without required use of vehicle lighting equipment	TIA-\$15.00	\$3.60
0205	Operated vehicle without required head lamps	TIB-\$15.00	\$3.60
0206	Operated vehicle without required tail lamps and/or reflectors.	TIB-\$15.00	\$3.60
0207	Operated vehicle without required vehicle clearance lamps	TIB-\$15.00	\$3.60
0208	Operated vehicle without required stop lamps and turn signals	TIB-\$15.00	\$3.60
0209	Operated vehicle without lamp or flag on a projecting load	TIA-\$15.00	\$3.60
0210	Failed to operate lamps on parked vehicles when required	TIB-\$15.00	\$3.60
0211	Operated farm equipment without required lamps	TIB-\$15.00	\$3.60
0212	Violated restrictions on vehicle spot lamps and auxiliary lamps	TIB-\$15.00	\$3.60
0213	Failed to activate audible and visual signals on an emergency vehicle when required	TIA-\$15.00	\$3.60
0214	Failed to activate visual signals on a service vehicle when required	TIB-15.00	\$3.60
0215	Violated restrictions on signal lamps, devices and additional lighting equipment	TIB-15.00	\$3.60
0217	Operated vehicle without required multiple beam road lights Use of multiple beam lights; failure to dim lights	TIA-\$15.00	\$3.60
0219	Operated vehicle with an excess number of lamps	TIB-\$15.00	\$3.60
0220	Operated motorized bicycles/motor driven cycles without required lighting equipment	TIB-\$15.00	\$3.60
0221	Rode bicycle without required lamp/reflector/braking equipment	TIB-\$15.00	\$3.60
0222	Misuse of emergency equipment by volunteer firefighters/ambulance attendants	TIB-\$15.00	\$3.60

0223	Operated vehicle without required adequate brakes	TIA-\$15.00	\$3.60
0224	Operated vehicle without required horn and /or warning device	TIB-\$15.00	\$3.60
0225	Operated vehicle without a muffler, an inadequate muffler or a modified muffler system that failed to reduce noise	TIB-\$15.00	\$3.60
0226	Operated vehicle without required mirrors	TIB-\$15.00	\$3.60
0227	Operated vehicle with illegal window tinting/obstructed windshield/ Windshield wipers	TIB-\$50.00	\$6.00
0228	Operated vehicle with inadequate /illegal /unsafe tires	TIA-\$15.00	\$2.00
0229	Vehicle without safety glazing materials in windshield glass	TIB-\$15.00	\$3.60
0230	Failed to carry and use required emergency lighting equipment	TIB-\$15.00	\$3.60
0231	Operated vehicle with parking lights only when headlights required	TIB-\$15.00	\$3.60
0232	Operated motorcycle or motor-driven cycle without driver/passenger eye protection equipment / passenger footrests	TIA-\$15.00	\$3.60
0234	Operated a slow moving vehicle without required emblem	TIB-\$15.00	\$3.60
0236	Operated a vehicle without an applicable child restraint system/safety belt in use	TIB-\$50.00	\$8.80
0237	Driver/passenger did not wear a safety belt when required	TIB-\$15.00	\$3.60

Overweight - Oversized Vehicles			
0502	Operated or permitted operation of overwidth vehicle	TIB-\$75.00	\$12.70
0503	Operated passenger car with projected load	TIB-\$15.00	\$3.60
0504	Operated or permitted operation of an overweight/length vehicle	TIB-\$75.00	\$12.70
0506	Violated restriction on towing a vehicle or trailer	TIB-\$15.00	\$3.60
0512	Operated vehicle/object/contrivance that caused damage to a highway/highway structure	TIA-\$75.00	\$12.70

Signals - Signs - Markings			
0603	Disobeyed official traffic device: sign/signal/markings	TIA-\$35.00	\$6.20
0604	Disobeyed traffic control signal	TIA-\$35.00	\$6.20
0605	Disobeyed requirements at a flashing signal	TIA-\$35.00	\$6.20
0606	Displayed an unauthorized sign/signal/markings or traffic control device	TIA-\$15.00	\$3.60
0607	Unlawfully interfered with an official control device	TIB-\$50.00	\$8.80
0608	Failed to display hand or lamp signal when required	TIA-\$15.00	\$3.60
0610	Displayed an unauthorized insignia	TIB-\$15.00	\$3.60
0612	Disregarded procedures for inoperative/malfunctioning traffic signals	TIA-\$35.00	\$6.20

Rights of Way			
0701	Failure to yield right of way when required	TIA-\$35.00	\$6.20
0702	Failure to yield right of way when turning left	TIA-\$35.00	\$6.20
0703	Failure to stop at a stop sign or yield right of way when required	TIA-\$35.00	\$6.20
0704	Driver entering road or highway failed to yield right of way	TIA-\$35.00	\$6.20
0705	Failure to yield right of way on approach of an emergency vehicle	TIA-\$50.00	\$8.80
0706	Failure to obey railroad signal	TIA-\$35.00	\$6.20
0707	Failure to stop at railroad grade crossing when required	TIA-\$35.00	\$6.20
0708	Violated restrictions regarding heavy equipment movement at railroad grade crossing	TIB-\$35.00	\$6.20
0709	Driver obstructed other vehicles at an intersection/crosswalk/railroad grade crossing	TIA-\$35.00	\$6.20
0710	Failure to yield right of way to a pedestrian when required	TIA-\$35.00	\$6.20
0711	Failure to obey requirements for mountain/defile/canyon driving	TIA-\$35.00	\$6.20
0712	Failure to yield right of way in a construction zone when required	TIA-\$35.00	\$6.20

Pedestrians			
0801	Pedestrian failed to obey traffic control device or signal	TIB-\$15.00	\$3.60
0802	Failure to yield right of way to a pedestrian in crosswalk No pedestrian shall enter a roadway to create an immediate hazard	TIA-\$15.00	\$3.60
0803	Pedestrian failed to yield to a vehicle at other than a crosswalk	TIB-\$15.00	\$3.60
0805	Pedestrian violated restrictions while walking along or on a roadway Pedestrian stood on a roadway to solicit a ride Pedestrian/rider of an animal was under the influence of alcohol or a drug while on a roadway	TIB-\$15.00	\$3.60
0806	Drove through a pedestrian safety zone	TIA-\$35.00	\$6.20
0807	Failure to exercise due care when approaching a pedestrian	TIA-\$35.00	\$6.20
0808	Operator/pedestrian failed to yield to an obvious disabled person	TIA-\$35.00	\$6.20

Turning - Stopping			
0901	Operator violated restrictions on turning right Operator violated restrictions on turning left	TIA-\$35.00	\$6.20
0902	Made U-turn where prohibited	TIA-\$35.00	\$6.20
0903	Failure to properly signal a turn/slowing down/stopping	TIA-\$35.00	\$6.20

Driving - Overtaking - Passing			
1001	Failed to drive on the right side of a roadway	TIA-\$35.00	\$6.20
1002	Failure to yield one-half of roadway to on-coming traffic	TIA-\$35.00	\$6.20
1003	Violated restrictions on passing/being passed	TIA-\$35.00	\$6.20
1004	Drove off pavement to pass on the right	TIA-\$35.00	\$6.20
1005	Violated restrictions when passing on the left	TIA-\$35.00	\$6.20
1006	Drove the wrong way on a one-way roadway	TIA-\$35.00	\$6.20
1007	Failure to drive in a single lane	TIA-\$35.00	\$6.20
1008	Following too closely	TIA-\$35.00	\$6.20
1009	Coasted vehicle when prohibited	TIA-\$35.00	\$6.20
1010	Operator drove across a raised median to turn left	TIA-\$35.00	\$6.20
1011	Improper use of a runaway vehicle ramp	TIA-\$100.00	\$16.60
1012	(a) Violated restrictions on use of high occupancy lane (b) (Three or more times - within a 12 month period)	TIA-\$65.00 (\$125.00)	\$0.00 \$0.00

Speed Regulations			
1101	Driving too fast for conditions	TIA-\$35.00	\$6.20
	Speeding 1-4 miles per hour over the posted limit	TIA-\$15.00	\$13.60*
	Speeding 5-9 miles per hour over the posted limit	TIA-\$35.00	\$16.20*
	Speeding 10-19 miles per hour over the posted limit	TIA-\$50.00	\$18.80*
	Speeding 20-24 miles per hour over the posted limit	TIA-\$100.00	\$26.60*
	*Speeding fines doubled in a school/construction zone		
1103	Impeding normal flow of traffic	TIA-\$15.00	\$3.60

Parking Regulations			
1201	Violated safety precautions when starting a vehicle	TIA-\$15.00	\$3.60
1202	Abandoned vehicle on the paved or improved portion of a highway	TIB-\$15.00	\$3.60
1204	Stopped/left standing/parked vehicle where restricted/or prohibited by signs or markings	TIB-\$15.00	\$3.60
1205	Violated restrictions on parking at curb or shoulder of a road	TIB-\$15.00	\$3.60
1206	Violated restrictions on an unattended vehicle	TIB-\$15.00	\$3.60
1207	Violated restrictions on opening vehicle doors	TIB-\$15.00	\$3.60
1208	Violated restrictions on handicapped parking	TIB-\$100.00	\$16.60
1211	Illegal backing	TIA-\$15.00	\$2.00

Other Offenses			
1403	Violated restrictions following fire apparatus	TIA-\$15.00	\$3.60
1404	Crossed a fire hose	TIB-\$15.00	\$3.60
1405	Violated restrictions in riding in a trailer	TIB-\$15.00	\$2.00
1406	Littered foreign material on a highway	TIB-\$35.00	\$6.20
1407	Spilled loads/debris on a highway	TIB-\$35.00	\$6.20
1408	Violated restrictions on vehicle in a park/recreation district	TIB-\$15.00	\$3.60
1411	Driver wore earphones while driving	TIB-\$15.00	\$2.00

Motorcycles			
1502	Rode on a motorcycle other than on a permanently attached seat Driver violated restrictions applicable to motorcycles	TIA-\$15.00	\$3.60
1503	Drove motorcycle between lanes of traffic Operated motorcycles more than two abreast	TIA-\$15.00	\$3.60
1504	Person riding on a motorcycle attached him/herself to another vehicle	TIA-\$15.00	\$3.60

(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 above will change accordingly without a new ordinance having to be passed by the Board of County Commissioners of Arapahoe County.

(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 COLO. REV. STAT. § 42-2-127 (2004), to include reduction in points specified in COLO. REV. STAT. § 42-2-127 (5.5)(2004).

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: VALIDITY

If any part or parts of this Ordinance are for any other 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 VII: 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 VIII: ENFORCEMENT

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

SECTION IX: DISPOSITION OF FINES

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

SECTION X: 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 XI: SAFETY CLAUSE

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

BOARD OF COUNTY COMMISSIONERS ARAPAHOE COUNTY, COLORADO

Lynn Myers, Chair of the Board of County Commissioners

I, Nancy A. Doty, Clerk and Recorder of Arapahoe County and Clerk to the Board of County Commissioners, do hereby attest and certify that the Ordinance was introduced, read, and ordered published at a regular meeting of the Board of County Commissioners on the 1st day of February, 2005. At a public hearing held on the 22nd day of March, 2005, the Ordinance was taken under advisement. The Ordinance was adopted, approved and ordered published as adopted on March 31, 2005.

ATTEST:


Nancy A. Doty, Clerk to the Board

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
ARAPAHOE COUNTY, COLORADO

INTRODUCED, READ AND ORDERED PUBLISHED ON THE 1st day of February, 2005
at a regular meeting of the Board of County Commissioners.

Date of initial publication: March 10, 2005.

TAKEN UNDER ADVISEMENT, AFTER PUBLIC COMMENT AT A PUBLIC HEARING
HELD on the 22nd day of March, 2005.

ADOPTED, APPROVED AND ORDERED PUBLISHED AS ADOPTED the 22nd day of
March, 2005.

Date of publication after adoption: March 31, 2005.


Nancy A. Doty, Clerk to the Board

