

OURAY COUNTY, COLORADO  
ORDINANCE No. 97-1

AN ORDINANCE ADOPTING THE 1995 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES" PROMULGATED AND PUBLISHED AS SUCH BY THE COLORADO DEPARTMENT OF TRANSPORTATION WHICH CODE RELATES PRIMARILY TO THE COMPREHENSIVE TRAFFIC CONTROL REGULATIONS FOR THE COUNTY OF OURAY AND WHICH PROVIDES PENALTIES FOR THE VIOLATION THEREOF.

**WHEREAS**, pursuant to Colorado Revised Statutes 30-15-401, as amended, the Board of County Commissioners of Ouray County has the power to adopt ordinances for control or licensing of those matters of purely local concern; and,

**WHEREAS**, pursuant to Colorado Revised Statutes 30-15-401(h), as amended, matters of purely local concern include the regulation and movement and parking of motor vehicles on public property; and,

**WHEREAS**, it has come to the attention of the Board of County Commissioners of Ouray County that it is desirable for the County to adopt the Model Traffic Code promulgated by the Colorado Department of Transportation; and,

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners of Ouray County as follows:

Section I - Adoption of Model Traffic Code

Pursuant to Colorado Revised Statutes, Section 30-15-401, 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. The subject matter of the Model Traffic Code relates primarily to the comprehensive traffic control regulations for the County of Ouray. 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 nation. The entire text of the Code, as amended by this Ordinance, has been submitted in writing to the Board of County Commissioners prior to adoption. Three (3) copies of The Model Traffic Code, as amended by this Ordinance and adopted herein are now filed in the office of the Ouray County Clerk, and may be inspected during regular business hours.

Section II - Deletions.

The 1995 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 III - Additions or Modifications.

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

A. Wherever the words "municipal" or "municipality" appear in the said adopted Code they shall be deemed to be replaced with the word "County."

#### B. Speed Limits

In accordance with the provisions of sections 1101 and 1102 of the Model Traffic Code, as adopted above by the Board of County Commissioners, and when official signs are erected giving notice thereof, the prima facie speed limit shall be specified for the following streets, highways and roads as follows:

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

2. The speed limit on all county roads, except as otherwise posted by order of the Board of County Commissioners, shall be 30 m.p.h.

### Section IV - Penalties

Any person violating any of the provisions of this Ordinance or of the code hereby enacted shall be deemed guilty of a Class II Petty Offense and upon conviction thereof, shall be punished by a fine of not more than \$600.00 for each separate violation. The penalty assessments procedure provided in C.R.S. 16-2-201 may be followed by any arresting law enforcement officer for any such violation. The County hereby adopts the schedule for penalty assessments used by the State of Colorado.

In addition to the penalties prescribed in this Section IV, persons convicted of violation of this Ordinance are subject to a surcharge of ten dollars. These surcharges shall be paid to the clerk of the Court by the Defendant. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to section 24-4.2-103, C.R.S.

### Section V - Enforcement

Provisions of this Ordinance shall be enforced by the Ouray County Sheriff's Department.

Section VI - Disposition of Fines

All fines imposed and collected for the violation of this Ordinance shall be paid into the General Fund of Ouray County.

Section VII - Application.

This Ordinance shall apply to every street, highway, road, county road, alley, sidewalk area, driveway, park, and to every other public way or place or public parking area within the unincorporated limits of Ouray County, Colorado. 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 the unincorporated limits of this County.

Section VIII - 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 VII - Severability

If any of the various provisions of this Ordinance are determined by a court of law to be invalid, such determination shall not affect the remaining provisions of this Ordinance.

**INTRODUCED, READ AND ORDERED PUBLISHED** on the 31<sup>st</sup> day of March, 1997.

**PUBLISHED** on the 3<sup>rd</sup> day of April, 1997.

**ADOPTED, APPROVED AND ORDERED PUBLISHED AS ADOPTED** the 21<sup>st</sup> day of April, 1997.

Board of County Commissioners of  
Ouray County, Colorado

By: 

Clerk's Certification:

I, Michelle Olin, Clerk & Recorder of Ouray County, Colorado, do hereby attest and certify the Ordinance set forth above was introduced, read and ordered published at a regular meeting of the Board of County Commissioners of Ouray County, Colorado, on the 31<sup>st</sup> day of March, 1997. The Ordinance was then published in the Ouray County Plaindealer on the 3<sup>rd</sup> day of April, 1997. It was thereafter passed at a regular meeting of the Board of County Commissioners of Ouray County, Colorado, on the 21<sup>st</sup> day of March, 1997 and published in the Ouray County Plaindealer, by title only, but setting forth the full text of any amendments, on the 24<sup>th</sup> day of April, 1997.

Michelle Olin  
Clerk & Recorder

(County Seal )