

Commissioner Remyon moved adoption  
of the following Ordinance:

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EAGLE, STATE OF COLORADO**

**ORDINANCE NO. 2009- 001**

**AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE COUNTY  
OF EAGLE, STATE OF COLORADO, ADOPTING BY REFERENCE THE 2009  
EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO" AS  
AMENDED BY THIS ORDINANCE AND REPEALING ALL RESOLUTIONS  
OR ORDINANCES IN CONFLICT THEREWITH AND PROVIDING  
PENALTIES FOR VIOLATION THEREOF.**

**BE IT ORDAINED** by the Board of County Commissioners of the County of  
Eagle, State of Colorado:

**Part 1. Adoption.**

Pursuant to parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30, and Section 42-4-110, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2009 edition of the "Model Traffic Code for Colorado" promulgated and published as of the date hereof by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Ave., Denver, CO 80222, and the amendments thereto as written in this ordinance (hereinafter "Model Traffic Code"). The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the County. 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, and to provide additional regulations in the interest of safety on county roads. One (1) copy of the Model Traffic Code adopted herein is now filed in the office of the Clerk of the County of Eagle, Colorado, and may be inspected during regular business hours

**Part 2. Deletions.**

The 2009 edition of the Model Traffic Code is adopted as if set out at length, save and except Article I, Part 5, Size – Weight – Load, which is declared to be inapplicable to this County and therefore is expressly deleted.

**Part 3. Additions or Modifications.**

The following sections of the Model Traffic Code are modified as follows:

A. Article I, Section 105, "Local traffic control devices," is hereby revised by adding thereto:

The County Engineer is responsible for authorizing the placement of traffic control devices upon highways under the jurisdiction of Eagle County in consultation with the Road and Bridge Supervisor and the Sheriff's Office. Placement and maintenance of such devices is the responsibility of the Road and Bridge Supervisor.

**B.** Article I, Section 236, "Child restraint systems required – definitions – exemptions," is hereby modified and supplemented as follows:

**§236 (6)** On state highways, including those that are part of the national system of interstate highways, no driver in a motor vehicle shall be cited for a violation of subparagraph (I) of paragraph (b) of subsection (2) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of this Code or other than a violation of this section or section 237.

**§236 (7)** On roads other than state highways as described in subsection (6) of this section within the jurisdiction of Eagle County, a driver of a motor vehicle may be cited for a violation of subparagraph (I) of paragraph (b) of subsection (2) of this section where the driver was stopped solely for a violation of this section or section 237.

**C.** Article I, Section 237, "Safety belt systems – mandatory use – exemptions – penalty," is hereby modified and supplemented as follows:

**§237 (5)** On state highways, including those that are part of the national system of interstate highways, no driver in a motor vehicle shall be cited for a violation of subsection (2) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of this Code or state law other than a violation of this section.

**§237 (6)** On roads other than state highways as described in subsection (5) of this section within the jurisdiction of Eagle County, a driver of a motor vehicle may be cited for a violation of subsection (2) of this section where the driver was stopped solely for a violation of this section or section 236.

**D.** Article I, Section 239, "Misuse of mobile communication devices – definitions" is hereby modified as follows:

**§239 (1)** As used in this section, unless the context otherwise requires:

- (a) "Emergency" means a situation where a person:
  - (I) Has reason to fear for such person's life or safety, or believes that a criminal act may be perpetrated against such person or another person requiring the use of a mobile communication device while the car is moving; or



(II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless or otherwise unsafe manner.

(b) "Mobile communications device" means a cellular telephone or other device that enables a person in a motor vehicle to transmit and receive audio signals to and from a person or audio recording device located outside the motor vehicle.

(2) No person who holds a temporary instruction permit or a minor's instruction permit pursuant to section 42-2-106 shall use a mobile communication device while operating a motor vehicle. This section shall not apply to a person who is using a mobile communication device:

- (a) To contact a public safety entity;
- (b) While the vehicle is lawfully parked; or
- (c) During an emergency.

(3) Any person who operates a motor vehicle in violation of subsection (2) of this section commits a class A traffic infraction as defined in section 42-4-1701(3), C.R.S.

(4) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless such operator was stopped by a law enforcement officer for an alleged violation of articles 1 to 4 of this title other than a violation of this section.

E. The following paragraph is added to Article I, Section 606, "Display of unauthorized signs or devices":

**§606 (3)** The County Engineer is responsible for authorizing and maintaining a traffic sign inventory. The County Engineer and/or the Road and Bridge Supervisor are empowered to remove or cause prohibited signs, signals, or markings to be removed without notice.

F. The following paragraph is added to Article I, Part 6, "Signals – Signs – Markings":

**§ 616 Speeding in Residential Areas.** Any person who commits a speeding violation in a Residential Area that is designated pursuant to the provisions of this section is subject to doubled penalties. For purposes of this section, Residential Area means an area that is designated as a Residential Area and has appropriate signs posted indicating that the penalties will be doubled. The County Engineer, in consultation, where necessary, with the Road and Bridge Supervisor and Sheriff's Office, may designate portions of the highway as being in a Residential

Area, considering, among other things he deems relevant, the numbers of residences, the amount of neighborhood vehicle traffic, and the amount of pedestrian traffic and recreation activity within or nearby the highway. The doubled penalty shall not be applicable until appropriate signs notifying the public of increased penalties for speeding are erected, along with signs notifying the public that the increased penalties are no longer in effect.

**G.** The following paragraph is added to Article I, Section 1102 "Altering of speed limits - when":

**§1102 (6)** The County Engineer is responsible for conducting traffic investigations or surveys, and evaluating appropriate design standards and projected traffic volumes necessary for declaring the reasonable and safe speed limits.

**H.** The following paragraph is added to Article I, Section 1103 "Minimum Speed Regulation":

**§1103 (5)** The County Engineer is responsible for conducting traffic investigations or surveys, and evaluating appropriate design standards and projected traffic volumes necessary for declaring the reasonable and safe speed limits.

**I.** The following paragraph is added to Article 1, Section 1210, "Designated areas on private property for authorized vehicles – county – unincorporated areas":

**§1210 (3)** Any person who violates the provisions of subsection (2) of this section is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of twenty-five dollars. The disposition of fines and forfeitures shall be paid into the treasury of Eagle County.

**J. Sec. 1801. Authority for impoundment and/or immobilization** is added to Article I, Part 18, "Towing and Storage":

**§1801 (1)** Any person, at the direction of the Sheriff, Board of County Commissioners, County Administrator, Engineer or their designee, is hereby authorized to remove, or have removed at his direction, a vehicle, automobile hulk or junker from any public or private way or place, under any of the circumstances hereinafter enumerated, the Sheriff or designee hereby finding and determining such vehicles under such circumstances to be obstructions to traffic or public nuisances. A junker is a vehicle having the attributes of an automobile hulk, except that a junker has an apparent value of three hundred dollars (\$300.00) but less than five hundred dollars (\$500.00).



(I) When any vehicle is left unattended upon any bridge, viaduct, subway or tunnel, or where such vehicle constitutes an obstruction to traffic;

(II) When a vehicle upon a public way is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;

(III) When any vehicle is left unattended upon a street or parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic, or left unattended on any public street with engine running or with keys in the ignition switch or lock;

(IV) When any vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition established by the County Engineer, provided such area or portion of such public street has been posted with an official sign giving notice both of such limitation or prohibition and of the fact that such area or portion of such street is a "Tow Away" area;

(V) When a vehicle is parked in violation of any traffic ordinance and is an obstruction or hazard or potential obstruction or hazard to any lawful function, street maintenance or snow removal, or limits the normal access to or use of any public or private property;

(VI) When a vehicle is left on a public way or place and appears to be abandoned or a complaint is received that it is abandoned and remains there continuously for a period of twenty-four (24) hours after notice is posted on the windshield that it may be impounded, or when an automobile hulk or junker is left on public or private property;

(VII) When the driver of such vehicle is taken into custody by a peace officer and the vehicle would thereby be left unattended upon a street, highway or restricted parking area, or other public or private way;

(VIII) When a vehicle is found being driven upon the streets or other public way of the County and the same is not equipped with all of the necessary parts and equipment as required, or does not meet the standards for the parts or equipment required therein;

(IX) When the driver of a vehicle is reasonably suspected of using license plates or a license permit unlawfully, misusing the license plates or license permit issued to the driver, or a vehicle is driven or parked without proper license plates or license permit, or with no license plates or license permit, or driven or parked with an invalid or expired license permit;

(X) When the driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid, or does not have such license in the drivers immediate possession, or drives a vehicle contrary to restrictions imposed upon the license, or drives a vehicle while their operator's or chauffeur's license has been denied, suspended, canceled or revoked by the state;

(XI) When a vehicle is found parked on or so near to any railroad track as to block the same in any manner;

(XII) When the driver of any vehicle, or the vehicle which the driver is driving, is reasonably suspected of having been involved in any hit and run accident;

(XIII) When any vehicle is reasonably suspected of being a stolen vehicle, or parts thereof to be stolen parts;

(XIV) When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor, or when the vehicle is suspected of containing stolen goods, or other contraband;

(XV) When a driver, owner or person in charge of a vehicle has failed to respond to a notice of illegal parking;

(XVI) When any vehicle is parked or stopped in any emergency access lane provided that such emergency access lane has been posted with an authorized sign giving notice both of such prohibition and of the fact that such area or portion of such public roadway or private property is a "tow away" area.

**§1801 (2)** When any person or vehicle is found in violation of the aforementioned subsections of Section 1801(a), and said violation constitutes an immediate and dangerous traffic hazard, the vehicle may be impounded immediately without any notice at the discretion of the officer.

**§1801 (3)** When any person or vehicle is found in violation of the aforementioned subsections of Section 1801(a), officers of the County, acting in their official capacity may, and are hereby authorized to, temporarily and for a period of twenty-four (24) hours immobilize such vehicle by installing on, or attaching to, such vehicle a device designed to restrict the normal movement of such vehicle, and if such vehicle is so immobilized, the officers of the County by so installing or attaching such device shall conspicuously affix to such vehicle a notice, in writing, on a form provided by the Sheriff's Office, advising the owner, driver or person in charge of such vehicle, that such vehicle has been immobilized by the County for violation of one or more of the provisions of this



chapter; that release from such immobilization may be obtained at a designated place; that unless arrangements are made for the release of such vehicle within twenty-four (24) hours the vehicle may be removed from the streets or private area at the direction of officers of the County, acting in their official capacity; and that removing or attempting to remove the device before a release is obtained is unlawful. It shall be unlawful for any person to remove or attempt to remove any such device before a release is obtained as herein provided or to move any such vehicle before the same is released by the Sheriff's Office. If the vehicle has remained immobilized for a period of twenty-four (24) hours and release has not been obtained, officers or an employee of the County may have the vehicle impounded.

K. Article II, Section 102, "Definitions," is hereby modified in the following particulars only:

**§102 (34)** [delete existing and replace with:] "Local Authority(ies)" as used herein refers to Eagle County, Colorado, unless the context requires otherwise.

**§102 (43-B)** [new:] "Municipality(ies)" and "Municipal Authority(ies)" as used herein refer to Eagle County, Colorado, unless the context requires otherwise.

The Remaining language of Section 102 is to remain unchanged.

**Part 4. Penalty Assessment Procedures and Penalty Schedule** 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 in this ordinance commits a traffic infraction pursuant to section 30-15-402, C.R.S., as amended.

(c) For its schedule of fines, Eagle County Board of Commissioners hereby adopts 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 and penalties correspond to the sections of the Model Traffic Code adopted by this Ordinance, for all cases wherein the alleged violator acknowledges guilt of 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 section 42-4-1701, the Eagle County Board of Commissioners hereby adopts the penalty assessment and fine schedule set forth in Exhibit "A" which is attached hereto and made a part hereof by reference. If no penalty or surcharge is specified in section 42-4-1701 or this Ordinance, the penalty for class A

and class B traffic infractions shall be fifteen dollars, and the surcharge shall be ten dollars.

(d) Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this Ordinance shall be paid into the treasury of Eagle County.

(e) If a person receives a penalty assessment notice for a violation hereunder 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:

(I) For a violation having an assessment of three or more points, the points are reduced by two points;

(II) For a violation having an assessment of two points, the points are reduced by one point.

#### **Part 5. Application.**

With the exception of Part 3, Sections 236(7) and 237(6), 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 or designated private area as authorized, either within the unincorporated areas of this County or within the incorporated areas of this County as provided for in intergovernmental agreements, wherein this County has jurisdiction and authority to regulate. Part 3, Sections 236(7) and 237(6) of this ordinance shall apply only to roadways within the jurisdiction of Eagle County that are not state highways or part of the national system of interstate highways. The provisions of Sections 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively, concerning reckless driving, careless driving, and eluding a police officer, shall apply not only to public and private places and ways but also throughout this County.

#### **Part 6. Effective Date.**

This ordinance shall be effective beginning at 12:01 a.m. on November 1, 2009.

#### **Part 7. Validity.**

If any part or parts of this ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining parts of this ordinance. The Board of County Commissioners hereby declares that it would have passed this ordinance and each part thereof, irrespective of the fact that any one part or parts be declared invalid.

#### **Part 8. Repeal.**

All existing resolutions and ordinances covering the same matters as embraced in this ordinance are hereby repealed to the extent that they cover such matters, and all existing resolutions and ordinances, to the extent they are 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 resolution or ordinance which is hereby repealed prior to the taking effect of this ordinance.

**Part 9. Interpretation.**

This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with Colorado'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.

**Part 10. Certification.**

The Eagle 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.

INTRODUCED, FIRST READ AND SET FOR PUBLIC HEARING ON THE 1<sup>ST</sup> DAY OF SEPTEMBER, 2009.

NOTICE OF PUBLIC HEARING PUBLISHED IN THE EAGLE VALLEY ENTERPRISE ON THE 3<sup>RD</sup> DAY OF SEPTEMBER 2009.

APPROVED AND ADOPTED UPON SECOND READING AND AFTER PUBLIC HEARING ON THE 15<sup>TH</sup> DAY OF SEPTEMBER, 2009.

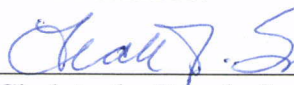
PUBLISHED AFTER ADOPTION IN THE EAGLE VALLEY ENTERPRISE ON THE 24<sup>TH</sup> DAY OF SEPTEMBER, 2009.

**MOVED, READ AND ADOPTED** by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 15<sup>th</sup> day of September, 2009.

COUNTY OF EAGLE, STATE OF  
COLORADO, By and Through Its  
BOARD OF COUNTY  
COMMISSIONERS

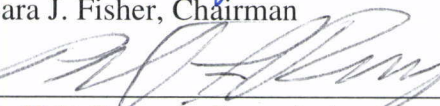
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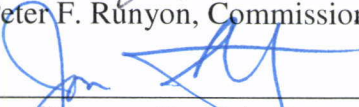
ATTEST AS TO SIGNATURE,  
INTRODUCTION, AND  
PUBLICATION

  
Clerk to the Board of  
County Commissioners



  
Sara J. Fisher, Chairman

  
Peter F. Runyon, Commissioner

  
Jon Stavney, Commissioner