

ORDINANCE NO. 15

AN ORDINANCE AMENDING TELLER COUNTY ORDINANCE NO. 13 FOR THE REGULATION OF TRAFFIC BY THE COUNTY OF TELLER COLORADO; WHICH ADOPTED BY REFERENCE THE 2003 EDITION OF THE "MODEL TRAFFIC CODE"

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TELLER COUNTY, COLORADO:

WHEREAS, the Teller County Board of County Commissioners is authorized, pursuant to C.R.S. 30-15-401(1)(h), C.R.S. 30-15-407, and C.R.S. 42-4-110(1), to adopt by reference all or any part of the model traffic code which embodies the rules of the road and vehicle requirements set forth in this Ordinance; and

WHEREAS, by Ordinance No. 13, and as provided therein, the Board of County Commissioners of Teller County adopted the Model Traffic Code for Colorado, published by the Colorado Department of Transportation, State of Colorado, revised 2003; and

WHEREAS, the Board of County Commissioners now desires to amend certain sections of Teller County Ordinance No. 13; and

WHEREAS, the Board of County Commissioners finds that the publication and notice of this Ordinance was or will be performed in accordance with C.R.S. 30-15-405 and 30-15-406; and

WHEREAS, the Teller County Sheriff's Office is the appropriate enforcement agency to enforce this Ordinance; and

WHEREAS, the Board of County Commissioners hereby finds, determines and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Teller County, Colorado.

NOW, THEREFORE, THE FOLLOWING SECTIONS OF TELLER COUNTY ORDINANCE 13 ARE AMENDED AND ADOPTED AS FOLLOWS, REPLACING SAID SECTIONS AS OF THE EFFECTIVE DATE OF THIS ORDINANCE NO. 15:

Section 2. 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 this county and are therefore expressly deleted:

NONE

Section 3. Additions or Modifications. The said adopted Code is subject to the following additions or modifications:

“Section 705 is amended to read: **Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle.**

(1) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 213 or 222, the driver of every other vehicle shall yield the right-of-way and where possible shall immediately clear the farthest left-hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) (a) A driver in a vehicle that is approaching or passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by section 213 or 222, shall exhibit due care and caution and proceed as described in paragraphs (b) and (c) of this subsection (2).

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stationary authorized emergency vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (c) of this subsection (2).

(c) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (b) of this subsection (2), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary authorized vehicle, weather conditions, road conditions, and vehicular or

pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(3) Any person who violates subsection (2) of this section commits careless driving as described in section 1402.

Section 5. Penalty Assessment. When a person is issued a summons and complaint for a violation of this Ordinance, the issuing officer may give the person a penalty assessment notice pursuant to and as authorized by Section 42-4-1701(5) and Section 16-2-201 C.R.S. The penalty assessment notice shall be a summons and complaint, shall identify the alleged offender, shall specify the offense and applicable fine and the Teller County Administrative Surcharge as described below, and shall require that the alleged offender pay the fine and surcharge or appear to answer the charge at a specified time and place. A duplicate copy shall be sent to the clerk of the county court. If the person given a penalty assessment notice chooses to acknowledge guilt, he may pay the specified fine and surcharge in person or by mail at the place and within the time specified in the notice. If he chooses not to acknowledge his guilt, he shall appear as required in the notice. Upon trial, if the alleged offender is found guilty, the fine imposed shall be that specified in the notice for the offense of which he was found guilty, the Teller County Administrative Surcharge described below shall be imposed and paid over to the Teller County Sheriff's Office, and customary court costs may be assessed against him in addition to the fines and surcharges.

Upon conviction, or admission of guilt pursuant to this Section 5, each violation of any provision hereof is punishable by fines consistent with the fines as set forth in subsection (b) of Section 4 hereof.

In addition to the penalties described in this Ordinance, and the surcharges prescribed by state law, in any proceeding pursuant to this Section 5, an additional Teller County Administrative Surcharge in the amount of twenty five percent of the total fine, excluding state surcharges, shall be paid by the defendant upon conviction, or admission of guilt. The Teller County Administrative Surcharge is to be paid to the Teller County Sheriff's Office.

All other sections and provisions of Teller County Ordinance 13 remain un-amended and in effect and enforceable as originally adopted.

CERTIFICATION: THE FOREGOING ORDINANCE WAS INTRODUCED AND READ ON JULY 27, 2006 BY THE BOARD OF COUNTY COMMISSIONERS OF TELLER COUNTY, COLORADO, AND APPROVED FOR PUBLICATION

DATE OF PUBLICATION: August 9, 2006

THE FOREGOING ORDINANCE WAS CONSIDERED ON SEPTEMBER 21, 2006 AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS

EFFECTIVE: October 28, 2006.

DATE OF SECOND PUBLICATION: September 27, 2006

Patricia A. Crowson,
Teller County Clerk & Recorder

BY: THE TELLER COUNTY BOARD OF COUNTY COMMISSIONERS

James A. Ignatius, Chairman

Attest:

Patricia A. Crowson
Teller County Clerk & Recorder