

## ORDINANCE NO. 4

**AN ORDINANCE ADOPTING, BY REFERENCE, THE MODEL TRAFFIC CODE FOR COLORADO, 2003 EDITION, WITH AMENDMENTS, FOR THE PURPOSE OF REGULATING AND CONTROLLING THE MOVEMENT OF TRAFFIC, PEDESTRIANS AND VEHICLES OF ALL TYPES AND IN GENERAL, REGULATING THE USE OF ALL COUNTY ROADS AND STATE AND FEDERAL HIGHWAYS WITHIN MINERAL COUNTY, COLORADO, AND THE USE OF ALL VEHICLES MOVING THEREON, AND PROVIDING FOR THE ENFORCEMENT THEREOF; AND, REPEALING ALL PREVIOUS ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; AND, PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

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

**SECTION 1: ADOPTION** Pursuant to Article 16 of Title 31, C.R.S., as amended, there is hereby adopted, by reference, Articles I and 11, 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, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the County. 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 the nation. Three (3) copies of the Model Traffic Code, 2003 Edition adopted herein are now filed in the office of the Mineral County Clerk and Recorder and may be inspected during regular business hours.

**SECTION 2: ADDITIONS AND MODIFICATIONS.** The said adopted Code is subject to the following additions and modifications:

(A.) Article I is amended by the addition of a new Part 20 entitled "Chain Law", which new Part 20 reads in its entirety as follows:

#### **Section 2001 - Driving on Certain County Roads During Inclement Weather**

(1) Upon those county roads and parts of county roads as determined by County authorities from time to time, a vehicle shall be driven thereon only if equipped with adequate snow tires, at such times as shall be indicated by official traffic control devices installed and maintained at each end of every such road or portion thereof.

(2) Upon those county roads and parts of county roads as determined by County authorities from time to time and described in traffic control schedules, a vehicle shall be driven thereon only if equipped with tire chains on at least two of the drive wheels of any such vehicle at such times as shall be indicated by official traffic control devices as shall be installed and maintained at each end of every such road or portion thereof.

**Section 2002 - Posting of Official Traffic Control Devices** - When, in the sole discretion of County authorities, snow, ice, or mud conditions on any county road or parts thereof warrant the requirement that vehicles using that county road or any part thereof are equipped either with adequate snow tires or tire chains, signs shall be posted at both ends of such county road or part thereof advising of such requirement and citing Section 2001, of this Code, and all drivers shall obey the requirement as so posted.

#### **Section 2003 - Adequate Snow Tires and Tire Chains Defined**

(1) Adequate snow tires have snow tread of sufficient abrasive or skid resistant design or composition and depth to provide adequate traction under existing driving conditions.

(2) Tire chains are metal chains which consist of two circular metal loops, one on each side of the tire, connected by not less than nine (9) evenly placed chains across the tire thread.

(3) The requirement of adequate snow tires or tire chains, refers to the installation of either such device on both drive wheels of any vehicle. If a vehicle has more than two drive wheels, then such snow tires or tire chains shall be installed upon at least two of said drive wheels.

#### **Section 2004. – Violation**

(1) It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved on any county road or portion of county road posted as set forth in Section 2002, within this county, any vehicle or combination of vehicles which is not equipped with the equipment required in Sections 2001, 2002 and 2003, or for any person to do any act forbidden or fail to perform any act required by any of said Sections.

(2) Nothing contained in this Part 20 shall be construed to prohibit the use of additional equipment not inconsistent with the provisions herein. A motor vehicle equipped with four wheel drive in operating condition and which is engaged such that power is delivered to all four wheels, may be operated upon county roads or portions of county roads posted as described in Section 2002 without the use of the special equipment required in Sections 2001, 2002 and 2003 and in such event, shall not be deemed in violation of Sections 2001 through 2004, inclusive unless, notwithstanding the use of four wheel drive, said vehicle cannot safely traverse the road or portion of road so posted without adequate traction and without damage to the road surfaces.

(B) Article II, Section 102, Definitions, is amended by the following addition to the definitions:

(34) **"Local Authorities"** - means Mineral County authorities.

(15) **"Court"** - means the Mineral County Court.

(C.) Article I is amended by the addition of a new Part 21 entitled "Operation of Off Highway Vehicles on County Roads, which new Part 21 reads in its entirety as follows:

#### **Section 2101 – Operation of Off Highway Vehicles on County Roads Permitted, Except as Posted**

(1) It shall be lawful for persons to operate off highway vehicles (OHV's) on all County and County maintained roads located within Mineral County, except within the Town of Creede, Colorado and except on those County roads and County maintained roads or portions thereof as described in traffic control schedules and posted, if such operation complies with the limitations set forth in Section 2102.

(2) When, in the sole discretion of County authorities, conditions require that OHV's not be permitted on any County road, County maintained road or portion thereof, signs shall be posted at both ends of such County road, County maintained road or portion thereof advising of such prohibition and citing Section 2101 of this Code, and all persons shall obey the prohibition as so posted.

#### **Section 2102 – Limitations With Respect to the Operation of OHV's**

Any person operating an OHV on a County road or County maintained road: (a) Shall be at least 16 years of age; (b) Shall have a valid motor vehicle or motorcycle operator's license, issued by the State of Colorado or the person's state of residence, in their possession; (c) Shall comply with all traffic laws applicable to licensed motor vehicles and other state and federal laws applicable to licensed motor vehicles; (d) Shall comply with all of the provisions of the Model Traffic Code for Colorado, except as noted in Section 2104 of this Part 21; (e) Shall not carry any passengers or cargo beyond the design limits of the OHV; (f) Shall not operate such OHV during the hours of darkness unless the OHV is fully equipped with adequate head and tail lamps, and; (g) Shall not operate an OHV on any County road or County maintained road or portion thereof as described in traffic control schedules and as posted.

#### **Section 2103 – Limitations With Respect to OHV's**

Any OHV's operated on a County Road shall be registered with the State of Colorado Division of Parks and Recreation.

#### **Section 2104 – Amendment of Model Traffic Code Provisions**

All provisions of the Model Traffic Code, including equipment requirements, registration requirements, all offenses and all definitions shall be deemed to be minimally amended to accommodate the foregoing provisions of this Part 21 only.



### **SECTION 3: PENALTIES**

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 stated or adopted in this Ordinance.

(B) Every person convicted of a violation of any provisions stated or adopted in this Ordinance shall be punished by a fine not exceeding Six Hundred Dollars (\$600.00).

(C) All of the fines collected by the Clerk of the County Court of Mineral County, Colorado, not including the surcharge required in CRS 30.15-402 (2), shall be paid over to the Mineral County Treasurer at least monthly, for deposit to the general fund of Mineral County.

(D) All Penalty Assessments, when permitted, shall be in the amounts set by state statute, as amended from time to time, and shall be paid over to the Mineral County Treasurer at least monthly, for deposit to the general fund of Mineral County.

(E) Penalty Assessments for violations not covered by state statute, if any, shall be set forth in the traffic control schedules.

### **SECTION 4: APPLICATION**

Except for Part 20 and Part 21 of Article I which apply only to County roads and County maintained roads, this Ordinance shall apply to every County road, County maintained road state and federal highway, street, alley, sidewalk area, driveway, park, and to every other public way, public place or public parking area within Mineral County, Colorado, and outside the corporate limits of Creede, Colorado, any use of which Mineral County has jurisdiction and authority to regulate. In addition, this Ordinance shall apply to all roads within subdivisions within Mineral County, Colorado. The provisions of section 1401, 1402, 1413 and Part 16 of the adopted Model Traffic Code respectively concerning reckless driving, careless driving, limitations on backing, eluding an officer, and accident investigation and any other sections that specifically so provide, shall apply not only to public places and ways but also throughout Mineral County.

### **SECTION 5: VALIDITY**

If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of County Commissioners of Mineral County, Colorado 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 6: REPEAL**

Existing Ordinances or parts of Ordinances or Resolutions or parts of Resolutions covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances and parts of Ordinances or Resolutions or parts of Resolutions 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 or Resolution hereby repealed prior to the taking effect of this Ordinance.

### **SECTION 7: 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 this Ordinance and of the 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 hereof or thereof.

### **SECTION 8: CERTIFICATION**

The Clerk and Recorder of Mineral County, Colorado shall certify to the passage of this Ordinance and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.

**SECTION 9: ADOPTION**


This Ordinance was introduced, read in full, and passed and approved upon first reading on a vote of 3 Commissioners in favor and 0 Commissioners against, at a regular meeting of the Board of County Commissioners of Mineral County, Colorado, held on the 7<sup>th</sup> day of June, 2004; and ordered published in full, one time, in the Mineral County Miner more than ten days prior to the next regular meeting of the Board.

In addition, the Clerk and Recorder of Mineral County, Colorado was instructed to prepare Notice of Public Hearing to be published in the Mineral County Miner, two times, more than ten days prior to the next regular meeting, advising the general public of a public hearing to be held at the next regular meeting of the Board of County Commissioners of Mineral County, Colorado, in the Mineral County Courthouse, Creede, Colorado, on the 5<sup>th</sup> day of July, 2004 at 11:00 o'clock a.m.

In addition, the Clerk and Recorder of Mineral County, Colorado was instructed to maintain on file, three (3) copies of the Model Traffic Code, with three (3) copies of this adopting Ordinance attached thereto, for inspection by the general public during regular business hours from the date hereof to the date of the public hearing and at all times following adoption.

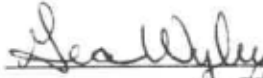
**Approved on First Reading,  
June 7, 2004:**

  
\_\_\_\_\_  
**Chairman Commissioner**

  
\_\_\_\_\_  
**Commissioner**

  
\_\_\_\_\_  
**Commissioner**

**ATTEST:**

  
\_\_\_\_\_  
**Mineral County Clerk and Recorder**

The foregoing adopting Ordinance, having been read in full, passed and approved upon first reading by the Board of County Commissioners of Mineral County, Colorado, at its regular meeting held on the 7<sup>th</sup> day of June, 2004, and three (3) copies of such Model Traffic Code, together with one copy of this adopting Ordinance attached to each such copy, having been maintained on file with the Clerk and Recorder's office of Mineral County, Colorado from and after the date of first reading, and public hearing having been held this date after publication of Notice of Public Hearing, two times, more then ten days prior hereto and publication of this adopting Ordinance, in full, one time, more than ten days prior hereto, and upon motion duly made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ and unanimously carried, the foregoing Ordinance was adopted, at the regular meeting of the Board of County Commissioners of Mineral County, Colorado, held on the 5<sup>th</sup> day of July, 2004. The foregoing Ordinance adopting the 2003 Model Traffic Code, by reference, was duly passed, adopted and approved on a vote of all Commissioners in favor and no Commissioners against and ordered published, by title only, including the date of first publication, such Ordinance to be in full force and effect thirty (30) days subsequent to such publication by title only.

**Approved on Second Reading,  
July 5, 2004**

\_\_\_\_\_  
**Chairman/Commissioner**

\_\_\_\_\_  
**Commissioner**

\_\_\_\_\_  
**Commissioner**

**ATTEST:**

\_\_\_\_\_  
**Mineral County Clerk and Recorder**

**SECTION 9: ADOPTION**

This Ordinance was introduced, read in full, and approved upon first reading on a vote of 3 Commissioners in favor and 0 Commissioners against, at a regular meeting of the Board of County Commissioners of Mineral County, Colorado, held on the 7<sup>th</sup> day of June, 2004. In addition, the Clerk and Recorder of Mineral County, Colorado was instructed to prepare Notice of Public Hearing to be published in the Mineral County Miner, two times, more than fifteen and eight days prior to the next regular meeting, advising the general public of a public hearing to be held at the next regular meeting of the Board of County Commissioners of Mineral County, Colorado, in the Mineral County Courthouse, Creede, Colorado, on the 5<sup>th</sup> day of July, 2004 at 11:00 o'clock a.m. In addition, the Clerk and Recorder of Mineral County, Colorado was instructed to maintain on file, three (3) copies of the Model Traffic Code, with three (3) copies of this adopting Ordinance attached thereto, for inspection by the general public during regular business hours from the date hereof to the date of the public hearing and at all times following adoption.

The foregoing adopting Ordinance, having been read in full, passed and approved upon first reading by the Board of County Commissioners of Mineral County, Colorado, at its regular meeting held on the 7<sup>th</sup> day of June, 2004, and three (3) copies of such Model Traffic Code, together with one copy of this adopting Ordinance attached to each such copy, having been maintained on file with the Clerk and Recorder's office of Mineral County, Colorado from and after the date of first reading, and public hearing having been held this date after publication of Notice of Public Hearing, two times, more than eight and fifteen days prior hereto and upon motion duly made by Commissioner Wardell, seconded by Commissioner Kelisch and unanimously carried, the foregoing Ordinance was adopted at the regular meeting of the Board of County Commissioners of Mineral County, Colorado, held on the ~~7<sup>th</sup>~~<sup>3<sup>rd</sup></sup> day of ~~July~~<sup>August</sup>, 2004. The foregoing Ordinance adopting the 2003 Model Traffic Code, by reference, was duly passed, adopted and approved on a vote of 2 Commissioners in favor and one Commissioner ~~against~~ and ordered published in full, one time, in the Mineral County Miner, such Ordinance to be in full force and effect thirty (30) days subsequent to such publication.

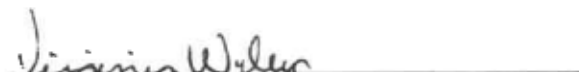
Approved and Adopted <sup>after</sup> on Second Reading,  
~~July 5, 2004~~ August 2, 2004

  
Chairman/Commissioner (NAY)

  
Commissioner (AYC)

  
Commissioner (AYC)

ATTEST:

  
Mineral County Clerk and Recorder