





**Section 3. Scope.**

This Ordinance shall apply throughout the unincorporated areas of Elbert County, including public, private, state and applicable federal lands. This Ordinance shall in no way limit application and enforcement of any statutes of the State of Colorado but shall be in addition thereto. This Ordinance may be utilized and enforced in incorporated towns by agreement with such town(s).

**Section 4. Adoption of 2010 Model Traffic Code,**

Pursuant to sections 42-4-110(1) and 30-15-401(1)(h), C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2010 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. 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 nation. Copies of the Model Traffic Code adopted herein are on file in the office of the Clerk and Recorder of Elbert County, and may be inspected during regular business hours.

**Section 5. Violation.**

It shall be unlawful for any person to violate any provision of this Ordinance.

**Section 6. Penalty Assessment Procedure and Penalty Schedule.**

- (a) Any person who violates any of the provisions of this Ordinance commits a traffic infraction, pursuant to section 30-15-402(1), C.R.S. The penalty assessment procedure provided in section 16-2-201, C.R.S., shall be followed by the arresting officer for any such violation of this Ordinance.
- (b) Elbert County hereby elects to have the provisions of section 42-2-127(5.5)(b), C.R.S., apply to violations of this Ordinance. If a violator receives a penalty assessment notice for a violation of this Ordinance, 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:
  - (1) For a violation having an assessment of three or more points, the points are reduced by two points;
  - (2) For a violation having an assessment of two points, the points are reduced by one point.
- (c) For its schedule of fines and penalties, Elbert County incorporates by this reference the schedule of fines and penalties set forth in section 42-4-170I, 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 or liability, is found guilty by a court of competent jurisdiction, or has judgment entered against him/her. If the penalty assessment procedure is not used, and the alleged offender is found guilty, court costs may be assessed in addition to the fine and penalties set forth in section 42-4-170I, C.R.S., and surcharges.
- (d) In the case of multiple traffic offenses involving aggressive driving, the applicable penalty or penalty assessment shall be doubled for each traffic offense. For purposes of this subsection, "aggressive driving" means committing any two or more of the following violations in a single act or series of acts in close proximity to another motor vehicle:
  - (1) Exceeding the speed limits (1101);
  - (2) Following too closely (1008);

- (3) Failure to obey official traffic control devices (603);
  - (4) Passing on shoulder of road (1004(2));
  - (5) Failure to give an adequate signal (903);
  - (6) Failure to yield right-of-way (701, 702, 703); and
  - (7) Unsafe lane change (903).
- (e) The remedies provided in this ordinance shall be cumulative and in addition to any other federal, state or local remedy, criminal or civil, which may be available. Nothing contained herein shall be construed to preclude prosecution under any other applicable statute, ordinance, rule, order or regulation.

**Section 7. Enforcement and Prosecution.**

This Ordinance shall be enforced by the Elbert County Sheriff. All prosecutions for all offenses under this ordinance shall be by the District Attorney according to the Colorado County Court Rules of Criminal Procedure.

**Section 8. Disposition or Fines and Forfeitures,**

Unless otherwise provided by law, all fines and penalties for the violation of this Ordinance shall be paid into the treasury of Elbert County, designated to a Law Enforcement Assistance Fund.

**Section 9. Surcharges,**

In addition to the fines and penalties prescribed in this Ordinance, any person convicted of a violation of this Ordinance shall be subject to the statutory surcharges for the Victims and Witness Assistance and Law Enforcement Fund, and for the Colorado Traumatic Brain Injury Trust Fund. These surcharges shall be paid to the clerk of the court by each person convicted of violating this Ordinance. The clerk shall transmit the moneys to the respective funds in accordance with section 30-15-402(2), C.R.S.

**Section 10. Severability.**

If any section, subsection, clause, sentence or phrase of this Ordinance are for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair or invalidate any other provisions of this Ordinance which can be given effect without such invalid provision. The Board hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that anyone part or parts be declared invalid.

**Section 11. Repeal.**

Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances (in particular 11-02) 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 12. 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 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.



**Section 14. Effective date.**

This Ordinance shall be effective immediately and shall remain in effect until such time as this Ordinance is amended, temporarily suspended or repealed.

**Section 15. Emergency,**

The Board hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation and protection of the health, safety and welfare of the citizens of Elbert County, Colorado. This Ordinance shall take effect immediately upon adoption on second and final reading.

**Section 16. Certification.**

The Elbert County Clerk shall certify to the passage of this Ordinance and shall have on file copies of this Ordinance and the adopted Model Traffic Code available for inspection by the public during normal working hours.

**APPROVED AND ADOPTED** this 12th day of June, 2019.

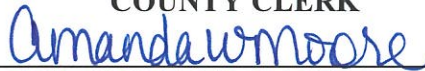
Upon a Motion duly made and seconded, the foregoing resolution was adopted by the following vote:

  
\_\_\_\_\_  
RICK PETTITT, COMMISSIONER AYE

  
\_\_\_\_\_  
GRANT THAYER, COMMISSIONER AYE

  
\_\_\_\_\_  
CHRIS RICHARDSON, COMMISSIONER AYE

ATTEST: DALLAS SCHROEDER  
COUNTY CLERK

BY:   
DEPUTY CLERK TO THE BOARD- Amanda Moore

