

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a Public Hearing before the Board of County Commissioners of Summit County, Colorado, at 1:30 p.m. on the 10th day of July 2012, in the **Commissioners' Hearing Room** of the Old County Courthouse, 208 East Lincoln Avenue, Breckenridge, Colorado, for the purpose of considering the adoption of the following Amendment to Summit County Ordinance No. 9, the Summit County Traffic Code.

ORDINANCE No. 2012-09

BOARD OF COUNTY COMMISSIONERS

OF THE COUNTY OF SUMMIT

STATE OF COLORADO

AMENDING SUMMIT COUNTY ORDINANCE NO. 9 THE SUMMIT COUNTY TRAFFIC CODE IN REGARDS TO THE OPERATION OF BICYCLES AND OTHER HUMAN POWERED VEHICLES ON PUBLIC ROADS IN UNINCORPORATED SUMMIT COUNTY, COLORADO.

RECITALS:

WHEREAS, § 30-15-401(1)(h), C.R.S. authorizes a board of county commissioners to adopt ordinances to control and regulate the movement and parking of motor vehicles on public property; and

WHEREAS, § 42-4-110(1)(b), C.R.S., authorizes local authorities to adopt by reference a model traffic code embodying the rules of the road and vehicle requirements set forth in Article 4 of Title 42, C.R.S., and such additional local regulations as are provided for in Section 42-4-111, C.R.S.; and

WHEREAS, § 42-4-111(1)(b), C.R.S., as amended, authorizes a county's reasonable exercise of police power with respect to streets and highways under its jurisdiction; and

WHEREAS, Section 42-4-111(1)(h), C.R.S., provides that nothing in Article 4 of Title 42, C.R.S., prevents local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from regulating the operation of bicycles or electrical assisted bicycles consistent with the provision of Article 4 of Title 42, C.R.S.; and

WHEREAS, § 42-4-111(1)(v), C.R.S., as amended authorizes a board of county commissioners to adopt, by ordinance, such temporary or experimental regulations with respect to streets and highways under its jurisdiction as may be necessary to cover special conditions; and

WHEREAS, the Board of County Commissioners of Summit County, Colorado has adopted (and amended) the Model Traffic Code For Colorado, 2010 edition, as the Summit County Traffic Code, for the unincorporated areas of Summit County; and

WHEREAS, in recognition of the considerable health, environmental and commercial benefits of cycling and the prevalence of cycling throughout Summit County, the Board of County

Commissioners has invested millions of dollars developing state of the art cycling pathways and facilities; and

WHEREAS, in recognition of its efforts to promote and accommodate cycling, Summit County has been awarded the prestigious designation of “Bicycle Friendly Community” from the League of American Cyclists in 2012; and

WHEREAS, the Board of County Commissioners believes that the fundamental differences between non-motorized and motorized vehicles as authorized modes of transportation sharing public roadway may sometimes warrant the adoption of traffic regulations that reasonably accommodate such differences in Summit County, Colorado where so many citizens and visitors regularly cycle for commuting and recreation purposes; and

WHEREAS, the Model Traffic Code of the State of Colorado and the existing Summit County Traffic Code include regulations, based primarily on § 42-4-1412, C.R.S. all include cyclist specific regulations for cyclists use of public roadways, which implicitly acknowledges the existence of circumstances that may justify adoption of necessary or reasonable cyclist specific traffic regulations; and

WHEREAS, the Towns of Breckenridge and Dillon implemented regulations in 2011 that describe circumstances in which cyclists may lawfully treat stop signs as yield signs and, further the Town of Breckenridge also implemented a regulation describing circumstances in which cyclists, after first coming to a complete stop, may proceed through red lights (“Stop as Yield Regulations”); and

WHEREAS, the Board of County Commissioners find it is in the best interests of public health, welfare and safety of the citizens of and visitors to Summit County that the County and Town traffic control regulations are consistent to the extent such consistency is reasonably practical; and

WHEREAS, the Board of County Commissioners find Stop as Yield regulations are an example of cycling specific traffic regulations that may be safely and reasonably implemented to accommodate significant differences between bicycles and motorized vehicles with respect to the requirement to come to a complete stop at stop signs and proceed through red lights at traffic control devices; and

WHEREAS, the Board of County Commissioners find that cyclists to passing through stop signs and red traffic signals using due care and following applicable laws for doing so raises significantly lesser risk of injury than allowing motor vehicles to do the same, and, further that the effort necessary for cyclists to proceed from a dead stop are significantly greater than that necessary for drivers of motor vehicles; and

WHEREAS, the Board of County Commissioners finds that so long as the Stop as Yield regulations hereby adopted are followed, as is required for all rules of the road, they will not create or increase health or safety risks to users of public roadways in unincorporated areas Summit County, Colorado; and

WHEREAS, the Board of County Commissioners find it reasonable to amend the Summit County Traffic Code by adopting Stop as Yield Regulations and penalties for violating such rules as specifically described herein below; and

WHEREAS, the Board of County Commissioners find, determine, and declare that it is in the best interests of the citizens of and visitors to Summit County, Colorado that the Summit County Traffic Code should be amended as set forth in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, COLORADO:

I. Section 5 of the Summit County Traffic Code titled Additional Provisions of the Summit County Traffic Code is hereby amended by the addition of following sub-section:

N. Bicycles - Stopping - Turn and Stop Signals.

A person operating a bicycle or electrical assisted bicycle approaching a stop sign or a steady red traffic control signal shall slow down and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed or stopping, the person shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the person is moving across or within the intersection, except that a person after slowing to a reasonable speed and yielding the right-of-way if required, may cautiously make a turn or proceed through the intersection without stopping.

II. Section 6 of the Summit County Traffic Code titled Penalty Assessment Procedures and Penalty Schedule is hereby amended by the addition of following sub-section:

13. Violation of Section 5.N of this ordinance shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable in accordance with § 30-15-402(1), C.R.S. by a fine of not more than one thousand dollars for each violation. The penalty assessment procedure of § 16-2-201, C.R.S., may be followed by law enforcement officers for violations of this section in which case the penalty assessment shall be a fine of fifty dollars (\$50.00) for each separate violation.

III. Validity.

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

IV. Repeal.

Except as specifically provided herein, all ordinances and/or resolutions or parts of ordinances and/or resolutions inconsistent with the provisions of this ordinance, including but not limited to previous versions of the Summit County Traffic Code, as amended, 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 effective date of this ordinance.

V. Interpretation.

This amendment to Summit County Ordinance No. 9 shall be so interpreted and construed as to effectuate its general purpose in conformance 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 hereof.

VI. Certification .

The Summit County Clerk and Recorder shall certify to the passage of this Ordinance and make not less than three copies of the adopted Summit County Traffic Code available for inspection by the public in the Summit County Clerk and Recorder's Office during regular business hours.

VII. Effective Date.

This Ordinance shall be effective on July 15, 2012.

INTRODUCED, READ, ORDERED PUBLISHED IN FULL AND SET FOR PUBLIC HEARING ON THIS 26TH DAY OF JUNE 2012.

**BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO**

By: /s/ Dan Gibbs
Dan Gibbs, Chair

ATTEST:

By: Kathleen Neel
Kathleen Neel, Clerk & Recorder

The Board of County Commissioners will hold a Public Hearing on July 10, 2011 to take further comments from the public on and consider adoption of the proposed amendment to Summit County Ordinance No. 9.

This notice is given and published by the order of the Board of County Commissioners of Summit County, Colorado.

Dated this 26th day of June 2012.

COUNTY OF SUMMIT, STATE OF COLORADO

/s/ MJ Griffin
MJ Griffin, Deputy Clerk