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COMMISSIONERS

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

COUNTY OF LAKE AND STATE OF COLORADO

ORDINANCE NO. 99-01

AN ORDINANCE PROHIBITING THE DEPOSITING OF SNOW AND ICE IN CERTAIN PLACES; IMPOSING PENALTIES; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE

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

WHEREAS, the depositing of snow and ice on or against fire hydrants can hamper firefighting efforts and thereby endanger human lives and property; and

WHEREAS, the depositing of snow and ice in roads which are maintained by Lake County can create substantial maintenance problems for County crews and, further, create a dangerous condition making travel over such road hazardous; and

WHEREAS, the Board of County Commissioners of Lake County finds and determines that the adoption of this Ordinance is necessary to protect the public health, safety and welfare.

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

Section 1. Definitions. For the purposes of this Ordinance the following terms, phrases, words and their derivations shall have the following meanings:

PERSON means any individual, partnership, corporation, association, or limited liability entity.

ROADWAY means any public road for which Lake County provides snow plowing service, including, but not limited to County Roads, irrespective of whether Lake County has accepted such road for maintenance purposes.

Section 2. Unlawful to Deposit Snow and Ice On or Against Fire Hydrant. It shall be unlawful and a strict liability offense for any person to plow, shovel, or otherwise deposit, or cause to be deposited, any snow or ice on or against any fire hydrant in unincorporated Lake County. It shall not be a violation of this Ordinance if snow or ice is deposited on or against a fire hydrant by Lake County maintenance personnel incident to the cleaning of a roadway.

Section 3. Unlawful to Deposit Snow and Ice In Roadway. It shall be unlawful and a strict liability offense for any person to plow, shovel, or otherwise deposit, or cause to be deposited, any snow or ice on or in any roadway in unincorporated Lake County. It shall not be a violation of this Ordinance if snow or ice is deposited on or in any roadway by Lake County maintenance personnel incident to the cleaning of such roadway. It shall be an affirmative defense to a prosecution for a violation of this Section 3 that (i) the snow or ice was plowed, shoveled or otherwise deposited into the roadway from the Defendant's sidewalk or driveway; (ii) the deposited snow or ice was placed insofar as possible outside of the normally traveled portion of the roadway; and (iii) the deposited snow or ice did not impair the use of the street by vehicular traffic or interfere with



1 maintenance of the roadway by county maintenance crews.

2
3 Section 4. Enforcement. The provisions of this Ordinance
4 shall be enforced by the Lake County Sheriff.

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6 Section 5. Authority. The Board of County Commissioners
7 hereby finds, determines and declares that it has the power to
8 adopt this Ordinance pursuant to the provisions of Section 30-15-
9 401, C.R.S., and the powers possessed by counties in Colorado.

10
11 Section 6. Penalty. Any person who violates this Ordinance
12 shall be punished as provided in Section 30-15-402, C.R.S.;
13 provided, however, that the Court shall impose a minimum fine of
14 One Hundred Dollars (\$100.00) upon any person who violates this
15 Ordinance and no portion of such minimum fine shall be suspended.
16 The penalty assessment procedures provided in Section 16-2-201,
17 C.R.S., may be followed by any arresting law enforcement officer
18 for any violation of this Ordinance. Each day of a continuing
19 violation shall be deemed a separate offense.

20
21 Section 7. Disposition of Fines. All fines, forfeitures,
22 surcharges (except as provided in Section 30-15-402(2), C.R.S.)
23 collected for violation of this Ordinance shall be paid into the
24 general fund of Lake County.

25
26 Section 8. Declaration of Emergency. The Board of County
27 Commissioners hereby finds, determines and declares that an
28 emergency exists and that this Ordinance is necessary for the
29 immediate preservation of public health or safety. This
30 Ordinance imposes restrictions on the depositing of snow and ice
31 in certain places. Such restrictions are necessary only during
32 the winter months, and following normal Ordinance adoption
33 procedures will result in a substantial and unnecessary delay in
34 the implementation of these important winter regulations, thereby
35 endangering the public health or safety. The Board of County
36 Commissioners further determines that the adoption of this
37 Ordinance as an emergency ordinance is in the best interest of
38 the citizens of Lake County.

39
40 Section 9. Publication; Effective Date. This Ordinance shall
41 be published as provide by law. Pursuant to Section 30-15-405,
42 C.R.S., this Ordinance shall take effect and be in full force
43 upon its adoption.

44
45 Section 10. Severability. If any section, subsection,
46 sentence, clause or phrase of this Ordinance is for any reason
47 held to be invalid, such decision shall not affect the validity
48 of the remaining portions of this Ordinance. The Board of County
49 Commissioners hereby declares that it would have passed this
50 Ordinance, and each section, subsection, clause and phrase
51 hereof, irrespective of the fact that any one or more sections,
52 subsections, sentences, clauses or phrases had been declared
53 invalid.

54
55 INTRODUCED, READ AND ORDERED PUBLISHED in full this 16th day
56 of Feb., 1999.

57
58 This Ordinance was published in full in The Herald Democrat,
59 a newspaper of general circulation published in Lake County,
60 Colorado, on Feb. 25, 1999.

61
62 ADOPTED, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY this
63 15th day of Mar., 1999.

64
65 BOARD OF COUNTY COMMISSIONERS OF
66 LAKE COUNTY, COLORADO
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By James E. Thomas
Chair

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I, Patricia A. Berger, Clerk and Recorder of Lake County, Colorado, do hereby attest and certify that the Ordinance set forth above was introduced, read and ordered published at a regular meeting of the Lake County Board of County Commissioners on the 16th day of Feb, 1999. The Ordinance was adopted, approved and ordered published by title only at a regular meeting of the Lake County Board of County Commissioners held on 3/15, 1999.

This Ordinance was published by title only in The Herald Democrat, a newspaper of general circulation published in Lake County, Colorado, on 3/25, 1999.



Patricia A. Berger
Patricia A. Berger
Clerk and Recorder, Lake County
Colorado; ex officio Clerk of
Said Board