

ORDINANCE NO. O-002-001

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

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**AN ORDINANCE PROHIBITING SOLICITATION OF OCCUPANTS OF VEHICLES
IN ROADWAYS**

WHEREAS, pursuant to section 30-11-107(1)(a), C.R.S., the Board of County Commissioners ("Board") is authorized to make such orders concerning the property belonging to the County as it deems expedient; and

WHEREAS, pursuant to section 30-11-107(1)(a), C.R.S., the Board desires to ensure that Roadways are safe for drivers and pedestrians alike; and

WHEREAS, pursuant to section 30-15-401(h), C.R.S., the Board is authorized to adopt ordinances to control and regulate the movement and parking of vehicles and motor vehicles on public property; and

WHEREAS, the Board recognizes that Roadways that have center medians and shoulders are designed to control traffic flow, and that regulating unintended use of medians and shoulders is appropriate to prevent safety hazards; and

WHEREAS, the Board has serious concerns about the increased frequency and significant safety hazards created by persons soliciting or attempting to solicit occupants of vehicles that are passing or that are temporarily stopped due to traffic signals and/or traffic flow; and

WHEREAS, the Board wishes to prevent dangers to persons and property, to prevent delays, and to avoid interference with vehicular traffic flow; and

WHEREAS, the Board believes this ordinance will prevent dangers to persons or property, control the movement of vehicles, prevent delays, and avoid interference with traffic flow; now, therefore,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY as follows:**

Section I. Scope of Ordinance and Authority:

This Ordinance applies on all Roadways, whether obtained by dedication or prescriptive use, within the unincorporated territory of Douglas County, Colorado, and prohibits persons from soliciting or attempting to solicit employment, businesses, sales, or contributions of any kind, or to collect money for the same, from the occupant of any vehicle.

Section II. Definitions:

The following definitions apply to the interpretation and enforcement of this Ordinance:

- a. "County" means Douglas County, Colorado.
- b. "Highway" means the entire width between the boundary lines of every street or road dedicated to or maintained by the County or the State when any part thereof is open to the use of the public for purposes of vehicular travel, or the entire width of every way declared to be a public highway by any law of this state.
- c. "Median" means that portion of a Roadway separating opposing traffic flows.
- d. "Roadway" means that portion of a highway improved, designed and ordinarily used for vehicular travel and includes shoulders, medians, and areas designated for travel by bicycles or pedestrians.
- e. "Shoulder" means that portion of Roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
- f. "State" means the State of Colorado.

Section III. Prohibited Acts:

It shall be unlawful for any person to enter or remain in a Roadway for the purpose of soliciting or attempting to solicit employment, business, sales, or contributions of any kind, or to collect money for the same, from the occupant of any vehicle.

Section IV. Penalties And Enforcement:

Violations of any provision of this Ordinance shall be a Class 2 Petty offense, and the penalty for a violation of any provision of this Ordinance shall be a fine of \$100.00. All fines shall be paid into the treasury of Douglas County.

It is the duty of the Douglas County Sheriff's Office to enforce the provisions of this Ordinance. The penalty assessment procedure provided in section 16-2-201, C.R.S., shall be followed by the Douglas County Sheriff's Office in enforcing the provisions of this Ordinance, except where a violation of law not subject to the penalty assessment provisions of section 16-2-201, C.R.S. is also charged.

In addition to the penalty prescribed in this Ordinance, the fine is subject to a surcharge of ten dollars. This surcharge shall be paid to the clerk of the court by the defendant. The clerk shall transmit the moneys to the court administrator of the 18th Judicial District for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to section 24-4.2-103, C.R.S.

When imposing a fine under this Ordinance, the court shall separately state as a part of the total fine, the surcharge levied in accordance with section 24-4.2-104 (1), C.R.S. The surcharge and fine shall not exceed the maximum allowed by this Section IV. The defendant shall also pay court costs and any applicable docket fees.

Section V. Procedure:

All prosecutions for all offenses under this Ordinance shall be by the District Attorney according to the applicable Colorado Rules of Criminal Procedure.

Section VI. Severability:

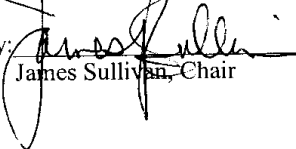
Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

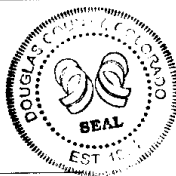
Section VII. Safety Clause:

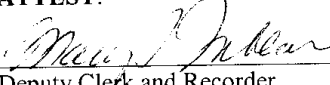
This Board of County Commissioners hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public welfare, health and safety.

INTRODUCED, READ AND ADOPTED ON FIRST READING on February 26, 2002, and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

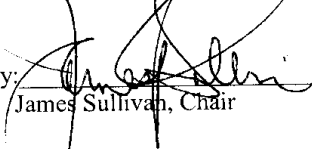
By: 
James Sullivan, Chair

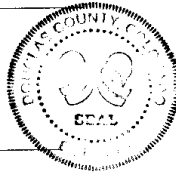


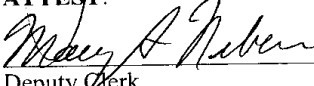
ATTEST:

Deputy Clerk and Recorder

ADOPTED ON SECOND AND FINAL READING ON March 27, 2002.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: 
James Sullivan, Chair

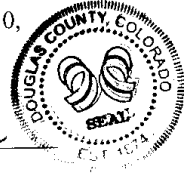


ATTEST:

Deputy Clerk

CERTIFICATE

I hereby certify that the foregoing Ordinance No. O-002-001 was introduced, read and adopted on first reading at the regular meeting of the Board of County Commissions of the County of Douglas on February 26, 2002, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on March 13, 2002, and thereafter was adopted on second and final reading at a public hearing of the Board of County Commissioners of the County of Douglas on March 27, 2002. Said ordinance was published by title only on April 10, 2002. Said ordinance shall become effective on May 10, 2002.

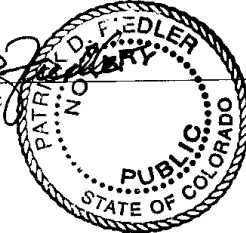
Mary A. Niblack
Deputy Clerk



State of Colorado)
)ss.
County of Douglas)

Subscribed and sworn to before me this 10th day of April, 2002, by Mary A. Niblack, Deputy Clerk.

Patrick D. Fedler
Notary Public



My commission expires: 4-17-2006

CERTIFICATION

I, Mary A. Niblack, Douglas County Deputy Clerk and Recorder, do hereby certify that the foregoing ordinance No. O-002-001, entitled, "**AN ORDINANCE PROHIBITING SOLICITATION OF OCCUPANTS OF VEHICLES IN ROADWAYS**", is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.

Mary A. Niblack
Deputy Clerk

