ORDINANCE

An Ordinance Adopting Policy Part 3, Chapter 6, Section 3 Prohibiting Solicitation of Occupants of Vehicles in Roadways

BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Colorado that the existing Policy and Procedure 5.69 Prohibiting Solicitation of Occupants of Vehicles in Roadways is hereby deleted and replaced with the following:

Title: Regulatory Policy Prohibiting Solicitation of Occupants of Vehicles in Roadways	**Policy No.** Part 3, Regulations Chapter 6, Persons Section 3
	Effective Date January 24, 2011
Policy Custodian Sheriff	**Adoption/Revision Date** December 14, 2010

Adopting Resolution(s): CC10-504

References (Statutes /Resos/Policies): §30-11-107(1)(a), §30-15-401(h), §16-2-201, §24-4.2-103, §24-4.2-104(1), §43-2-147(1)(a); CC04-473, CC04-643

Purpose: An Ordinance prohibiting solicitation of occupants of vehicles in roadways to prevent dangers to persons and property, to prevent delays, and to avoid interference with vehicular traffic flow.

Policy: Prohibiting Solicitation of Occupants of Vehicles in Roadways

A. Scope and Authority
This Ordinance applies on all Roadways, whether obtained by dedication or prescriptive use, within the unincorporated territory of Jefferson County, Colorado, and prohibits persons from 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.

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

1. "County" means unincorporated Jefferson County, Colorado.

2. "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.

3. "Median" means that portion of a Roadway separating opposing traffic flows.

4. "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.

5. "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.

6. "State" means the State of Colorado.

C. 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, from the occupant of any vehicle.

D. Penalties and Enforcement

1. 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 one hundred dollars ($100.00).

2. The penalty assessment procedure provided in C.R.S. §16-2-201, shall be followed by the Jefferson 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 C.R.S. §16-2-201 is also charged.

3. In addition to the penalty prescribed in this Ordinance, the fine is subject to a surcharge of ten dollars ($10.00). This surcharge shall be paid to the clerk of the court by the defendant. The clerk shall transmit the monies to the court administrator of the 1st Judicial District for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to C.R.S. §24-4.2-103.

4. 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 C.R.S. §24-4.2-104(1). The surcharge and fine shall not exceed the maximum allowed by this Section D. The defendant shall also pay court costs and any applicable docket fees.

E. Disposition of Fines
All fines shall be paid into the Treasurer of Jefferson County.

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

G. 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.

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

Chair, Board of County Commissioners

Jefferson County Clerk and Recorder