

## Ordinance No. 25-01

### BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GILPIN AN ORDINANCE PROHIBITING THE DEPOSITING OF SNOW AND ICE IN CERTAIN ROADWAYS

**WHEREAS**, C.R.S. §30-15-401(1)(h) 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 in roads that are maintained by Gilpin 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 Gilpin County finds and determines that the adopting of this Ordinance is necessary to protect the public health, safety, and welfare.

**Be it ordained** by the Board of County Commissioners of the County of Gilpin, State of Colorado that the following Ordinance shall be enacted:

1. Definitions. For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the following meanings:
  - 1.1. **Person** means any individual, partnership, corporation, association, or limited liability entity. The term “person” includes but is not limited to the owners and occupants of real property and contractors or subcontractors that plow, shovel, or remove snow and ice.
  - 1.2. **Roadway** means the travel lane and/or traveled portion of any public road for which Gilpin County provides snow plowing service. For the purposes of this Ordinance, the term “roadway” includes the area of a driveway connection that is on the carriage way side of a culvert.
2. Unlawful to Deposit Snow and Ice in Roadway.
  - 2.1. It shall be unlawful and a strict liability offense for any person to plow, shovel, or otherwise deposit, or cause to be plowed, shoveled, or deposited, any snow or ice on or in any county-maintained roadway in unincorporated Gilpin County.
  - 2.2. It shall be an affirmative defense to a prosecution for a violation of Section 2.1 that all of the following circumstances are demonstrated:
    - A. The snow or ice was plowed, shoveled, or otherwise deposited into the roadway from the property owner’s sidewalk or driveway;
    - B. The deposited snow or ice was placed insofar as possible outside of the roadway; and
    - C. The deposited snow or ice did not impair the use of the roadway by vehicular traffic or interfere with maintenance of the roadway by county maintenance crews.

**2.3.** It shall not be a violation of this Ordinance for personnel or contractors of the Gilpin County Public Works department, or for contractors who are party to a road maintenance agreement with the County (as to the roadways they are authorized to maintain), to plow, shovel, or deposit snow or ice on any roadway as part of routine or extraordinary snow plowing or snow removal operations. Further, it shall not be a violation of this Ordinance to move snow across a portion of the roadway of a local road if such path of movement is necessary to clear both the road and a connecting driveway.

**3. Enforcement and Penalties.**

**3.1.** The provisions of this Ordinance shall be enforced by the Gilpin County Sheriff.

**3.2.** The County's priority is compliance with this Ordinance, and not the processing and collection of fines and penalties. As such, for an initial violation, the Gilpin County Sheriff shall issue a notice to the property owner alleged to have committed the violation or caused the violation to be committed. The notice shall cite this Ordinance and specify a cure period of 24 hours during which the property owner to whom the notice is delivered must cause the snow or ice to be removed from the roadway at no cost to the County. Removal within the cure period shall be sufficient to cure a violation of this Ordinance. A cure period of 24 hours will be offered for each snow event an offense occurs unless the property owner is a habitual repeat offender. The Gilpin County Sheriff's Office has full and final discretion on which property owners are habitual repeat offenders, provided that the property owner has committed not less than three violations during one winter season. Habitual repeat offenders may be issued a citation when an offense occurs.

**3.3.** If the Gilpin County Sheriff finds a violation of this Ordinance in process, the Sheriff may order person committing the violation to immediately correct it, and upon the person's refusal or failure to do so, may issue a citation directly to the person who committed the violation.

**3.4.** Violations shall be processed using the penalty assessment procedures provided in C.R.S. § 16-2-201.

**3.5.** Any person who violates this Ordinance shall be punished as provided in C.R.S. § 30-15-402, provided however, that the Court shall impose a minimum fine of two hundred-fifty dollars (\$250.00) upon any person who violates this Ordinance, and no portion of such minimum fine shall be suspended.

**3.6.** Each day of a continuing violation shall be deemed a separate offense, which shall be subject to the penalties shown in Section 3.5 herein.

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

5. Disposition of Fines. All fines, forfeitures, surcharges (except as provided in C.R.S. § 30-15-402(2)(a)) collected for violation of this Ordinance shall be paid into the general fund of Gilpin County.
6. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision 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 section, subsection, clause, and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid.
7. Emergency Clause. The Board hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the health, safety, and welfare of the people of Gilpin County, and is hereby declared an emergency ordinance and shall take effect immediately after adoption.

Introduced and first read this 22<sup>nd</sup> day of July 2025, and ordered published in full in a newspaper of general circulation published in Gilpin County at least ten (10) days prior to final adoption upon second reading by a vote of 3 to 0.

Approved and adopted upon second reading by a vote of 3 to 0 this 12<sup>th</sup> day of August, 2025.

ADOPTED this 12<sup>th</sup> day of August 2025 by a vote of 3 to 0.

BOARD OF COUNTY COMMISSIONERS  
OF GILPIN COUNTY

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Sandy Hollingsworth, Chair

**CERTIFICATION AND ATTESTATION OF THE COUNTY CLERK**

Sharon McCormick AKA Sahari McCormick, Gilpin County Clerk and Recorder, hereby certifies and attests that the foregoing Ordinance was introduced and published in full ordered by the Board of County Commissioners of the County of Gilpin on first reading on the 22<sup>nd</sup> day of July, 2025 at a regularly scheduled meeting of the Board of the County Commissioners, and approved on second reading on the 12<sup>th</sup> day of August, 2025, at a regularly scheduled meeting of the Board of County Commissioners, Gilpin County, Colorado and that said Ordinance was published in full in the Newspaper of Record at least ten (10) days prior to final adoption.

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Sharon McCormick, AKA Sahari McCormick  
Clerk and Recorder  
Gilpin County

*A signed and recorded copy of this ordinance is available via the Clerk & Recorder's Office.*