

ORDINANCE

BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Colorado that the existing Policy Regulating the Operation and Parking of Vehicles is hereby deleted and replaced with the following:

Title: Regulatory Policy Regulating the Operation and Parking of Vehicles	Policy No. Part 3 Regulations, Chapter 4, Motor Vehicles Section 3
	Effective Date March 8, 2021
Policy Custodian Transportation and Engineering	Adoption/Revision Date January 19, 2021

Adopting Resolution(s): CC21-025

References (Statutes/Resos/Policies): Sections 30-15-401(1)(h), 42-1-102, 42-4-1202, 42-4-1204, C.R.S.; CC83-620, CC83-621, CC84-684, CC88-059, CC 92-595, CC92-984, CC93-359, CC94-482, CC94-748, CC94-824, CC95-580, CC95-617, CC95-699, CC96-040, CC00-515, CC00-516, CC04-581, CC05-259, CC07-045, CC10-503, CC12-440, CC13-023, CC15-155, CC17-370, CC17-398, CC19-177, CC19-209, CC20-093, CC20-124, CC20-362, CC21-026

Purpose: An Ordinance to control and regulate the movement and parking of vehicles on public property for the safety and welfare of the public.

Policy: Regulating the Operation and Parking of Vehicles

A. Definitions.

As used in this ordinance, unless the context otherwise requires:

1. "Division" means the Division of Transportation and Engineering.
2. "Highway" means the entire width between the boundary lines of every County right-of-way when any part thereof is open to the use of the public for purposes of vehicular travel. For purposes of this Ordinance, right-of-ways classified as Streets and Roads by the Transportation and Engineering Divisions shall be considered Highways.
3. "Major Motor Vehicle" means any Vehicle that is:
 - a. Eight (8) feet or more in width including the truck bed; and/or
 - b. Twenty-five (25) feet or more in length; and/or
 - c. Regardless of size, a truck tractor, road tractor or semi-trailer.

The term "Major Motor Vehicle" shall not include those Vehicles defined as Authorized Emergency Vehicles in Section 42-1-102(6), C.R.S.

4. "Major Recreational Vehicle" means a Vehicle:
 - a. Designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to a Motor Vehicle chassis or van which is used primarily for pleasure, enjoyment, other recreational purposes, or family transportation of the Owner, lessee or occupant; or
 - b. Designed to be drawn by a Motor Vehicle and to provide temporary or permanent living quarters, and which is used primarily for pleasure, enjoyment, other recreational purposes, or family transportation of the Owner, lessee or occupant.
5. "Motor Vehicle" means any self-propelled Vehicle which is designed primarily for travel on the public Highways and which is generally and commonly used to transport Persons and property over the public Highways.
6. "Owner" means a Person who has, holds, possesses, or owns the legal title to a Vehicle or in the event a Vehicle is the subject of any agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a or lessee or mortgagor shall be deemed the Owner, or parties otherwise having lawful use or control or the right to use or control a Vehicle for a period of thirty (30) days or more.
7. "Park" or "Parking" means the Standing of a Vehicle, whether occupied or not, other than very briefly for the purpose of, and while actually engaged in, loading or unloading property or passengers.
8. "Peace Officer" means every Person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations in Jefferson County including any Jefferson County Sheriff's Deputy.
9. "Person" means every individual, firm, partnership, association, corporation or limited liability company.
10. "Stand", "Standing", or "Stood" means the halting of a Vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

11. "Stop" or "Stopping" means the halting of a Vehicle, even momentarily, whether occupied or not.
12. "Traffic Control Devices" means all signs, signals, markings, and devices, not inconsistent with State law, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.
13. "Trailer" means any wheeled Vehicle, without motive power, which is designed to be drawn by a Motor Vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, horses, or other property over the public Highways.
14. "Vehicle" means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks, including but not limited to Motor Vehicles, Major Motor Vehicles, Major Recreational Vehicles, and Trailers.

B. Unlawful Parking

It shall be unlawful for any Person to operate, Stand, Park or Stop a Vehicle in any manner on any Highway or at any place in the unincorporated area of Jefferson County, where such movement or Parking of Vehicles has been restricted or prohibited, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a Peace Officer or Traffic Control Device. Parking may be restricted or prohibited through adoption by the Board of County Commissioners of a resolution or ordinance or by the approval by the Board of County Commissioners of regulatory devices that restrict or prohibit Parking. Parking prohibitions specified in this Ordinance are in addition to the restrictions specified in Section 42-4-1204, C.R.S., and otherwise specified by law.

C. Penalty Assessment

In addition to other remedies, penalties, fees and costs provided for in this Ordinance, the penalty assessment procedure provided in Section 16-2-201, C.R.S., shall be followed for any violation of Section B of this Ordinance.

D. Notices For Illegally Parked Vehicles

Whenever any Vehicle is found Standing, Parked or Stopped on any Highway or property in violation of any of the restrictions imposed by this Ordinance, any Peace Officer shall take the Vehicle's registration number and may take any other information displayed on the Vehicle which may identify its Owner, and shall hand to the occupant of such Vehicle or, if the Vehicle is unoccupied, shall conspicuously affix to such Vehicle a penalty assessment notice or summons and complaint, on the form authorized in Section 16-2-201(2), C.R.S., directing the Owner thereof to respond to and answer the

charge at the place and time specified in said notice or summons and complaint, or pay the penalty no later than that date and time to the Jefferson County Treasurer, 100 Jefferson County Parkway, Golden, Colorado 80419.

E. Failure to Comply with Notice of Summons Attached to Parked Vehicle

If there is no response to the notice or summons within the time specified on the penalty assessment notice or summons as provided in Section D, by appearance and payment at the place and time specified in the penalty assessment notice or summons or by mailing payment by means of United States mail, postage prepaid, or by other disposition of the charge as provided by law, the Office of the Clerk of the Combined Courts may send another notice by mail to the Owner of the Vehicle informing the Owner of the violation and specifying the time and place for the Owner to appear and pay or contest the charges alleged therein. If the Owner has not made payment to the Jefferson County Treasurer within the time and date specified in the notice, the Clerk of the Combined Courts may issue an arrest warrant.

F. Penalty

Any Person who violates the provisions of Section B of this Ordinance is guilty of a class 2 petty offense and, upon entry of plea of guilty or conviction thereof, shall be punished by a fine of \$25.00. If such Person fails to pay the fine or to appear and contest the fine at the time and date specified, the fine shall be increased to \$35.00. If such Person fails to respond to the additional notice sent by the Clerk of the Combined Courts by the time specified therein, the fine shall be increased to \$50.00. Such fines and forfeitures shall be collected by the Treasurer of Jefferson County and shall be paid into the treasury of Jefferson County, and are in addition to any other remedies, penalties, fees and costs provided for in this Ordinance.

G. Presumption of Illegal Parking

1. In any prosecution charging a violation of any provision of this Ordinance, proof that the particular Vehicle described in the complaint was Standing, Parked or Stopped in violation of such Ordinance, together with proof that the defendant named in the complaint was at the time of such Standing, Parking or Stopping the registered Owner of such Vehicle, shall constitute prima facie evidence that the registered Owner of such Vehicle was the Person who Stood, Parked or Stopped such Vehicle at the point where, and for the time during which, such violation occurred.
2. Copies of the registration of any Vehicle, certified as such by the State Motor Vehicle Department or the County Clerk and Recorder, shall be sufficient to establish ownership of such Vehicle.

H. Removal and Impoundment

It is a public nuisance, traffic obstruction and grounds to impound the Vehicle, for any Person to Park or leave unattended any Vehicle upon any area or portion of a public Highway or place in violation of or contrary to a Parking limitation or prohibition established pursuant to this Ordinance. This Section shall be in addition to, and shall not supersede, the provisions of Part 18, Article 4, Title 42, C.R.S., regarding towing of abandoned Vehicles.

1. **Provision of Notice.** Before a Vehicle may be impounded for violation of any of the restrictions imposed by this Ordinance, a Peace Officer shall conspicuously affix to such Vehicle a written notice that, if the Vehicle remains in violation of this Ordinance for more than seventy-two (72) hours after the written notice is affixed to the Vehicle, it may be impounded. A Vehicle may not be impounded unless more than 72 hours have passed since the notice was affixed to such Vehicle.
 2. **Costs of Impoundment.** No Vehicle shall be released from impoundment until the charges for impoundment and storage shall have been paid.
 3. **Right to a Hearing.** An Owner may, within five (5) days after the impoundment, request a hearing to contest the Parking violation or the validity of the impoundment. The request must be made to the Clerk of the Combined Courts of Jefferson County. An Owner will be given a hearing within forty-eight (48) hours, excluding weekends and holidays, after the Owner makes a request for a hearing. The court may waive or adjust any charges imposed by or described in this Ordinance whenever the impoundment was improper.
 4. **Abandonment of Impounded Vehicles.** Any impounded Vehicle not claimed within twenty-four (24) hours of the time of impoundment shall be treated as abandoned. The provisions of Part 18, Article 4, Title 42, C.R.S., regarding abandoned Vehicles, shall apply to such Vehicle.
- I. **All-Night Parking of Vehicles on Clear Creek Canyon Right-Of-Way**
1. No Person, except Persons on emergency calls, or Persons in emergency situations, shall Park a Vehicle on the right-of-way in Clear Creek Canyon along U.S. Highway 6 in unincorporated Jefferson County, for a period of time longer than thirty (30) minutes between the hours of 10:00 p.m. and 5:00 a.m. of any day.
 2. The Division shall furnish and arrange for placement and maintenance of Traffic Control Devices in accordance with Sections 42-4-502 and 503, C.R.S. designating the portion of the right-of-way along U.S. Highway 6 where Parking is prohibited, pursuant to Section J of this Ordinance.
- J. **Parking Regulations on Highways in Unincorporated Jefferson County.**

1. It shall be unlawful for any Person to Park any Major Motor Vehicle upon any Highway in unincorporated Jefferson County, except for the purposes of loading, unloading or other immediate and active use.
2. No Major Recreational Vehicle or Trailer shall be Parked on any Highway within any Highway in unincorporated Jefferson County for a period in excess of twenty-eight (28) days within any one-year period.
3. It shall be unlawful for any Person to Park any Vehicle for sale upon any Highway in unincorporated Jefferson County.
4. No citation or summons and complaint shall issue for violation of Regulations J.1 and J.2 above unless there are at least two (2) or more complaining witnesses from separate households who have signed such complaint or citation stating
 - (a) the complainant's name, address and telephone number,
 - (b) if a violation of regulation J.2 is alleged, that the Major Recreational Vehicle or Trailer was Parked for a period in excess of twenty eight (28) days for any one-year period.
5. The enforcement of these regulations shall be governed by Jefferson County Section A through H of this Ordinance.

K. Restricted Parking in Designated Residential Areas

1. The Division is hereby authorized to determine that there is a need to restrict Parking of Vehicles in a designated residential area by Persons who do not reside in that area who seek access to nearby public buildings or facilities, including schools, based on a finding that unrestricted Parking could:
 - a. Cause hazardous traffic conditions in the residential area.
 - b. Produce excessive auto emissions, noise, trash and refuse.
 - c. Unreasonably burden access by area residents to their residences; or
 - d. Damage the character of those areas as Residential Districts and diminish the value of property in those areas.
2. Said determination shall not be made unless at least 60 percent (60%) of the households within the designated area support such determination.

3. The boundaries of the area within which Parking will be restricted shall be determined by the Division Director or his/her designee.
4. Upon a determination of need and area as set forth in Section K.1. through K.3, and upon a resolution of approval by the Board of County Commissioners, the Division may include the area on the list specified in the Restricted Parking in Designated Residential Areas Policy and may post signs pursuant to this Ordinance in the area determined to be adversely impacted to limit the duration of Parking, to designate certain no Parking areas, to limit Parking on certain days and/or during designated hours to residents of such area, to provide notice that Vehicles Parked illegally in such areas are subject to impoundment, and/or to impose any other restrictions reasonably necessary to mitigate the Parking problem and associated harm.
5. If the Parking restriction limits Parking to residents of the area, resident permits shall be obtained from the Division and dispensed by the homeowner's association, and if there is no association, then by the residents. The homeowner's association or residents shall be required to compensate the County for the cost of the permits. Parking permits shall be distributed to all residents of the designated area who desire a permit.
6. Any resident permit shall be affixed to the left-hand corner of the rear bumper of the Vehicle.
7. This Ordinance shall not apply to emergency Vehicles responding to an emergency or to delivery Vehicles that are in the process of making a delivery within the restricted area.
8. Holders of Parking permits within all areas of Jefferson County for which a permit is required shall be limited to Parking along the frontage of the property where they reside.
9. This Ordinance shall be enforced pursuant to the provisions of Section A through H.

L. 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.

M. 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.