

ARAPAHOE COUNTY, COLORADO
ORDINANCE NO. 2020-03

AN ORDINANCE TO ESTABLISH TEMPORARY NO PARKING ZONES TO CONTROL AND REGULATE THE PARKING OF VEHICLES ON COUNTY ROADS IN AND AROUND AREAS OF DESIGNATED ROAD IMPROVEMENT, REPAIR OR MAINTENANCE PROJECTS AND PROVIDING PENALTY PROVISIONS FOR VIOLATIONS

WHEREAS, Section 43-2-110(1), subparts (a) and (b), Colorado Revised Statutes (C.R.S.), require the Arapahoe County Board of County Commissioners (the Board) to designate the primary and secondary roads in the unincorporated territory of the County and to adopt, after public hearing, the official map of said roads as the County road system, and Section 43-2-111(1), C.R.S., assigns the county road system to the county for construction and maintenance; and

WHEREAS, Section 30-11-107(1)(h), C.R.S., authorizes the Board to lay out, alter or discontinue any road running into or through the unincorporated territory of Arapahoe County and to perform such other duties respecting County roads as are or may be prescribed by law; and

WHEREAS, Section 42-4-110(1) authorizes the local authorities, such as the Board, to enact and enforce traffic regulations on roads and streets within its jurisdiction; and

WHEREAS, Section 42-4-111(1)(a), C.R.S. allows local authorities, such as the Board, to regulate or prohibit the stopping, standing, or parking of vehicles on roads and streets under their jurisdiction and within the reasonable exercise of the local authority's police powers, provided that official signs or other traffic control devices, conforming to and authorized under state law standards are placed in a manner to provide lawful notice of the regulations; and

WHEREAS, Section 30-15-401(1)(h), C.R.S., authorizes the Board to adopt an ordinance to control and regulate the movement and parking of vehicles and motor vehicles on public property; and

WHEREAS, Section 42-4-1813(2), C.R.S., authorizes any county to establish by ordinance or resolution, procedures for the removal, storage and disposal of abandoned or illegally parked motor vehicles; and

WHEREAS, through these statutes, the Board is vested with broad authority over County roads and road rights-of-way, including the authority to designate temporary or permanent no parking zones on County roads and to make provision for the continued and proper improvement and maintenance of such road rights of ways; and

WHEREAS, the Board finds that motor vehicles that are parked in a manner so as to obstruct County road construction, repair or maintenance projects inhibit the performance of the

work to perform and complete the projects and cause delays; increasing the cost of the projects and thereby reducing the amount of funds available for other needed road projects, all to the detriment of the traveling public and the taxpayers in Arapahoe County; and

WHEREAS, pursuant to the above recited statutory authority, the Board desires to adopt an Ordinance to establish that it is illegal to park on County roads at locations where and when such parked motor vehicles interfere with or obstruct the performance of County road improvement, repair or maintenance projects, and upon the posting of conforming and lawful signage to provide notice of the project and that parking is prohibited at the specified location for the period necessary to allow for the performance and completion of the project.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Arapahoe County as follows:

SECTION 1. APPLICABILITY

This Ordinance shall apply to those areas of County roads that are designated as Temporary No Parking Zones, pursuant to the authority delegated under Section 3 of this Ordinance, by the Director of the Arapahoe County Department of Public Works and Development (the Director) and where such Temporary No Parking Zone is designated by signage posted in accordance with applicable law and regulation.

SECTION 2. TEMPORARY PARKING PROHIBITIONS

No person shall park a motor vehicle within any Temporary No Parking Zone duly established and posted pursuant to this Ordinance.

SECTION 3. DESIGNATION OF TEMPORARY NO PARKING ZONES

The Director is authorized to establish Temporary No Parking Zones for County road improvement, repair or maintenance projects at such locations where the parking of motor vehicles on the road will interfere with or otherwise obstruct the County project. The Temporary No Parking Zones may be established only for such duration as is needed for the project. The Director shall develop procedures, to be approved by the Board, for establishing such Temporary No Parking Zones, for posting temporary signage to designate the Temporary No Parking Zone in accordance with the Manual on Uniform Traffic Control Devices and any other applicable law or regulation, and pursuant to Section 42-4-1813(2), C.R.S., for the tow and impound of motor vehicles illegally parked in a duly established Temporary No Parking Zone.

SECTION 4. ENFORCEMENT

The Arapahoe County Sheriff (and his Deputies) shall have the power to issue citations for violations of this Ordinance, and in accordance with procedures approved by the Board for towing vehicles, to order the tow and impound of motor vehicles illegally parked in any Temporary No Parking Zone established and posted in compliance with this Ordinance.

SECTION 5. PENALTIES

- A. In accordance with Section 42-4-1204(3)(b), C.R.S., any person who violates any provision of this Ordinance commits a Class B traffic infraction and shall be subject to the fines specified under the Arapahoe County Model Traffic Code Ordinance as duly adopted and in effect within the unincorporated territory of the County for a violation of Parking Regulation 1204 of the Model Traffic Code.
- B. The penalty assessment procedures set out in § 16-2-201(1.5) and (2), C.R.S., shall be followed in enforcing this Ordinance.
- C. All fines for violation of this Ordinance shall be paid to the Arapahoe County Sheriff's Traffic Violations Bureau Clerk, who shall deposit said fines into the Arapahoe Law Enforcement Assistance Fund.
- D. In addition to the penalties prescribed above, persons convicted of a violation of this Ordinance shall be subject to a surcharge of ten dollars (\$10) that shall be paid to the clerk of the court by the defendant as provided by § 30-15-402(2)(a), C.R.S.

SECTION 6. INTERPRETATION

This Ordinance shall be so interpreted and construed to effectuate its general purpose to regulate the parking of motor vehicles as and where necessary to eliminate interference with County road improvement, repair or maintenance projects in conformance with the State's uniform system for the regulation of motor vehicles and traffic and the Arapahoe County Model Traffic Code.

SECTION 7. SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the final publication following adoption.

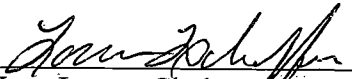
**BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
ARAPAHOE COUNTY COLORADO**

CERTIFICATE

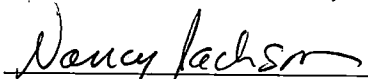
It is hereby certified that the foregoing Ordinance No. 2020-03 was introduced, read and a resolution to set a public hearing was adopted following its first reading at the regular meeting of the Board of County Commissioners on September 8, 2020 (Resolution No. 200619) and the

same was published in full in the Villager, a newspaper of general circulation in Arapahoe County, on September 10, 2020, with notice of a public hearing to consider adoption of Ordinance No. 2020-03, and thereafter, following said public hearing held on September 22, 2020, the Board of County Commissioners adopted Ordinance No. 2020-03 (Resolution No. 200661). Said Ordinance, following adoption, was published in the Villager on October 1, 2020 and in accordance with CRS 30-15-405, said Ordinance became effective November 1, 2020.

Attest:


Joan Lopez, Clerk to the Board




Nancy Jackson, Chair

INTRODUCED, READ, AND HEARING RESOLUTION ADOPTED FOLLOWING FIRST READING on September 8, 2020 (Resolution No. 20864) and ordered and published in full in the Villager Newspaper on September 10, 2020.

ORDINANCE 2021-01 WAS ADOPTED FOLLOWING PUBLIC HEARING on September 22, 2020 (Resolution No. 200661) and ordered published in the Villager Newspaper.

Date of publication after adoption: October 1, 2020

Effective Date: November 1, 2020

JOAN LOPEZ
Arapahoe County Clerk and Recorder and Clerk to the Board




Joan Lopez