

ORDINANCE NO. 5

**AN ORDINANCE REGULATING THE PARKING ON AND BLOCKING OF
CLEAR CREEK COUNTY ROADWAYS AND ROAD RIGHTS-OF-WAY**

WHEREAS, pursuant to C.R.S. § 30-15-401(1)(h), the Board of County Commissioners has the power to regulate movement and parking of vehicles on public property; and

WHEREAS, pursuant to C.R.S. § 30-11-107(1)(a), the Board of County Commissioners of Clear Creek County has the power to make such orders concerning property belonging to the County as it may deem expedient, and to perform such duties respecting County roads as may be required by law; and

WHEREAS, C.R.S. § 42-4-1204(1), sets forth the areas that are appropriate for parking and stopping of vehicles; and

WHEREAS, C.R.S. § 42-4-1803(2), the Clear Creek County Sheriff's Office and any deputy sheriff has authority to remove by towing any unattended motor vehicle obstructing traffic or county road maintenance; and

WHEREAS, it is the desire of the Board of County Commissioners of Clear Creek County to set forth an orderly procedure to regulate parking of vehicles on county roads, and road right-of-ways; and

WHEREAS, the Board of County Commissioners, pursuant to public notice published 17 May 2000, held a public hearing on 2 May 2000 and continued said hearing on 9 May, 23 May, and 20 June 2000 to consider amending Ordinance #0-84-2A "Regulating Parking on County Maintained Roadways".

NOW, THEREFORE BE IT ORDAINED that the Board of Commissioners of Clear Creek County hereby approves the following:

I. PARKING


A. DEFINITIONS

1. County Roadway: For purposes of this Ordinance, the "County Roadway" is defined as follows:
 - a. The road surface and County maintained drainage features of maintained County roads.
 - b. Any platted right-of-way.
 - c. Any public right-of-way.
 - d. All areas within a cul-de-sac.
 - e. Designated snow plow turn-arounds and all maintenance areas.
 - f. All designated emergency pullouts and school bus turn-arounds.
2. Disabled Vehicle: A "Disabled Vehicle" is a validly licensed and registered vehicle, trailer or camper that will not move under its own power due to mechanical failure, snow or other circumstances.
3. Object: An "Object" includes by way of example and not limitation, construction materials/equipment, discarded articles, and scrap materials.

B. PARKING POLICY

Vehicles or other Objects shall not be parked, stored or abandoned in whole or in part on a County Roadway unless one of the following conditions exist:

1. The Sheriff's Office has been notified that efforts are actively underway to have a Disabled Vehicle or Object removed.
2. During an infrequent event, including by way of example and not limitation, a family gathering, community meeting or garage sale, overflow vehicles may be parked in whole or in part on a County Roadway only when:
 - a. said parking does not impede on a minimum of twelve (12) feet of traveled road surface if the road is designated to accommodate one lane of traffic;
 - b. The parked vehicle allows both lanes to remain passible on a two lane road;
 - c. does not create a potential traffic or public safety hazard;
 - d. said parking is not overnight.


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3. There is no established public maintenance for snow removal (e.g., county or metro district) for an individual to access his/her property. In these cases only, the owner of an operable and validly licensed and registered vehicle may obtain a County Snow Parking Permit to park in whole or in part on a County Roadway. This Permit will be issued only when:
- a. said parking does not impede on a minimum of twelve (12) feet of traveled road surface if the road is designated to accommodate one lane of traffic;
 - b. the parked vehicle allows both lanes to remain passible on a two lane road;
 - c. does not create a potential traffic or public safety hazard.

A County Snow Parking Permit may be obtained from the County Road and Bridge Department. Said Permit shall be issued on a case-by-case basis and will be restricted to a specific vehicle.

C. TRAFFIC HAZARD/SNOW REMOVAL

Notwithstanding the parking policy set forth in Section I.B. herein, in the event a parked vehicle creates an obstruction to traffic, or if it impedes snow removal or scheduled road repair, or if it impedes emergency vehicles, the vehicle shall be removed immediately under the direction of the Sheriff, pursuant to C.R.S. § 42-4-1803(2).

II. NOTICE OF VIOLATION

A. RED TAG ISSUANCE

Either an employee of the Clear Creek County Road and Bridge Department, a deputy sheriff, or a designated employee(s) of the Metropolitan District shall place a red tag on a vehicle parked on a County Roadway in violation of this Ordinance unless the vehicle is to be removed immediately in accordance with Section I.C. herein. The red tag shall require the owner to remove the vehicle within 24 hours. After expiration of 24 hours "red tagged" vehicles shall be deemed "abandoned motor vehicles" as defined in C.R.S. § 42-4-1802(1)(b), unless the owner has conspicuously affixed to the vehicle a notice indicating the intention to return or has notified the Sheriff's Office of intention to remove the vehicle within 72 hours.

B. TIME LIMITS

The time limit for compliance with a red tag shall be no more than 24 hours unless an arrangement has been approved with Section II.A. herein.

C. COURTESY CALL

The person placing the red tag may request the Sheriff's Dispatcher to telephone, if possible, the vehicle owner as a courtesy to request the owner's cooperation.

D. FOLLOW-UP

The person placing the red tag shall follow-up or arrange for follow-up at the time of red tag expiration. If the tagged vehicle remains in violation at the expiration of the red tag, it shall be towed in accordance with the Sheriff's Office established procedures.

III. VEHICLE REMOVAL

A. SHERIFF ACTION

Should a tow be required, the tow shall be carried out under the direction of the Sheriff's Office in accordance with C.R.S. § 42-4-1803.

B. REPEAT VIOLATIONS

If a vehicle has been red tagged once, at a second occurrence, it may be towed immediately.

C. TOW FEES

Costs of towing and storage of vehicles in violation of this Ordinance, shall be the responsibility of the vehicle owner. The County has no control over, and does not regulate, the rates charged by any tow company.

NOW, THEREFOR BE IT FURTHER ORDAINED by the Board of County Commissioners, that this Ordinance "Regulating the Parking On and Blocking of Clear Creek County Roadways and Road Right-of-Ways" supersedes Ordinance #0-84-2A.

NOW, THEREFORE BE IT EVEN FURTHER ORDAINED by the Board of County Commissioners that, upon adoption, this Ordinance is published in full in a newspaper(s) of general circulation in the County.

BE IT EVEN FURTHER ORDAINED by the Board of County Commissioners, that this Ordinance is effective upon adoption, following the second reading.

INTRODUCED, READ, ORDERED PUBLISHED IN FULL AND SET FOR PUBLIC HEARING THIS
23RD DAY OF MAY, 2000.

BOARD OF COUNTY COMMISSIONERS
CLEAR CREEK COUNTY

Robert J. Poirot
Robert J. Poirot, Chairman

Jo Ann Sorensen
Jo Ann Sorensen, Commissioner

Fabyan Watrous
Fabyan Watrous, Commissioner

ATTEST:

Debra Baker
Deputy Clerk and Recorder

APPROVED AS TO FORM:

D. L. [Signature]
County Attorney

READ, PASSED, AND ADOPTED AFTER PUBLIC HEARING AND ORDERED PUBLISHED BY TITLE ONLY
THIS 20TH DAY OF JUNE, 2000.

BOARD OF COUNTY COMMISSIONERS
CLEAR CREEK COUNTY

Absent
Robert J. Poirot, Chairman

Jo Ann Sorensen
Jo Ann Sorensen, Commissioner

Fabyan Watrous
Fabyan Watrous, Commissioner

ATTEST:

Debra Baker
Deputy Clerk and Recorder

APPROVED AS TO FORM:

D. L. [Signature]
County Attorney

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