

ARAPAHOE COUNTY, COLORADO
ORDINANCE NO. 2020-xx

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 OR RIGHT OF WAY 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, and providing notice of the regulations, are placed upon the roads so regulated at appropriate locations; and

WHEREAS, Section 30-15-401(1)(i), C.R.S., authorizes the Board 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 the explicit and implied powers provided by these statutes, the Board is vested with broad authority over county road rights of ways, including the authority to designate where on county roads it is illegal to park vehicles 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 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 such parked motor vehicles interfere with or obstruct the performance of County road improvement, repair, or maintenance projects, 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 “Temporary NO PARKING” zones by the Director of the Arapahoe County Department of Public Works and Development as necessary to accommodate a County road or right of way improvement, repair, or maintenance project and where so noticed by lawful signage posted in accordance with applicable state 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. ENFORCEMENT

The Arapahoe County Sheriff (and his Deputies) shall have the power to issue tickets and order the tow and impound of motor vehicles illegally parked in any temporary no parking zone established and posted NO PARKING with lawful signage in violation of this Ordinance.

SECTION 4. PENALTIES

- A. Any person who violates any provision of this Ordinance commits a Class B traffic infraction 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, Stopped/Left Standing/Parked Vehicle where Restricted/or Prohibited By Signs or Markings.
- B. The penalty assessment procedures set out in § 16-2-201, 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 5. 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 6. 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 7. EFFECTIVE DATE

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

BOARD OF COUNTY
COMMISSIONERS
ARAPAHOE COUNTY, COLORADO

CERTIFICATE

It is hereby certified that the foregoing Ordinance No. _____ was introduced, read and adopted on first reading at the regular meeting of the Board of County Commissioners of the County of Arapahoe on _____, (Resolution No. _____) and the same was published in full in The Villager, a newspaper of general circulation published in Arapahoe County, on September 27, 2012, and thereafter was adopted with amendments, on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Arapahoe on _____ (Resolution No. _____). Said Ordinance, following adoption, was published in by title in The Villager on _____. Said Ordinance went into effect on _____.

ATTEST: _____

Jeff Baker, Chair

INTRODUCED, READ AND ADOPTED ON FIRST READING on _____
(Resolution No. _____) and ordered published in full in The Villager, Greenwood
Village, Arapahoe County, Colorado.

ADOPTED ON SECOND AND FINAL READING on _____ (Resolution No.
_____) and ordered published in by title in The Villager, Greenwood Village, Arapahoe
County, Colorado.

Date of publication after adoption: _____.

JOAN LOPEZ

CLERK TO THE BOARD