

ORDINANCE NO. 25

Series 2017

AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING THE AUTHORITY OF THE TOWN'S PARKING ENFORCEMENT OPERATOR TO ENFORCE THE TOWN'S LAWS CONCERNING THE PARKING OF MOTOR VEHICLES

WHEREAS, Section 42-4-110(1)(b), C.R.S., authorizes local authorities to adopt by reference a model traffic code embodying the rules of the road and vehicle requirements set forth in Article 4 of Title 42, C.R.S., and such additional local regulations as are provided for in Section 42-4-111, C.R.S.; and

WHEREAS, the Town of Breckenridge has adopted (and amended) the Model Traffic Code For Colorado, 2010 edition, as the Traffic Code for the Town; and

WHEREAS, the Town Council finds, determines, and declares that the Model Traffic Code For Colorado, 2010 edition, as previously adopted (and amended) by the Town should be further amended as set forth in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 7-1-2 of the Breckenridge Town Code is amended to include the following amendment to list of additional definitions to the Model Traffic Code For Colorado, 2010 edition, in Appendix I (Definitions) of the adopted code:

(69.1) "Parking Enforcement Operator" means a person under contract to the Town whose duties include, but are not limited to, enforcement of certain of the Town's laws concerning the parking of motor vehicles. The term "parking enforcement operator" includes any employee of the Town's parking enforcement operator acting within the course and scope of his or her employment.

Section 2. Section 7-1-2 of the Breckenridge Town Code is amended to include the following amendments to Section 1204 of the Model Traffic Code For Colorado, 2010 edition:

Section 1204 of the adopted code is amended as follows:

The introductory portion of Section 1204(1) is amended to read as follows:

(1) Except as otherwise provided in subsection (4) of this section, no person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, the parking enforcement operator, or an official traffic control device, in any of the following places:

The introductory portion of Section 1204(2) is amended to read as follows:

(2) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsection (1) of this section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, the parking enforcement operator, or an official traffic control device, in any of the following places:

The introductory portion of Section 1204(3) is amended to read as follows:

(3) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsections (1) and (2) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, the parking enforcement operator, or an official traffic control device, in any of the following places:

Section 3. That portion of Section 7-1-2 of the Breckenridge Town Code that pertains to Section 1718 of the Town's Model Traffic Code is amended to read as follows:

1718. Notice On Illegally Parked Vehicle; Authority of Parking Enforcement Operator to Enforce Certain Parking Laws.

A. Whenever any motor vehicle is found parked or stopped in violation of any of the restrictions imposed by this code, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user if the driver of the vehicle is not present, and shall conspicuously affix to such vehicle a penalty assessment notice directing the driver thereof to respond to and answer the charge against him at a place and at a time specified in said notice.

B. (1) The Town's parking enforcement operator shall have the power to enforce all of the restrictions imposed by Part 12 of the Town's Model Traffic Code (concerning the parking of motor vehicles) as adopted by reference and amended in Chapter 1 of Title 7 of this Code, except for Section 1208 of the Town's Model Traffic Code concerning parking privileges for persons with disabilities, which the Town's parking enforcement operator is not authorized to enforce.

(2) Whenever any motor vehicle is found parked or stopped in violation of any of the restrictions imposed by this code that the parking enforcement operator is authorized to enforce pursuant to subsection (1) of this section, the parking enforcement operator shall take such vehicle's registration number and may take any other information displayed on the vehicle which may identify its user if the driver of the vehicle is not present, and shall conspicuously affix to such vehicle a penalty assessment notice directing the driver thereof to respond to and answer the charge against him at a place and at a time specified in said notice.

Section 4. Section 1-8-12 of the Breckenridge Town Code is amended by the addition of a new Section J.5, which shall read as follows:

J.5 Parking Enforcement Operator: The Town's parking enforcement operator as defined in the Town's Model Traffic Code shall have the power to enforce all of the restrictions imposed by Part 12 of the Town's Model Traffic Code (concerning the parking of motor vehicles) adopted by reference and amended in Chapter 1 of Title 7 of this Code, except for Section 1208 of the Town's Model Traffic Code concerning parking privileges for persons with disabilities, which the Town's parking enforcement operator is not authorized to enforce. As to any section of the Town's Model Traffic Code that the parking enforcement operator is authorized to enforce, the parking enforcement operator is authorized to issue penalty assessment notices to violators of such laws. Such powers include, but are not limited to, the power to affix a penalty assessment notice as described in Section 1718B of the Town's Model Traffic Code.

Section 5. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 6. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 7. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) Section 42-4-110(1), C.R.S.; (ii) Section 42-4-111(1)(a), C.R.S.; (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the Breckenridge Town Charter.

Section 8. This ordinance shall be published as provided by Section 5.9 of the Breckenridge Town Charter.

Section 9. The ordinance shall not become effective with respect to any state highway located within the corporate limits of the Town of Breckenridge until it has been approved by the Colorado Department of Transportation pursuant to Sections 42-4-110(1)(e) and 43-2-135(1)(g), C.R.S.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 11th day of July, 2017.

This ordinance was published in full on the Town of Breckenridge website on July 12, July 13, July 14, July 15 and July 16, 2017.

A public hearing on this ordinance was held on July 25, 2017.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 25th day of July, 2017. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

_____/s/_____
Helen Cospolich, CMC, Town Clerk

_____/s/_____
Eric S. Mamula, Mayor

APPROVED IN FORM

_____/s/_____
Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on July 27, July 28, July 29, July 30 and July 31, 2017. This ordinance shall become effective on August 30, 2017.