

ORDINANCE NO. O-011-001

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**AN ORDINANCE FOR THE REGULATION OF TRAFFIC AND
PARKING; REPEALING ALL ORDINANCES AND RESOLUTIONS
IN CONFLICT THEREWITH; AND PROVIDING
PENALTIES FOR VIOLATION THEREOF**

WHEREAS, pursuant to C.R.S. § 30-15-401(1)(h), the Board of County Commissioners (“Board”) is authorized to adopt ordinances to control and regulate the movement and parking of motor vehicles on public property; and

WHEREAS, pursuant to C.R.S. § 42-4-111(1)(a) and (c), the Board is authorized to regulate or prohibit the stopping, standing or parking of vehicles and to regulate traffic by means of Official Traffic Control Devices; and

WHEREAS, C.R.S. § 42-4-1210(1), provides that the owner or lessee of any private property available for public use in the unincorporated areas of a county may request in writing that specified areas on such property be designated by the Board for use only by authorized vehicles; and

WHEREAS, C.R.S. § 42-4-1210(1), further provides that said areas, upon acceptance in writing by the Board, shall be clearly marked by the owner or lessee with Official Traffic Control Devices, as defined in C.R.S. § 42-1-102(64); and

WHEREAS, C.R.S. § 42-4-1210(2), provides that it is unlawful for any person to park any vehicle other than an authorized vehicle in any area designated and marked for such use as provided therein; and

WHEREAS, C.R.S. § 42-4-110(1), authorizes all local authorities, including counties, to adopt by reference all or any part of a model traffic code; and

WHEREAS, the Board has previously adopted the 2003 edition of the “Model Traffic Code for Colorado” and desires to replace the 2003 edition with the recently published 2010 edition; and

WHEREAS, the Board has previously adopted the “Manual on Uniform Traffic Control Devices” as authorized by C.R.S. § 42-4-104, which addresses all aspects of “traffic control devices”; and

WHEREAS, the Board desires to adopt this ordinance establishing consolidated parking and traffic enforcement and establishing the current authorities and priorities thereof on which Douglas County will rely, hereby superseding and revoking all prior ordinances and resolutions inconsistent or overlapping herewith; now therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS as follows:

PART I: GENERAL

Purpose. The purpose of this ordinance is to promote the general public welfare and safety by imposing and enforcing reasonable and necessary traffic and parking restrictions in the County.

Definitions. Unless otherwise specified or the context otherwise requires, the following words shall have the following meanings throughout this ordinance.

“Authorized Emergency Vehicle” means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means such privately owned vehicles as are designated by the state motor vehicle licensing agency, necessary to the preservation of life and property, to be equipped and to operate as emergency vehicles in the manner prescribed by state law.

“Automobile” means any motor vehicle.

“County” means Douglas County, Colorado.

“Law Enforcement Officers” shall mean the Douglas County Sheriff, Undersheriff and his or her deputy sheriffs.

“Official Traffic Control Device” means all signs, signals, markings, and devices, not inconsistent with Title 42 of the Colorado Revised Statutes, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating warning, or guiding traffic.

“Owner” means a person who holds the legal title of a vehicle; or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for purposes herein. The term also includes parties otherwise having lawful use or control or the right to use or control a vehicle for a period of thirty days or more.

“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.

“Private Property” shall mean private property available for public use within the meaning of C.R.S. § 42-4-1210.

“Residential Parking Permit Area” means a contiguous or nearly contiguous residential area containing public streets more particularly described in Exhibit A, attached hereto and incorporated by reference herein, on which motor vehicle parking is prohibited at certain times, except for vehicles displaying a parking permit as provided in this ordinance.

“Stand” or “standing” 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.

“Stop” or “stopping” means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Law Enforcement Officer or Official Traffic Control Device.

“Vehicle” means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks.

Enforcement. This ordinance shall be enforced by the Douglas County Sheriff.

Violation. It shall be unlawful for any person to violate any provision of this ordinance or to disobey any Official Traffic Control Devices referenced herein. In any prosecution for any violation of this ordinance wherein the identity of the violator is in question (such as parking citations issued when the driver of the vehicle is not present), there shall be a rebuttable presumption that the violation was committed by the Owner of the motor vehicle in which the violation occurred.

Disposition of Fines and Forfeitures. Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this ordinance shall be paid into the treasury of Douglas County.

Surcharges. In addition to the fines and penalties prescribed in this ordinance, any person convicted of a violation of this ordinance shall be subject to the statutory surcharges of ten dollars (\$10.00) for the Victims and Witnesses Assistance and Law Enforcement Fund, and (\$17.00) for the Colorado Traumatic Brain Injury Trust Fund. These surcharges shall be paid to the clerk of the court by each person convicted of violating this ordinance. The clerk shall transmit the moneys to the respective funds in accordance with C.R.S. § 30-15-402(2).

Scope. This ordinance shall apply to every street, alley, sidewalk, driveway, park, and to every other public way or public place, or public parking area (except where such

application is prohibited by C.R.S. § 30-15-401(9)(a) and § 42-4-111(1)), or private property as specifically designated herein, within the unincorporated territory of Douglas County and to all other areas designated herein. This ordinance shall in no way limit application and enforcement of any statutes of the State of Colorado but shall be in addition thereto.

Severability. If any part or parts of this ordinance are for any reason held to be invalid, such provision shall not affect the validity of the remaining portions of this ordinance. The Board of County Commissioners hereby declares that it would have passed this ordinance and each part or parts hereof, irrespective of the fact that any one part or parts be declared invalid.

Repeal. All ordinances and/or resolutions or parts or ordinances and/or resolutions inconsistent with provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

PART II: TRAFFIC

Section 1. **Adoption.** Pursuant C.R.S. §§ 42-4-110(1) and 30-15-401(1)(h), there is hereby adopted by reference Articles I and II, inclusive, of the 2010 edition of the "Model Traffic Code for Colorado," promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations. The purpose of this ordinance is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and nation. Copies of the Model Traffic Code adopted herein are on file in the office of the Clerk and Recorder of Douglas County, Colorado, and may be inspected during regular business hours.

Section 2. **Deletions.** The 2010 edition of the Model Traffic Code is adopted as if set out at length save an except the following articles and/or sections which are declared to be in applicable to be inapplicable to Douglas County and are therefore expressly deleted:

- (a) Section 107
- (b) Section 227(3)(b)
- (c) Section 233
- (d) Section 235
- (e) Section 238
- (f) Section 507
- (g) Section 508
- (h) Section 509

- (i) Section 510
- (j) Section 611
- (k) Section 1008.5
- (l) Section 1105
- (m) Section 1401
- (n) Section 1402
- (o) Section 1409
- (p) Section 1412
- (q) Section 1413
- (r) Section 1415
- (s) Section 1701
- (t) Section 1704
- (u) Section 1705
- (v) Section 1706
- (w) Section 1707
- (x) Section 1708
- (y) Section 1709
- (z) Section 1710
- (aa) Section 1711
- (bb) Section 1712
- (cc) Section 1713
- (dd) Section 1714
- (ee) Section 1715
- (ff) Section 1716
- (gg) Section 1717
- (hh) Section 1901
- (ii) Section 1902
- (jj) Section 1903
- (kk) Section 1904

Section 3.

Penalty Assessment Procedure and Penalty Schedule.

- (a) Any person who violates any of the provisions of this Part II commits a traffic infraction, pursuant to C.R.S. § 30-15-402(1). The penalty assessment procedure provided in C.R.S. § 16-2-201, shall be followed by the arresting officer for any such violation of this ordinance.
- (b) The County hereby elects to have the provisions of C.R.S. § 42-2-127(5.5)(b), apply to violations of this ordinance. If a violator receives a penalty assessment notice for a violation of this ordinance, and such person pays the fine and surcharge for the violation on or before the date

the payment is due, the points assessed for the violation are reduced as follows:

- (1) for a violation having an assessment of three or more points, the points are reduced by two points;
 - (2) for a violation having an assessment of two points, the points are reduced by one point.
- (c) For its schedule of fines and penalties, the County incorporates by this reference the schedule of fines and penalties set forth in C.R.S. § 42-4-1701(as that section may be amended), as those fines and penalties correspond to the sections of the Model Traffic Code adopted by this ordinance, for all cases wherein the alleged violator acknowledges guilt or liability, is found guilty by a court of competent jurisdiction, or has judgment entered against him/her. If the penalty assessment procedure is not used, and the alleged offender is found guilty, court costs may be assessed in addition to the fine and penalties set forth in C.R.S. § 42-4-1701, and surcharges.
- (d) In the case of multiple traffic offenses involving aggressive driving, the applicable penalty or penalty assessment shall be doubled for each traffic offense. For purposes of this subsection, "aggressive driving" means committing any two or more of the following violations in a single act or series of acts in close proximity to another motor vehicle: 1) exceeding the speed limits (1101); 2) following too closely (1008); 3) failure to obey official traffic control devices (603); 4) passing on shoulder of road (1004(2)); 5) failure to give an adequate signal (903); 6) failure to yield right-of-way (701, 702, 703); and 7) unsafe lane change (903).
- (e) The imposition of any penalty imposed pursuant to this Part II shall not preclude impound where appropriate pursuant to Part IV.

PART III: PARKING

The restrictions, procedures and penalties provided in this Part III shall be in addition to those provided in Part II.

Section I. Residential Parking Permit Areas

Purpose.

Sometimes persons in residential areas request assistance reducing hazardous traffic conditions resulting from nonresidents competing with residents to park their vehicles in certain residential areas; to protect those residential areas from polluted

air, excessive noise, and refuse caused by the entry of nonresident vehicles; to protect residents from unreasonable burdens in gaining access to their residences; to preserve the character of residential areas; to promote efficiency in maintaining streets in residential areas in a clean and safe condition; to preserve the value of the property in residential areas; to promote traffic safety and the safety of children and other pedestrians in residential areas; and to promote the peace, comfort convenience, and welfare of all residents of the County.

Establishment.

The Board hereby establishes Residential Parking Permit Areas in the areas more particularly described in Exhibit A, as may be amended from time to time by motion of the Board of County Commissioners, attached hereto and incorporated herein.

Parking Without Permit Prohibited.

It shall be unlawful for any motor vehicle to be parked on a public street within the Residential Parking Permit Areas, more particularly described in Exhibit A, between the hours of 8:00 A.M. and 3:00 P.M. on weekdays, excepting holidays, from July 30 through May 30, inclusive, unless the vehicle properly displays a parking permit authorized by this ordinance.

Posting of Signs.

The Division of Engineering Services shall post appropriate signs within the areas more particularly described in Exhibit A, advising motorists of the days and hours when motor vehicle parking within said area shall be prohibited except by permit.

Penalty.

Any person who violates any of the provisions of this Part III on any public street or public facility commits a Class A Traffic Infraction, and upon conviction thereof, shall be punished by a fine of seventeen dollars (\$17.00) for each separate violation. Any person who violates any of the provisions of this ordinance on any private road or private facility commits a Class 2 Petty Offense, and upon conviction thereof, shall be punished by a fine of twenty-five dollars (\$25.00) for each separate violation. The penalty assessment procedure provided in C.R.S. § 16-2-201, may be followed by the arresting officer for any such violation of this ordinance. In the event that a violation of the Part II exists which is outside the scope of this Part III, the violations may be treated as two separate violations and two penalties may be assessed. The penalties prescribed in this Part III shall not preclude impound where appropriate pursuant to Part IV.

Defenses.

It shall be a defense that the area was not properly marked with the relevant restriction at the time the violation notice is issued. It shall further be a defense that the violation was the result of direction of a Law Enforcement Officer or at the direction of an Official Traffic Control Device. It shall not be a defense to a violation otherwise contained herein if the property is improperly or not designated in the attached exhibits so long as the County was authorized to restrict and/or enforce parking restrictions in such area. It shall not be a defense that the Owner of the vehicle was not the person who placed the vehicle or allowed the vehicle to be placed in the restricted area(s) and such Owner shall be responsible for all violations involving the owner's vehicle(s). It shall not be a defense that an Official Traffic Control Device was not placed pursuant to a designated procedure so long as the location and nature of the restriction is clearly posted.

Permits.

A. The owner, owners, lessee or lessees of each residential unit within the residential parking permit area may be issued one or more permits which shall allow a motor vehicle to which it is affixed to be parked within the area without regard to the parking restrictions imposed by this ordinance. No more than three permits may be issued for each residential unit, unless good cause is shown for issuance of additional permits. A resident permit shall consist of a numbered decal which shall be permanently affixed to the lower left corner of the rear window of the motor vehicle.

B. The owner or owners of each residential unit within a parking permit area may also be issued up to five (5) visitor permits. A visitor permit shall allow the motor vehicle in which it is displayed to be parked within the area without regard to the parking restrictions imposed by this ordinance. A visitor permit shall be placed on the front dash of the motor vehicle.

C. Permits shall be issued by the Division of Engineering Services based on satisfactory evidence of residency within the area.

D. Temporary permits. A contractor may obtain, at no cost, a reasonable number of temporary permits for vehicles of the contractor and the contractor's employees for the period of time that the contractor is engaged in work within a residential parking zone, as specified on the permit.

E. Resident permits shall be numbered and shall not be transferable from one residence or vehicle to another.

F. Resident and visitor permits shall remain the property of the County. Where the maximum number of resident permits have been issued for a residential unit, a

resident permit shall be voided by the County for each new resident permit issued.

Section 2. **Private Property Parking Restrictions**

Private Property owners may request and the Board may accept designation of specified areas for use only by authorized vehicles pursuant to C.R.S. § 42-4-1210. Upon acceptance in writing by the Board, the owner of such private property is required to clearly mark the area with Official Traffic Control Devices. Such areas are listed in Exhibit B, as may be amended from time to time by motion of the Board of County Commissioners, attached hereto and incorporated herein. Violations of such postings shall be a violation of this Part III.

Section 3. **Public Property Parking Restrictions**

The Director of Engineering Services or his/her designee shall have the authority to direct the installation of any "traffic control device" which is warranted in accordance with the Manual on Uniform Traffic Control Devices, as revised. Violations of such postings shall be a violation of this Part III.

PART IV: IMPOUNDS

In addition to the penalties and procedures set forth hereinabove, the Sheriff, or any person acting under his direction, is authorized to impound Vehicles, by means of towing or installation of an immobilizing device or "boot", under the following circumstances:

- (a) if the registered Owner of said Vehicle has been issued three or more traffic or parking citations that remain outstanding. For purposes of this Part IV, "outstanding" shall mean that the Owner has: failed to pay the fine or penalty imposed under said citation by the date set forth in the citation and, without prior authorization, failed to appear in court on the date set forth in the citation; or
- (b) if the Vehicle has been abandoned on a public right-of-way. For purposes of this Part IV, a Vehicle shall be deemed "abandoned" if it is inoperative (regardless of registration status) or if, after an abandoned vehicle notice has been placed on the Vehicle requiring that it be moved, the Vehicle has not been removed within 72 hours; or
- (c) if the Vehicle is illegally parked, for any length of time: (1) in a manner that obstructs any roadway or emergency access; (2) in a fire zone or in front of a fire hydrant; (3) in a manner that prevents any other Vehicle from being able to move; (4) in any area marked by appropriate signage as a tow away zone; or (5) in any other circumstance where the sheriff or a person acting under his authority determines that it would be unsafe for the Vehicle to remain illegally

parked.

The cost of recovering an impounded Vehicle shall be the responsibility of the Owner of the Vehicle and shall be in addition to any other fines or penalties that may otherwise apply.

PART IV: CERTIFICATION.

The Douglas County Clerk shall certify to the passage of this ordinance and shall have on file copies of this ordinance and the adopted Model Traffic Code available for inspection by the public during regular business hours.

PART V: EFFECTIVE DATE.

This ordinance shall be effective thirty (30) days after publication after adoption on second reading and shall apply to traffic offenses occurring or committed on or after said date.

INTRODUCED, READ AND ADOPTED ON FIRST READING on February 22, 2011, and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

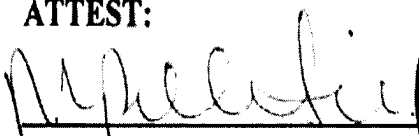
**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

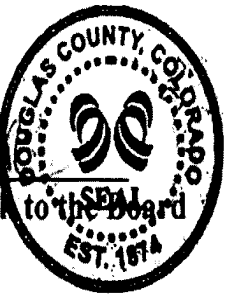
By: 

JILL E. REPELLA, CHAIR

Jack Michael, Mechanic

ATTEST:


Melissa Pelletier, Deputy Clerk to the Board



ADOPTED ON SECOND AND FINAL READING ON March 29, 2011, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: 

JILL E. REPELLA, CHAIR

ATTEST:

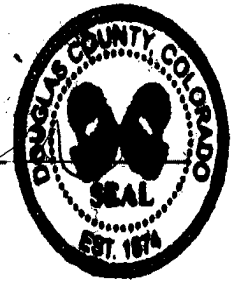
M. Pelletier
Melissa Pelletier, Deputy Clerk



CERTIFICATE

I hereby certify that the foregoing Ordinance No. O-011-001 was introduced, read and adopted on first reading at the regular meeting of the Board of County Commissions of the County of Douglas on February 22, 2011, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on March 10, 2011, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on March 29, 2011. Said ordinance was published by reference to title only on March 7, 2011. Said ordinance shall become effective as of April 1, 2011.
Apr
May

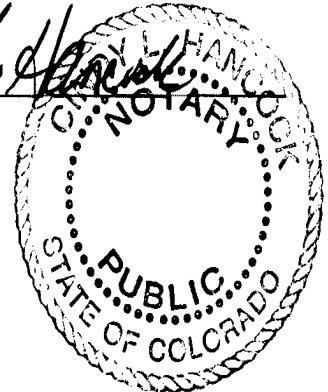
M Pelletier
Deputy Clerk



State of Colorado)
)ss.
County of Douglas)

Subscribed and sworn to before me this 29th day of March, 2011, by
Melissa Pelletier, Deputy Clerk.

Cindy S. Hancock
Notary Public



My commission expires: November 23, 2014

CERTIFICATION

I, Melissa Pelletier, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. O-011-001, entitled, **AN ORDINANCE FOR THE REGULATION OF TRAFFIC AND PARKING; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF**, is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.

M Pelletier
Deputy Clerk



EXHIBIT A
To Ordinance No. O-011-001
RESIDENTIAL PARKING PERMIT AREAS
(Amended by Motion No. M-016-049 on April 26, 2016)

All or portions (as posted) of the following streets in Douglas County:

Highlands Ranch High School:

East of the school:

Morning Glory Court
Morning Glory Place
Morning Glory Lane
Morning Glory Way
Weeping Willow Circle (as posted – Cresthill Lane to Morning Glory Way)

West of the school:

Lark Sparrow Drive (as posted – Fallbrooke Drive to Sand Hill Way)
Sand Hill Court
Sand Hill Street

South of the school:

Townsville Circle (as posted – 9614 Townsville Circle to Griffith Place)
Griffith Place (as posted – Newcastle Drive to Cresthill Lane)
Queenscliffe Drive (as posted – Townsville Circle to 9688 Queenscliffe Dr)
Queenscliffe Court
Canberra Dr (as posted- northbound from 9687 Canberra Dr, including the cul-de-sac)
Canberra Court
Parramatta Place (as posted – Queenscliffe Dr to Rockhampton Way)

Redstone Elementary

South of the school:

Brady Place

Ponderosa High School

North of the school:

Meadow View (as posted – to Pine Forest Lane on east and west ends of Meadow View)
Tamarac Court
Red Oak Way (as posted – Meadow View to Pine Forest Lane)
Bur Oak Lane (as posted – Meadow View to Pine Forest Lane)
Honey Locust Court

Chaparral High School

South of the school (Stonegate Terrace Subdivision) bounded by Lincoln Avenue, Stonegate Parkway, Brookstone Drive and Chambers Road:

As posted:

Brookstone Drive
Greenstone Circle
Greenstone Lane
Hedgeway Drive
Crystallo Drive
Crystallo Court
Citrine Court
Alabaster Court
Malachite Court
Tourmaline Court

EXHIBIT B
PRIVATE PARKING RESTRICTED AREAS

Highlands Ranch Recreation Center at Northridge, 8801 South Broadway, Highlands Ranch, Colorado.

Highlands Ranch Recreation Center at Southridge, 4800 McArthur Ranch Road, Highlands Ranch, Colorado.

Highlands Ranch Recreation Center at Eastridge, 9568 South University Boulevard, Highlands Ranch, Colorado.

Highlands Ranch Recreation Center at Westridge, 9650 South Foothills Canyon Boulevard, Highlands Ranch, Colorado.

Backcountry Parking Area, 11950 Monarch Blvd., Highlands Ranch, Colorado.

Pinewood Townhome Association, Inc. (Pinery) 6500 North Pinewood Drive

Athletic Club at Inverness 374 Inverness Drive South.

Hydrogen Components, Inc., 12420 North Dumont Way, Littleton, Colorado

Highlands Ranch Learning Center, 405 Dad Clark Drive, Highlands Ranch, Colorado.