

ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
November 19, 2024
6:30 P.M.

SUBJECT: LDC24-008 COMMERCIAL USE OF PUBLIC WAYS

JASON REYNOLDS, PLANNING DIVISION MANAGER

PURPOSE AND REQUEST

This county-initiated project proposes amending the Land Development Code (LDC) to prohibit commercial uses in public ways. The proposed changes provide an enforcement mechanism to address on-street parking issues and commercial use of the right of way in Arapahoe County. Staff seeks a recommendation of approval.

BACKGROUND

Several areas of Arapahoe County are experiencing problems related to the commercial use of public right of way: car repair activities, storage of unregistered vehicles, storage of oversized commercial vehicles and trailers, storage of materials related to commercial activities, and auto sales.

On October 22, 2024, the Board of County Commissioners approved Ordinance 2024-02, which addresses many of the parking issues. The adopted ordinance prohibits auto repair in the right of way, prohibits oversized commercial vehicles from residential areas, allows additional staff to issue parking citations, prohibits parking in bicycle lanes, provides rules for towing vehicles, and increases parking fines from \$22 to \$150. The parking ordinance becomes effective on January 1, 2025.

The ordinance allows issuing citations to vehicle owners but in some cases that may not be a deterrent. In some industrial areas, particularly on S Valentia Street north of E Iliff Ave, auto repair and sales businesses appear to be unloading, storing, and repairing inventory, including wrecked vehicles, on the public streets. While the individual vehicles can be ticketed and/or towed, the ordinance does not address the business itself.

DISCUSSION AND PROPOSED CHANGES

The proposed Land Development Code change supplements the parking ordinance by prohibiting the commercial use of right of way. The proposed amendment would:

- Prohibit businesses from storing equipment, commercial vehicles, and materials in the public right of way
- Prohibit off-loading of materials and vehicles in the public right of way unless authorized in advance by the county or by signage (loading zones)
- Allow businesses to use public right of way while rendering services or making deliveries
- Allow residents to park work trucks/commercial vehicles on public right of way, provided that the vehicle is not oversized
- Allow agricultural use of public ways

If a business is using the right of way for commercial purposes, such as storage of their wrecked vehicles (see image below), the proposed change would allow the county to prosecute the matter as a zoning violation in addition to any parking citations or removal of individual vehicles. Overall, the goal is to keep the public right of way available for residents, customers, and visitors rather than allowing it to serve as overflow materials/auto sales/repair storage.



The proposed amendment includes exceptions that allow incidental use of the public ways. Some residents need to take work-branded trucks home. Commercial vehicles are often present in residential areas to make deliveries/collections or to support construction activities. The code would continue to allow those uses. Some uses of the right of way, like placing dumpsters/roll-offs/pods in the street, are prohibited by existing code.

PUBLIC AND REFERRAL COMMENTS

These regulations were reviewed by the County Attorney's office and Public Works and Development. They supplement an already-adopted parking ordinance, which becomes effective on January 1, 2025.

STAFF FINDINGS

The proposed changes would allow an additional enforcement mechanism to address parking challenges in Arapahoe County.

STAFF RECOMMENDATION

Considering the findings and other information provided herein, Staff recommends approval of Case No. LDC24-008, commercial use of public ways regulations, subject to the following stipulation:

1. Staff, with the approval of the County Attorney, may correct typographical errors and make such revisions to the Code amendment as are necessary to incorporate the approved amendment into the Land Development Code for publication.

ATTACHMENTS

1. Proposed LDC Amendment
2. Parking Ordinance (2024-02)

MOTIONS

Recommend Approval:

I move to recommend approval of Case No. LDC24-008, commercial use of public ways regulations, subject to the following stipulation:

1. Staff, with the approval of the County Attorney, may correct typographical errors and make such revisions to the Code amendment as are necessary to incorporate the approved amendment into the Land Development Code for publication.

Recommend Denial:

I move to recommend denial of Case No. LDC24-008, commercial use of public ways regulations.

Section 4-1.6

C. Commercial Use of Public Ways

1. No County road or County road right of way, public street, parking space or spaces within the right of way, or other public use easement in unincorporated Arapahoe County shall be used for the storage of any commercial vehicle, equipment, product, inventory, supply, or material, including but not limited to automobile dealer inventory or vehicles held by a commercial vehicle repair business pending completion of repairs.
2. No County road or County road right of way, public street, parking space or spaces within the right of way, or other public use easement in unincorporated Arapahoe County shall be used for the off-loading or delivery of any product, inventory, supply, or material, including but not limited to automobile inventory, to be used or sold in the operation of a commercial business, except as may be authorized by County road signage or otherwise by the County's advance written approval. The foregoing shall not apply to agricultural use of such public ways in agriculturally zoned districts for the reasonable duration of such use.
3. The use of a County road or County road right of way, public street, parking space or spaces within the right of way, or other public use easement by a commercial business for purposes of rendering a service at or to, or making a delivery at or to or pick-up from, or conducting a sale for a customer at a property located in the area for such time as is reasonably necessary for the performance thereof is not prohibited by any of the restrictions of this Section 4-1.6.C. The use of such ways for the lawful parking of a commercial vehicle at or near a residential home at which the owner or operator of such vehicle resides is not prohibited by any of the restrictions of this Section 4-1.6.C, provided such vehicle is not an oversized commercial vehicle or trailer.
4. As used in this Section 4-1.6.C, these terms shall have the following meanings:
 - a. "Commercial activity," means any act or acts intended for exchange in any market and intended to earn an economic profit. Commercial activity includes but is not limited to sales or services of any kind and performed for any remuneration or compensation. Commercial activity does not include any activity authorized by an approved temporary use or other County permit or otherwise as authorized in conjunction with a County approved or sponsored event, such as, but not limited to, a street fair, temporary outdoor service area, or farmers market or roadside sales stand as allowed under the Land Development Code.
 - b. "Commercial business" means any person that performs or offers to perform any commercial activity.
 - c. "Commercial vehicle" means a vehicle used for or normally associated with the transportation of materials, products, freight, or passengers, for business purposes, or which is used to render services in connection with a commercial activity, or which is

LDC24-008 Commercial Use of Public Ways Draft LDC Amendment

- used in furtherance of a commercial activity, but does not include non-business use of personal vehicles.
- d. “Oversized commercial vehicle or trailer” means any commercial vehicle, or combination of vehicle and trailer, which exceeds 8 feet in width, 8 feet in height, or 23 feet in length and meets the definition of a commercial vehicle.
 - e. “Person” means any individual person or persons, or corporation, partnership, limited liability company, or other entity authorized, organized or recognized under Colorado law.
 - f. “Storage” means the placement for a period in excess twenty-four (24) hours of any product, inventory, supply, material, equipment, or vehicle in the County road or County road right of way, public street, parking space or spaces within the right of way, or other public use easement in unincorporated Arapahoe County. Moving or relocating the product, inventory, supply, material, equipment or vehicle within seven hundred (700) feet within any twelve (12) hour period is considered storage. As used herein the singular includes the plural and the plural includes the singular.

**ARAPAHOE COUNTY, COLORADO
ORDINANCE NO. 2024-02**

**AN ORDINANCE REGULATING PARKING ON COUNTY HIGHWAYS AND
ROADS AND ON COUNTY OWNED PROPERTIES IN UNINCORPORATED
ARAPAHOE COUNTY**

RECITALS:

WHEREAS, Section 30-11-101(2), Colorado Revised Statutes (“C.R.S.”), authorizes counties to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues as otherwise prescribed by law; and

WHEREAS, Section 30-11-107(1)(a), C.R.S., authorizes a board of county commissioners to meet to adopt orders concerning property belonging to Arapahoe County; and

WHEREAS, Section 18-9-117(1)(f), C.R.S., authorizes a board of county commissioners to regulate conduct on county property as relates to the use of vehicles as to place, time, and manner; and

WHEREAS, Section 30-15-401(1)(h), C.R.S., authorizes a board of county commissioners to adopt ordinances which control and regulate the movement and parking of vehicles and motor vehicles on public property; and

WHEREAS, Section 42-4-106(3)(a), authorizes a board of county commissioners by resolution or ordinance to prohibit the operation of trucks or commercial vehicles on designated highways; and

WHEREAS, Section 42-4-1803(2), C.R.S., authorizes the tow and removal of vehicles from public property that are abandoned or constitute an obstruction to traffic or proper highway maintenance; and

WHEREAS, Section 42-4-1813(2), C.R.S., provides that the provisions of Part 18, of Article 4, Title 42, C.R.S., may be superseded by a county ordinance or resolution that sets forth procedures for the removal, storage, and disposal of abandoned or illegally parked motor vehicles; and

WHEREAS, The Board of County Commissioners of Arapahoe County (“the Board”) finds that parking violations within the unincorporated territory of Arapahoe County have become a problem, with vehicles being illegally parked and parking restrictions being ignored both on County highways and County owned properties and with public rights of way being used for the storage of motor vehicles in varying states of repair, for the storage of recreational vehicles and camping trailers and for the conduct of major repair work, and further that oversized commercial vehicles and trailers are being parked in residential areas when not associated with any services being provided to residents in the area; and

WHEREAS, The Board desires to regulate parking on County highways and roads in unincorporated Arapahoe County, on County open space properties, and on other County properties in

order to promote the best interests of the public health, safety, and welfare of Arapahoe County residents, businesses, and the environment; and

WHEREAS, Section 30-15-402(1), C.R.S., provides that any person who violates any county ordinance adopted pursuant to Part 4 of Article 15 of Title 30 commits a civil infraction and further authorizes the imposition of fines in an amount not to exceed \$1000 and authorizes the adoption of a graduated fine schedule for such violations of county ordinances; and

WHEREAS, Section 30-15-402.5(1) C.R.S., authorizes a board of county commissioners to designate personnel authorized to enforce its duly adopted county ordinances by issuing citations or summonses and complaints to violators of its ordinances; and

WHEREAS, The Board finds it in the best interests of public safety to authorize County personnel, in addition to peace officers employed by the Arapahoe County Sheriff's Office, to enforce parking restrictions established by this Ordinance; and

WHEREAS, The Board finds that adoption of this Ordinance will lead to a more uniform application of the rules and regulations governing parking of vehicles and better address the parking problems occurring on County highways and roads and on County owned properties.

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

ARTICLE I – GENERAL PROVISIONS

Section I.1: Purpose

The purpose of this Ordinance is to provide parking regulations for the parking of vehicles on County highways and roads and on County owned properties within the unincorporated territory of Arapahoe County. This Ordinance is intended to provide a comprehensive system of parking regulations that are consistent with and conform to the authority granted to counties under state law.

Section I.2: Relation to Arapahoe County Model Traffic Code:

This Ordinance is intended to supplement and be in addition to the Model Traffic Code, adopted pursuant to County Ordinance No. 2021-03 or as subsequently amended, and is limited to parking related violations as defined herein that occur on County highways and roads and on County owned properties. It is not intended to supersede or otherwise restrict the application and enforcement of Ordinance No. 2021-03 and the Model Traffic Code or as same may be subsequently amended.

Section I.3: Repeal of Prior Ordinance

The Board hereby repeals Arapahoe County Ordinance No. 91-01, Oversized Vehicles and Unattended Trailers.

Section I.4: Application.

This Ordinance applies to all County highways and roads and to County owned properties in the unincorporated territory of Arapahoe County. This Ordinance also applies to fire lanes established on private properties that are established in accordance with Section 42-4-1210, C.R.S., or otherwise in accordance with a land development approval under the Arapahoe County Land Development Code.

Section I.5: Definitions.

Words and phrases used in this Ordinance shall have their usual and customary meanings. Notwithstanding, the following words and phrases as used in this Ordinance shall have the meanings respectively ascribed to them in this Section:

- 1) “Abandoned motor vehicle” means any motor vehicle or trailer that is abandoned as defined in Section 42-4-1802(1)(a), C.R.S., and also includes motor vehicles or trailers that are left in one location for more than forty-eight hours on County owned property without the consent of the County. “Abandoned motor vehicle” does not include any operable vehicle with current registration that is parked on a County highway or road directly adjacent to the property where the vehicle is registered.
- 2) “Bicycle lane” means a dedicated and improved lane for bicycle use on a County highway or road that is separated from motor vehicle lanes by markings, curb, signage, or other similar manner.
- 3) “Bus stop” means an area extending eight (8) feet into the highway or road from the curb and extending along the curb between the parking control devices designating it as such. Where a parking control device indicates the existence of a bus stop but does not indicate its extent, the bus stop extends for a total distance of fifty (50) feet, twenty-five (25) feet on each side of the parking control device designating a bus stop. Where the curb is indented on a highway or road where parking is prohibited and a parking control device indicates a bus stop in the indented area, the bus stop extends along the entire indented area. A parking control device designating an area as a bus stop may include, but are not necessarily limited to, a sign or marking that states “Regional Transportation District”, “The Ride”, “R.T.D.”, “Bus”, or “Buses Only”, or includes a symbol for a bus, or a bus stop maintained by Arapahoe County or other County funded entity providing public transportation.
- 4) “County” means Arapahoe County, Colorado.
- 5) “Commercial vehicle” means a vehicle used for or normally associated with the transportation of materials, products, freight, or passengers, for business purposes, or which is used to render services in connection with a commercial activity, or which is used in furtherance of a commercial activity, but does not include non-

business use of rental trucks.

- 6) “County highway or road” means any highway, road, street, alley, right of way, or public highway as defined in Section 43-2-201, C.R.S., that is under the jurisdiction of or the ownership and control of Arapahoe County and includes the portion of a highway or road that is improved, designed, or ordinarily used for vehicular or pedestrian travel, as well as any berm, shoulder, walk, or borrow ditch within the right of way.
- 7) “Curb” means the raised concrete or asphalt edge separating the roadway of a highway or road from the sidewalk, boulevard strip, median strip, path, or other adjacent areas, and includes its prolongation across an intersection or junction. Where no curb exists, the edge of that portion of the highway or road improved, designed, or ordinarily used for motor vehicular travel is the curb.
- 8) “Inoperable vehicle” means any motor vehicle or trailer whose operation is not currently possible due to the disassembly, removal or lack of vehicle parts preventing vehicle operation.
- 9) “Intersection” means the intersection of a County highway or road with another public highway, street or road, or with a public or private alley, or with a private road providing access to or from a subdivision or neighborhood accessed from a County highway or road.
- 10) “Junction” means the intersection of a County highway or road with a driveway, parking lot access, or any similar established point of entry from or exit onto a County highway or road other than exit onto or entry from another highway or road.
- 11) “Loading zone” means any area located on a County highway or road or County property adjacent or proximate to a building that is reserved for the loading and unloading of vehicles, either at all times or at certain times, and which is designated by a parking control device as a loading zone or otherwise restricted against the parking of vehicles, except for vehicles parked for purposes of loading or unloading.
- 12) “Motor vehicle” means any self-propelled vehicle that is designed primarily for travel on the public highways and is generally and commonly used to transport persons and property over public highways or roads. Motor vehicle does not include an electric bicycle or electric scooter.
- 13) “Oversized commercial vehicle or trailer” means any commercial vehicle, or combination of vehicle and trailer, which exceeds 8 feet in width, 8 feet in height, or 23 feet in length and meets the definition of a commercial vehicle.
- 14) “Parking control device” means any sign, standard, signal, painted area, marking,

inscription, designation, or other device, **parking meter or other similar device requiring advance payment for parking**, consistent with the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, placed or displayed by or under the authority of Arapahoe County for the purpose of regulating, restricting, or prohibiting the parking of vehicles, including but not limited to signage, striping or paint marks designating handicapped or any other parking restrictions.

- 15) "Open space property" means any County owned property administered and operated by the Arapahoe County Open Spaces Department.
- 16) "County owned property" means any facility, parking lot, or other property owned by Arapahoe County and used for County and/or public purposes, including but not limited to any County open space property, and located within the unincorporated territory of the County.
- 17) "Ranger" means any person employed by the Arapahoe County Open Spaces Department to enforce the rules and regulations for Arapahoe County open space properties.
- 18) "Peace officer" means a person employed by the Arapahoe County Sheriff's Office certified by the Peace Officer Training and Standards Board.
- 19) "Recreational vehicle" means a vehicle designed to be used primarily for recreational, camping, travel, or seasonal use that either has its own motor power or is or can be mounted on or towed by another vehicle, and includes but is not limited to any motor home, camper coach, camper trailer, trailer coach, watercraft, snowmobile, off-highway vehicle, and other similar recreational equipment.
- 20) "Rendering service" means commercial activities carried on in connection with the business purpose of the vehicle, such as making deliveries or pickups, service calls, and related commercial activities.
- 21) "Sidewalk area" means the area between the Curb or other improved roadway surface of a County highway or road and the adjacent property lines, and includes any area of public use easement or right of way whether or not containing any improved surface or walk.
- 22) "Towing carrier" means a person or entity that provides, as one of its primary functions, the towing of motor vehicles by use of a tow truck and may also provide storage of towed motor vehicles. A "towing carrier" as used in this Ordinance must possess a valid towing carrier certificate issued by the Colorado Public Utilities Commission.
- 23) "Trailer" means any vehicle, including but not limited to a mobile home, without motive power, which is design to be drawn by a motor vehicle and whether or not

attached or hooked up to a motor vehicle capable of moving the trailer over public highways.

- 24) “Vehicle” means any device that is capable of moving itself or of being moved, from place to place upon wheels or endless tracks, including, but not limited to, motor vehicles, bicycles, off- highway vehicles, trailers, semitrailers, and trailer coaches used to transport persons or property.

Section I.6: Severability. Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the regulation as a whole or any part thereof, other than the part so declared to be invalid.

Section I.7: Interpretation. This Ordinance shall be interpreted and construed to effectuate its general purpose to adopt a comprehensive system of regulations for the parking of vehicles or motor vehicles within the unincorporated territory of Arapahoe County in accordance with authority granted to counties under state law. Section headings and cross references of this Ordinance shall not be deemed to govern, limit, modify, or affect in any manner the scope, meaning, or extent of any provision of this Ordinance.

ARTICLE II – PARKING REGULATIONS

Section II.1. Vehicle Driver and Owner Liable for Violation.

No driver shall stop or park a vehicle, and no owner of a vehicle shall fail to prevent the stopping or parking of that vehicle, in violation of any of the regulations contained in this Article. Where the owner and driver of a vehicle are different people at the time of violation, such persons are deemed jointly and severally liable for any parking violation. It is a specific defense to the liability of the owner that the vehicle was parked or stopped by someone who stole the vehicle at the time of the violation. It is also a specific defense to the liability of the owner a vehicle that was parked in violation of these regulations by a business having possession and control of the vehicle for the purpose of repair, storage, or pending obtaining a salvage title on the vehicle.

Section II.2. Regulations Not Exclusive.

No parking control device imposing a time limit or other restriction on parking relieves any person from the duty to observe all other applicable regulations prohibiting or restricting the stopping or parking of vehicles in specified places and at specified times, including any regulations that are more restrictive than the terms of the parking control device.

Section II.3. Parking Restrictions

No person shall park, stop, or stand any vehicle on any County road or highway or on or at any County owned property in violation of any provision of this Ordinance or otherwise in violation of any restriction designated on or indicated by a parking control device.

Section II.4. Additional Restrictions on the Parking, Stopping, or Standing of Vehicles on or at Specified Places.

The following provisions shall apply to the stopping, standing, or parking of vehicles on any County highway or road or on County owned property, except when necessary to avoid conflict with other traffic or to comply with the directions of a peace officer or ranger:

- a) No person shall stop, stand, or park a vehicle or trailer:
 - 1) On a sidewalk or within a sidewalk area.
 - 2) On or within a bicycle lane.
 - 3) On or within any fire lane designated by a parking control device.
- b) No person shall park a vehicle or trailer:
 - 1) On a County highway or road within five (5) feet of a public or private junction, unless otherwise allowed by a parking control device.
 - 2) On a County highway or road within thirty (30) feet of an intersection, unless otherwise allowed by a parking control device.
 - 3) Within ten (10) feet of a fire hydrant on a County highway or road or on a County owned property.
 - 4) In a bus stop along a County highway or road.
 - 5) At any place on a County highway or road or on a County owned property where a parking control device prohibits parking.

Section II.5. Parking in Space Required.

Every vehicle parked on a County highway or road or on a County owned property where individual parking spaces are designated by a parking control device shall be parked within that individual parking space and not parked in any manner so as to prevent the use of adjacent or other parking spaces designated by a parking control device.

Section II.6. Parking in Loading Zone Prohibited.

Unless otherwise indicated by a parking control device, no person shall park a vehicle in a loading zone except:

- a) When in a passenger loading zone, for the visible loading or unloading of passengers for a period of time not in any case to exceed five (5) minutes; or
- b) When in any other loading zone, for the visible loading or unloading of property for a period not to exceed one (1) hour, or such shorter time as indicated by a parking control device.

Section II.7. Parking in Disabled Parking Space Prohibited.

In accordance with the provisions of Section 42-4-1208, C.R.S., as amended, a person is prohibited from parking a vehicle in any space reserved for persons with disabilities, as indicated by a parking control device that reasonably indicates the designation for disability parking, such as but not limited to use of a wheelchair symbol, unless the vehicle displays a placard or license plate issued by the Colorado Department of Revenue pursuant to Section 42-3-204, C.R.S., as amended, based upon a finding of disability.

Section II.8. Parking Abandoned , Inoperable or Unregistered Motor Vehicles on Public Property.

- a) No person shall abandon any motor vehicle or trailer on any County highway or road or on any County owned property. For purposes of this subsection, a motor vehicle or trailer is abandoned if it meets the definition of an abandoned vehicle as provided herein.
- b) Except in the event of emergency repairs and for no longer than is reasonably necessary to arrange for a tow or perform repairs to render the vehicle operable, which shall be no longer than six (6) hours, no person shall park or store **an inoperable motor vehicle** on any County highway or road or on or at any County owned property. Moving or relocating the vehicle within seven hundred (700) feet within any twenty-four (24) hour period is considered continuous parking of the vehicle.
- c) **No person shall park or store a motor vehicle or trailer on a County highway or road if it does not have a current registration tag issued by the State in which the vehicle is registered affixed to the license plate of the vehicle or trailer. For purposes of this subsection, "current" means that the month and year shown on the tags is fewer than thirteen (13) months from the date of the violation.**

Section II.9. Oversized Vehicle or Trailer Parking

- a) **No person shall park or permit the parking of any oversized commercial vehicle or trailer**

on any County highway or road or sidewalk area that is located within a residentially zoned area or on the same side of the street adjacent to a residentially zoned area.

- b) The following exceptions shall apply to the above prohibitions:
- 1) The vehicle or trailer is temporarily parked for purposes of rendering a service or making a delivery to or pick up from a property located in the area and within a reasonable distance of the parked vehicle, provided that the vehicle is parked for no longer than is necessary to provide such service or make such delivery or pick-up;
 - 2) The vehicle or trailer is parked on the same side of the highway or road as the property occupied by the vehicle and/or trailer owner and parked within 100 feet of that property for no longer than is necessary, which shall not exceed forty-eight (48) hours, to load, unload, prepare for service, or prepare for storage;
 - 3) The vehicle is parked in compliance with a parking control device authorizing parking of such oversized vehicle or trailer;
 - 4) The vehicle is parked for no more than four (4) hours in an emergency or by reason of mechanical breakdown.

Section II.10 Vehicle Maintenance and Repair

Except for such emergency repairs as are necessary to move the vehicle from the County highway, no person shall perform vehicle repair or maintenance or other mechanical work on a vehicle parked in the right of way of the County highway or road or on any other County owned property.

Section II.11 Recreational Vehicles and Trailers

- a). No person shall park or permit the parking of any recreational vehicle on any County highway or road that is located within a residentially zoned area or on any County highway or road in any area of the unincorporated County that is within the boundary of the Denver Regional Council of Governments.
- b). The following exceptions shall apply to the above prohibitions:
- 1) The recreational vehicle is parked on the same side of the highway or road as the property occupied by the vehicle owner and parked within 100 feet of that property for no longer than seventy-two consecutive hours in any seven-day period. A recreational vehicle shall be considered parked in violation of this sub-section if: (1) such vehicle has not been moved outside of a seven-hundred (700) feet radius from the location in which it is parked during the seventy-two-hour period of time; or (2) if so moved, such vehicle is again parked within a seven-hundred feet radius of its original location within such seventy-two-hour period of time.

- 2) The recreational vehicle is parked for no more than 4 hours in an emergency or by reason of mechanical breakdown.

Section II.12. Vehicles Leaking Fluids Creating an Environmental Hazard

No person shall park or permit the parking of any vehicle on any County highway or road or County owned property that is leaking oil, gasoline, or other fluids or materials or that would constitute a violation of the County's MS4 permit or the County Stormwater Ordinance, Ordinance No. 2019-02, as may be amended.

Section II. 13. Fire Lanes On Private Property

No person shall park a vehicle within any fire lane on any private property as designated by a parking control device and established pursuant to the County Fire Lane Program under Section 42-4-1210, C.R.S., or otherwise established through the approval of a subdivision plat, zoning plan, planned unit development, or other process under the Arapahoe County Land Development Code.

Section II.14. Separate Infractions.

- a) For all parking violations under this Article, a new and separate violation occurs when a vehicle remains illegally parked for more than twenty-four (24) hours after the issuance of the preceding parking ticket.
- b) No more than one (1) penalty may be collected for each parking violation.

Section II.15. Penalty Assessment Procedure and Penalties.

The following penalties and procedures shall apply to violations of this Ordinance:

- a) Any person who violates any provision of this Article II commits a civil infraction.
- b) The penalty assessment procedure set forth in Section 16-2-201, C.R.S., may be followed for any violation of this Article II.
- c) Penalties.
 - 1) Violations of Article II, irrespective of location, are subject to the following penalty for violations of this Ordinance:
 - i. For Each Offense: \$150.

- 2) A person who fails to timely pay an assessed penalty or appear in court as required in a notice or citation must pay an additional fifteen dollar (\$15.00) late fee in addition to any other amounts owed.
- d) In addition, every person convicted of a violation of this Ordinance must pay a ten-dollar (\$10) surcharge for each violation directly to the clerk of the court as provided in Section 30-15-402(2)(a), C.R.S. The clerk of the court shall transmit the ten (\$10) dollar surcharge to the court administrator of the 18th Judicial District for credit to the victims and witness assistance and law enforcement fund established pursuant to Section 42-4.2-103, C.R.S. Court costs shall be paid directly to the clerk of the court. Every person convicted of a violation of this Ordinance must otherwise pay any additional surcharges as required by state law, including but not limited to those described in C.R.S. § 24-33.5-415.6 and C.R.S. § 24-4.2-104.
- e) All moneys paid pursuant to this Article II shall be paid to Arapahoe County to be deposited into the General Fund except as otherwise required by law.
- f) Where a vehicle is parked in violation of this Ordinance and the driver or owner is present, an officer or other person authorized to enforce parking restrictions under this Ordinance may provide verbal or written notice of the violation and allow such person to immediately move the vehicle in lieu of a penalty.

ARTICLE III – TOWING AND IMPOUNDMENT

Section III.1. Purpose. The purpose of this Article is to protect public health, safety, and welfare by providing procedures for the towing and removal of vehicles or motor vehicles illegally parked or otherwise subject to towing and removal under the provisions of this Ordinance that are parked, stored or otherwise present on a County highway or road or other County owned property.

Section III.2. Removing Vehicles from Public Property.

- a) A Peace Officer employed by the Arapahoe County Sheriff's Office is authorized to remove or cause to be removed from any County highway or road or County owned property when the vehicle:
 - 1) Is situated on a County highway or road in a manner that obstructs the normal movement of traffic or otherwise presents a hazard to traffic or the use of the roadway.
 - 2) Is situated on within the right of way of a County highway or road in a manner that obstructs the proper performance of highway or road maintenance or repair, or is parked in violation of a closure of such County highway or road.

- 3) Is parked in violation of the Temporary No-Parking Ordinance No. 2020-03, as may be amended.
 - 4) Is an abandoned motor vehicle or trailer as defined herein.
 - 5) Is parked in a fire lane designated by a parking control device.
- b) The following procedures are for the removal, storage, and disposal of motor vehicles towed for any reason identified in this Section III.
- 1) Where the driver or owner of a vehicle parked in violation of this Ordinance is present, willing, and able to provide for its immediate removal, such person may immediately move the vehicle in lieu of towing and impoundment.
 - 2) Where Section III.2.a.3 serves as the only basis for removing a motor vehicle, the Arapahoe County Sheriff's Office and or the Public Works Department shall comply with the notice requirements set forth in Arapahoe County Ordinance No. 2020-03 prior to ordering the tow and removal of the vehicle.
 - 3) Where Section III.2.a.4 serves as the only basis for removing a motor vehicle, the Arapahoe County Sheriff's Office will use reasonable efforts to notify the owner of the violation. Upon such notice, the owner will be granted forty-eight (48) hours to move the vehicle to a lawful location before removal may occur. If the owner cannot be located, despite reasonable efforts, then the vehicle may be removed pursuant to this Section.
 - 4) Where a motor vehicle's driver or owner asserts, or an officer identifies, a financial or other hardship impacting a person's ability to bring the vehicle into compliance with this Ordinance, the officer will provide Arapahoe County Department of Community Services' resource information to the person.
 - 5) Vehicle removal under this Section must be performed by a licensed towing carrier at the request of a peace officer employed by Arapahoe County Sheriff's Office. Motor vehicles removed from a County highway or road or County owned property pursuant to this ordinance shall be inventoried by the Sheriff's Office in accordance with its procedures therefor and removed to an impound lot owned or leased by the County or a towing carrier performing contract towing for the County.
 - 6) Payment of all storage and towing charges of the licensed towing carrier shall be the sole responsibility of the driver or owner of the vehicle and shall be paid by the driver or owner directly to the towing carrier. The location of any vehicle towed under this Ordinance may be obtained from the Records Division of the Arapahoe County Sheriff's Office.
 - 7) All other procedures for the reporting, notice, appraisal, carrier liens, or other matter not addressed in this Ordinance shall be as set forth in Part 18 of Article 4 of Title

42., C.R.S.

ARTICLE IV – ENFORCEMENT.

Section IV.1: Sheriff Responsible for Enforcement.

Pursuant to Section 30-15-410, C.R.S., it is the statutory duty and authority of the Arapahoe County Sheriff, Undersheriff, and Sheriff's deputies to enforce this Ordinance.

Section IV.2: Arapahoe County Personnel Authorized to Enforce Parking Regulations.

As authorized by Section 30-15-402.5, C.R.S., the Board finds it necessary and in the public interest to also grant specific authority to issue parking citations or summons and complaints for vehicles illegally parked under any provision of this Ordinance to the following Arapahoe County personnel:

- a) Zoning Inspectors employed by the Arapahoe County Department of Public Works and Development;
- b) Rangers employed by the Arapahoe County Open Spaces Department if the violation is on or at an Arapahoe County open space property;
- c) Non-certified Sheriff's Office personnel employed by the Sheriff's Office;
- d) The authority conferred under this Section IV.2 is limited to issuing citations or summons and complaints, and does not include ordering the towing or removal of the vehicle; and
- e) Nothing under this Section IV.2 is intended to or shall be interpreted as limiting the law enforcement authority of peace officers employed by the Sheriff's Office.

Section IV.3: Notices and Citations

Except as otherwise provided, notices and citations or summons and complaints issued pursuant to this Ordinance may be delivered in the following ways:

- a) If the driver or owner of a vehicle in violation of this Ordinance is present, an officer or other authorized enforcement personnel may personally deliver the notice or citation to such responsible person(s).
- b) If an unattended vehicle parked in violation of this Ordinance, an officer or other authorized enforcement personnel may leave the notice or citation upon the vehicle by leaving it under the windshield wiper or otherwise affixing it to the vehicle.

ARTICLE V. - EFFECTIVE DATE

The effective date of this Ordinance shall be January 1, 2025.