



## Board Summary Report

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**File #:** 24-433

**Agenda Date:** 8/20/2024

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**To:** Board of County Commissioners

**Through:** Ron Carl, County Attorney

**Prepared By:**

Michelle Halstead, Director, Commissioners' Office; Robert Hill, County Attorney's Office

**Presenters:** Robert Hill, County Attorney's Office; Bryan Weimer, Director, Public Works & Development; Captain Adam Burson, Sheriff's Office; Captain Christopher Gulli, Sheriff's Office

**Subject:**

10:15 AM \*Proposed Parking Ordinance and Pilot Enforcement Program

**Purpose and Request:**

The purpose of this study session is to obtain feedback and direction on a draft parking ordinance and proposed pilot enforcement program.

**Background and Discussion:** Historically, the County has played a limited role in regulating parking within unincorporated Arapahoe County. In 1991, the County [adopted an ordinance](https://www.arapahoeco.gov/Your%20County/ordinances/Oversized%20Vehicles%20&%20Unattended%20Trailers%20-%20Ordinance%20No.%2091-1.pdf) to regulate the parking of oversized vehicles and unattended trailers. In 2002, the County [adopted an ordinance](https://www.arapahoeco.gov/Your%20County/ordinances/Parking%20Permits%20Residential%20-%20Ordinance%20No.%202002-1.pdf) to allow for residential parking permit districts. Consistent with statute, Arapahoe County [adopted by reference](https://www.arapahoeco.gov/Your%20County/ordinances/Model%20Traffic%20Code%202021%20-%20Ordinance%202021-03.pdf) the 2020 Model Traffic Code, Ordinance No. 2021-03, which embodies the rules of the road and vehicle requirements, including provisions for parking restrictions on public roads. Ordinances are attached to this report.

Extensive community feedback has demonstrated that parking violations within areas of unincorporated Arapahoe County have become a problem that is impacting the health, safety, and welfare of residents. Examples of violations and parking problem include vehicles being illegally parked and existing parking restrictions being ignored on County roadways. Public rights of way are being used for the storage of motor vehicles in varying states of disrepair, for storage of recreational vehicles and camping trailers, and for the conduct of repair work. Oversized commercial vehicles and trailers are being parked in residential areas when not associated with any services being provided to residents in the area. Additionally, parking on Open Space and other County owned properties has apparently become a problem. Creating a comprehensive parking ordinance would help to address these issues.

There are several state statutes that allow the County to implement an ordinance to regulate parking. These are:

- C.R.S. 30-15-401(1)(h) 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.

- C.R.S. 42-4-1803(2) authorizes the tow and removal of vehicles from public property that are abandoned or constitute an obstruction to traffic or proper highway maintenance.
- C.R.S. 42-4-1813(2) authorizes municipalities and counties to adopt by resolution or ordinance local procedures for the removal, storage, and disposal of abandoned or illegally parked vehicles that supersede the provisions in Part 18, C.R.S. 42-4-1801, *et seq.*
- C.R.S. 30-15-402(1), 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.
- C.R.S. 30-15-402.5(1) empowers 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.

The draft ordinance as proposed is intended to supplement the parking provisions of the Model Traffic Code as adopted in Ordinance 2021-03, as well as to repeal Ordinance 91-01, relating to parking of oversized vehicles. Provisions of the proposed ordinance include:

- Establishing parking regulations that address:
  - Parking of abandoned and inoperable motor vehicles on public property,
  - Oversize commercial vehicle and trailers,
  - Disabled parking spaces,
  - Vehicle maintenance and repair within the road right of way,
  - Recreational vehicles and trailers,
  - Parking vehicles in a manner that obstructs the use of adjacent parking spaces,
  - Parking in fire lanes, and
  - Vehicles that are leaking gasoline, oil, or other fluids.
- Adoption of an increased penalty amount and authorizing the penalty assessment procedure.
- Authorizing other County personnel, in addition to Sheriff Deputies, to enforce parking regulations through the issuance of citations or summons and complaints.
- Providing for the towing and removal of abandoned and illegally parked vehicles.

The proposed ordinance provides authority to issue parking citations for vehicles illegally parked to Zoning Inspectors, Open Space Rangers (if the violation is on or at an Open Space property), and non-certified Sheriff's Office personnel, in addition to POST certified deputies already vested with authority to issue parking citations and enforce state and county laws.

However, in order to tow and remove a vehicle, the order must come from a POST certified deputy. This is because regulations for towing carriers prohibit towing any vehicle unless ordered by law enforcement, the owner of the vehicle, or the owner of property from which the vehicle is to be removed.

For purposes of this study session, staff would like to discuss and obtain the Commissioners' direction on the following provisions of the draft ordinance that regulate:

- Parking on other County property, not open space, and located within the unincorporated areas of the County (the County cannot enforce its ordinance authority within incorporated municipalities without the consent of the municipality).
- Fire lanes on private and public property (staff has been working on an alternative to establishing fire lanes on private property through the development approval process instead of adopting a resolution under CRS 42-4-1210).

- Leaking Vehicles (including provision for vehicles that are parked and leaking fluids. Please note that within the bounds of the County’s MS4 permit this is already a violation but the ordinance would allow enforcement by others than Sheriff Deputies and outside the bounds of the MS4 permit).
- Fine Amount (\$150 for all violations and no graduated schedule for repeat violations due to complications on determining when a violation is a repeat violation). An alternative for consideration is adopting different fine amounts based on the nature of the violation.
- Moving recreational or inoperable vehicles to start a new grace period (700 feet, should it be more?).
- Who enforces, proposed ordinance provides authority to Zoning Inspectors, Rangers (if on Open Space properties) and non-certified Sheriff Office employees, in addition to POST certified Sheriff Deputies.
- Investigation of a Land Development Code amendment that would make it a zoning violation for a commercial business to use County road rights of way for the storage of vehicles or other product inventory.

The proposed ordinance is considered an additional tool for establishing and enforcing parking regulations on public property and in fire lanes established on private property and is intended to be implemented as a pilot program. The proposed ordinance should not be considered as a complete solution to all parking problems in the County. Factors such as availability and devotion of resources and personnel to enforcement and simple luck/timing in observing or catching violations will factor into the success of the ordinance in reducing parking problems in the County. Further, the success of the ordinance will need to be balanced against its effect on the provision of other County services by staff tasked with additional parking enforcement duties.

**Fiscal Impact:** Enforcement of the ordinance by Public Works and Open Spaces Departments staff will be done through a pilot program. Staff will track costs and outcomes, providing an update in Q1 2025, including the identification of any additional resources.

**Alternatives:** The Board could decide not to proceed with this ordinance, which will limit the efficacy of addressing community parking concerns.

**Alignment with Strategic Plan:**

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

**Staff Recommendation:** Direction to proceed with the ordinance.

**Concurrence:** County Attorney’s Office, Open Spaces, Public Works & Development, Sheriff’s Office