

Ordinance-Oversized Vehicles & Unattended Trailers

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A BILL FOR AN ORDINANCE ORDINANCE NO. 91-1

AN ORDINANCE SETTING FORTH ARAPAHOE COUNTY POLICIES AND PROCEDURES REGULATING THE PARKING OF OVERSIZED VEHICLES AND UNATTENDED TRAILERS ON URBAN STREETS IN UNINCORPORATED ARAPAHOE COUNTY: PENALTY PROVISIONS FOR VIOLATIONS AND ENFORCEMENT PROVISIONS PERTAINING THERETO.

WHEREAS, pursuant to Section 30-15-401, C.R.S. the Board of County Commissioners of Arapahoe County has the power to adopt ordinances for control of those matters of purely local concern, including the control and regulation of the movement and parking of motor vehicles on public property; and

WHEREAS, pursuant to Section 42-4-410(3), C.R.S. the Board of County Commissioners has the power to prohibit the operation of trucks and other commercial vehicles on designated streets, and has the power to limit the operation of commercial vehicles on county streets on the basis of weight; and

WHEREAS, it has come to the attention of the Board of County Commissioners that the unregulated parking of oversized vehicles on streets in urban unincorporated Arapahoe County has caused parking and safety problems; and

WHEREAS, the Arapahoe County Roadway Design and Construction Standards, as approved by the Board of County Commissioners in September, 1986, require that local residential streets be designed to accommodate less than 2500 vehicles per day and be 36 feet wide with 32 feet paved and a 2 foot gutter pan on either side of the road; and

WHEREAS, the standards were designed to accommodate the parking of traditional residential passenger vehicles with an average width of 7 feet on either side of the road and to allow the safe passage of 2 vehicles on the road with vehicles parked on either side; i.e., two 7 foot parallel parking lanes and two 11 foot travel lanes; and

WHEREAS, oversized vehicles, defined below, exceed the average width for which many streets in the county are designed, and when many are parked for significant periods of time, the vehicles reduce the width of the through traffic lane and cause safety and traffic flow problems; and

WHEREAS, oversized vehicles parked on arterial, collector, residential and other county streets impair the sight distance of vehicular and pedestrian traffic, and interfere with the county's ability to achieve the sight distance requirements of the design and construction standards; and

WHEREAS, the Arapahoe County Planning Department guidelines for lot widths in urban residential areas are designed to accommodate onstreet parking space for two traditional residential passenger vehicles for each residential lot; and

WHEREAS, oversized vehicles exceed the average length of traditional residential passenger vehicles and prevent the parking of two vehicles per lot, and when many are parked for significant periods of time, lead to an unanticipated shortage of parking space, unplanned street congestion, and accompanying safety problems; and

WHEREAS, it has come to the attention of the Board that most of the problems with the parking of oversized vehicles relate to vehicles parked near real property owned, operated or occupied by the vehicle owner or driver for temporary or long term storage purposes, and that parked vehicles which are actively used to provide services to property near the vehicle and noncommercial vehicles driven by out-of-state temporary visitors do not pose the same degree or frequency of safety and parking problems; and

WHEREAS, a current edition of a local commercial telephone directory shows that ample long and short term parking facilities are available for oversized vehicles in that forty-five recreational vehicle storage facilities are located in the metropolitan area with one-third of these located within Arapahoe County; and

WHEREAS, an informal survey of a sample of seven Arapahoe County storage facilities showed that monthly long-term storage charges quoted for a vehicle of average length ranged from \$15 to \$26 for six of the seven facilities; that all of the facilities provided security fencing, monitoring cameras and guard dogs; that six of the seven facilities were open seven days a week; and that five of the seven facilities provided 24-hour on-site managers; and

WHEREAS, the price, inconvenience and risk of loss provided by the storage facilities appears to be small compared to the risk to the safety of the men, women and children of Arapahoe County presented by the unregulated parking of oversized vehicles on urban residential streets; and

WHEREAS, the problems caused by unregulated parking of oversized vehicles is primarily a problem in the urban areas of the county where housing density is greater and traffic volumes higher; and

WHEREAS, the design and construction standards provide for a 3 inch depth of asphalt throughout the residential urban area of the county, to accommodate the weight of residential traffic consisting primarily of traditional residential passenger vehicles which typically do not exceed 6500 pounds; and

WHEREAS, oversized vehicles weigh significantly more than traditional residential passenger vehicles; and

WHEREAS, an increase in the load carried by the street reduces the projected 20 year service life of the pavement; and

WHEREAS, it has come to the attention of the Board of County Commissioners that trailers, disconnected from the motor vehicles which propel them, are being parked on the public rights-of-way; and

WHEREAS, unattended trailers present a safety concern, primarily in the urban areas of the county, in that the trailer cannot be readily moved to accommodate an emergency vehicle; and

WHEREAS, it is the opinion of the Board of County Commissioners of Arapahoe County that in order to preserve the public peace, health, safety and welfare of the citizens of Arapahoe County, they should take the following action;

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

SECTION I INTENT-DEFINITIONS-APPLICABILITY

1. Intent

The Board finds, determines and declares that the unregulated parking of oversized vehicles and unattended trailers on county streets in the urban area of the county has become a public safety hazard and a public nuisance in that parking of said vehicles diminishes parking availability, inhibits through access and sight visibility, and limits access of emergency vehicles to property, and hereby finds that the regulation of said vehicles is necessary to protect the health, safety and welfare of the citizens of unincorporated Arapahoe County.

2. Definitions

As used in this Ordinance the following words are defined as follows:

"Board" means the Board of County Commissioners of Arapahoe County, Colorado

"Commercial Vehicle" means a vehicle used for or normally associated with the transportation of materials, products, freight or passengers, 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, vans and trailers for moving household possessions.

"Rendering services" shall mean commercial activities carried on in connection with the business purpose of the vehicle, such as making deliveries, service calls, accepting articles for moving or delivery, and related commercial activities.

"Traditional Residential Passenger Vehicle" means a car, truck, van or motorcycle used primarily for private, non commercial owner and passenger travel, which does not exceed 7 feet in width, 7.5 feet in height or 22 feet in length.

"Oversized Vehicle" means any vehicle, or a combination of vehicles and trailers, which exceeds the dimensions of Traditional residential Passenger Vehicles set forth in this Section I.

"Trailer" means any vehicle, including a mobile home, without motive power, which is designed to be drawn by a motor vehicle.

"Unattended Trailer" means any trailer which is not hooked up to an operable self-propelled vehicle capable of legally moving the trailer over the public highways.

"Urban unincorporated Arapahoe County" means those areas within unincorporated Arapahoe County that are included within the Regional Transportation District.

All other terms relating to vehicles and trailers not otherwise defined above shall be as defined in Section 42-2-102, C.R.S., to the extent consistent with Section I of this Ordinance.

3. Applicability

A. This Ordinance shall apply to the parking of vehicles and trailers on any public street in urban unincorporated Arapahoe County.

B. Official vehicles and trailers registered to the federal, state or local governments and licensed ambulances shall be exempt from the provisions of this Ordinance.

SECTION II REGULATIONS AND VIOLATION

1. Parking of Motor Vehicles and Unattended Trailers

a) It shall be unlawful for any person to park or permit the parking of any oversized vehicle on any public street within urban unincorporated Arapahoe County.

(i) A vehicle owner or operator shall not be liable for a violation of this paragraph in the case of a commercial vehicle if the vehicle is temporarily parked for only that period necessary to expeditiously complete rendering services to real property located within 200 feet of where the vehicle is parked.

(ii) A vehicle owner or operator shall not be liable for a violation of this paragraph in the case of a non commercial vehicle if the vehicle is parked on the same side of the street as the property occupied by the vehicle owner and directly in front or on the side of the property occupied by the vehicle owner, for no longer than is necessary, which shall not exceed 48 hours, to load, unload, prepare for service or prepare for storage.

(iii) A vehicle owner or operator shall not be liable for a violation of this paragraph in the case of a non commercial vehicle if the vehicle is legally registered out-of-state to an out-of-state resident temporarily visiting Arapahoe County and when not in use is parked at all times on the same side of the street as the real property temporarily occupied by the vehicle owner and directly in front or on the side of real property temporarily occupied by the vehicle owner.

(iv) A vehicle owner or operator shall not be liable for a violation of this paragraph if the vehicle is parked for no longer than four hours in an emergency.

b) It shall be unlawful to park or permit to stand any unattended trailer on any public street in urban unincorporated Arapahoe County. Unattended trailers regulated by this Ordinance are hereby deemed to constitute obstructions on the public street, and to cause hazards to vehicular traffic, all within the meaning of C.R.S. §43-5-301.

2. Violations

Any person who violates this ordinance commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of not more than three hundred dollars for each separate violation. The penalty assessment procedure provided in Section 16-2-201, C.R.S. may be followed by any arresting officer for any such violation. Each day of a continuing violation shall be deemed a separate offense and subject to separate citation. The following graduated fine schedule shall be utilized for any violations:

\$50.00 first violation
\$100.00 second violation
\$200.00 third violation

Every violation beginning with the fourth violation shall be fined \$300.00 per violation. Beginning with the third violation, or when the owner has failed to comply with this ordinance within 72 hours after citation, the enforcing official is authorized to seize, immobilize and impound the vehicle in a commercial impound lot. All towing and storage charges assessed by towing companies and lot owners shall be paid by the vehicle owner prior to the release of the vehicle. Under no circumstances shall Arapahoe County be responsible for payment of the charges.

SECTION III ENFORCEMENT

The provisions of this Ordinance shall be enforced by the Arapahoe County Sheriff.

SECTION IV DISPOSITION OF FINES

All fines for violations of this Ordinance shall be paid into the general fund of Arapahoe County upon conviction.

SECTION V SEVERABILITY

If any one or more of the provisions of this Ordinance are determined by a court of law to be invalid, such determination shall not affect the validity of the remaining provisions of this Ordinance.

SECTION VI SAFETY CLAUSE

This Ordinance shall take effect thirty (30) days after the final publication following passage by the Board of County Commissioners.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

John J. Nicholl, Chairman

I, Marjorie Page, Clerk and Recorder of Arapahoe County and Clerk to the Board of County Commissioners, do hereby attest and certify that the Ordinance, prior to amendments set forth above, was introduced, read, and ordered published at a regular meeting of the Board of County Commissioners on the 17th day of June, 1991. At a public hearing held on the 9th day of July, 1991, the Ordinance was taken under advisement. The Ordinance was amended in a regular, public meeting of the Board of County Commissioners held on July 23, 1991, and with amendments, was adopted, approved and ordered published as adopted on July 23, 1991.

ATTEST:

Marjorie Page, Clerk to the Board

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS

ARAPAHOE COUNTY, COLORADO

INTRODUCED, READ AND ORDERED PUBLISHED on the 17th day of June, 1991 at a regular meeting of the Board of County Commissioners.

Date of initial publication: June 20, 1991.

TAKEN UNDER ADVISEMENT AFTER PUBLIC COMMENT AT A PUBLIC HEARING HELD
on the 9th day of July, 1991.

ADOPTED WITH AMENDMENTS, APPROVED AND ORDERED PUBLISHED AS ADOPTED
the 23rd day of July, 1991.

Date of Final Publication: August 1, 1991

Marjorie Page, Clerk to the Board

by: _____
Mary Alice McCready, Deputy Clerk