

PARKING PERMITS, RESIDENTIAL

ORDINANCE NO. 2002-1

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A COUNTY-WIDE ORDINANCE RELATING TO
RESIDENTIAL PARKING PERMIT DISTRICTS

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 local concern; and

WHEREAS, pursuant to Section 30-15-401(h), matters of local concern include controlling and regulating the movement and parking of motor vehicles on public property; and

WHEREAS, it has come to the attention of the Board of County Commissioners that certain neighborhoods in the unincorporated portions of the County are experiencing adverse impacts due to an excess of non-resident motor vehicles being parked in such neighborhoods; and

WHEREAS, the Board of County Commissioners hereby finds and declares that such adverse impacts include hazardous traffic conditions, excessive air pollution, noise and trash, difficulty for residents in gaining access to their residences and a diminishment in the residential character and property values of neighborhoods; 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, and to protect citizens from the aforementioned adverse impacts caused by excessive non-resident parking, they should take the following action:

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Arapahoe County, the following:

SECTION I. PARKING PERMIT DISTRICTS

The Director of the Department of Development Services and Infrastructure Management for Arapahoe County (“the Director”) is hereby authorized to designate residential parking permit districts in the manner set forth in Section II below. Upon the designation of a residential parking permit district, the parking of vehicles upon public streets or rights-of-way within such district must comply with the restrictions set forth in Section III below.

SECTION II. ESTABLISHMENT OF PARKING PERMIT DISTRICTS

A. The Director shall designate a residential parking permit district wherever in the unincorporated area of Arapahoe County all of the following conditions apply:

1. A petition has been submitted to the Director requesting the creation of a district and delineating the proposed boundaries of a district, which has been signed by at least one (1) resident, who is eighteen (18) years or older, of a total of seventy-five (75) percent or more of the residences, within the area encompassed by the proposed district.

a. Petitions submitted to the Director must be on a form provided by the Director and must be returned to the Director within thirty (30) days of issuance by the Director.

b. The boundary of the proposed district set forth in the petition must be pre-approved by the Director as meeting the criteria in the immediately following subparts 2 through 4, prior to being circulated for signatures.

2. The area within the proposed district predominately consists of residences.

3. The area within the proposed district has been substantially and frequently impacted by vehicles parked by non-residents of the area.

4. The vehicles parked by non-residents in the proposed area have resulted in traffic conditions which are hazardous or a nuisance to residents of the area, or have resulted in the ongoing unavailability of sufficient parking spaces for residents or their visitors that are in close proximity to such residents' properties.

B. The Director may use such reasonable means as the Director deems necessary to determine that the foregoing conditions are applicable and in making a final determination as to the area to be included within the district. The Director may implement the parking program in an area smaller or larger than the petition area as long as the area to be included within the district meets the seventy-five (75) percent signature requirement. The Director's determination as to whether the conditions apply and whether an area shall be designated shall be conclusive and shall not be subject to appeal.

C. Once a determination has been made that the foregoing conditions are applicable and that a new residential parking permit district is to be designated for a given area, the Director shall create a map which shall show the boundaries of the area and such map shall be kept at the office of the Director and shall be available for review by members of the public. The Director shall thereafter proceed to post signs within the district sufficient to give adequate notice to persons parking vehicles on public streets or rights of way within the district that a parking permit is required. At his discretion the Director may limit the days and hours that parking permits are required and the posted signs shall so state.

D. A parking permit district shall be eliminated by the Director if a petition is submitted to the Director requesting the elimination of the District that is signed by at least one (1) resident, who is the age of eighteen (18) years or older, of seventy-five (75)

percent of the residences in a district. Any petition submitted pursuant to this subpart must be on a form provided by the Director and must be returned within thirty (30) days of issuance.

E. Once an area has been considered by the Director for inclusion or exclusion in a parking permit district the area shall not subsequently be considered for inclusion or exclusion for a period of one year from the date of the Director's prior determination.

SECTION III. RESTRICTIONS APPLICABLE TO PARKING PERMIT DISTRICTS

A. It shall be unlawful for any person to park a vehicle on a public street or right-of-way in a residential parking permit district in unincorporated Arapahoe County without a valid permit issued and displayed in accordance with this Ordinance. In the event that the days and hours when parking permits are required are limited as stated in signs posted by the Director, then the restrictions contained in this section shall only apply during such days and hours.

B. Utility, government services and emergency response vehicles are exempt from the provisions of this section.

SECTION IV. ISSUANCE OF PERMITS

A. Application for permits shall be made to the Director on such forms and according to such procedures as provided by the Director.

B. Each resident of a residential parking permit district may obtain a permit for each currently registered vehicle owned, leased or otherwise currently operated by such resident.

C. A maximum of five visitor permits may be issued to the occupants of each residence for use by visitors and service providers.

D. Parking permits shall consist of a numbered decal which shall be permanently affixed to the left rear window of the vehicle, except for visitor permits which shall be hung from the rear view mirror of the vehicle or displayed in such other manner as may be approved by the Director.

E. A uniform fee may be charged by the Director for each residential parking permit at the time of application in order to defray the costs of administering the permits. The Director may adjust the fee on an annual basis only.

F. The term of each permit shall immediately expire once the owner, lessor or operator of the vehicle no longer resides within the district.

G. If a permit issued under this section is used for a purpose other than the purpose for which it was issued or if the holder fails to abide by the conditions stated

herein, the Director shall immediately cause the permit to be revoked. The reason for the revocation shall be stated in writing and sent to the permit holder. It shall be unlawful to fail to return the permit to the Director within 15 days of mailing of the revocation notice.

SECTION V. APPLICABILITY.

This ordinance shall apply to all portions of unincorporated Arapahoe County.

SECTION VI. ENFORCEMENT

The Arapahoe County Sheriff shall enforce the provisions of this ordinance.

SECTION VII. VIOLATIONS

Any person who violates this ordinance commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of fifty dollars (\$50) for each separate violation. The fine will be reduced to twenty dollars (\$20) if within twenty (20) days of the notice the fine is mailed or personally delivered to the place specified in the notice. The penalty assessment procedure provided in Section 16-2-201, C.R.S. shall be followed by the arresting Sheriff's Deputy or other officer for any violation of this ordinance.

SECTION VIII. DISPOSITION OF FINES

All fines for violations of this ordinance shall be paid into the General Fund of Arapahoe County.

SECTION IX. SEVERABILITY

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

SECTION X. SAFETY CLAUSE

The ordinance shall take effect upon its adoption. This is necessary for the immediate preservation of public health and safety, due in part to the need to control activity subject to this ordinance as soon as possible.

BOARD OF COUNTY COMMISSIONERS
ARAPAHOE COUNTY, COLORADO

Lynn Myers, Chairman

I, Tracy K. Baker, Clerk and Recorder of Arapahoe County and Clerk to the Board of County Commissioners, do hereby attest and certify that the Ordinance was introduced,

read and ordered published at a regular meeting of the Board of County Commissioners on the 1st day of October, 2002. After a public hearing held on the 22nd and 29th days of October, 2002, the Ordinance, with proposed amendments, was taken under advisement. The Ordinance was adopted with amendments, approved and ordered published as adopted on October 29, 2002.

ATTEST:



Tracy K. Baker, Clerk to the Board

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
ARAPAHOE COUNTY, COLORADO

INTRODUCED, READ AND ORDERED PUBLISHED ON THE 1st day of October, 2002 at a regular meeting of the Board of County Commissioners.

Date of initial publication: October 10, 2002

TAKEN UNDER ADVISEMENT, WITH PROPOSED AMENDMENTS, AFTER PUBLIC COMMENT AT A PUBLIC HEARING HELD on the 22nd and 29th days of October, 2002.

ADOPTED WITH AMENDMENTS, APPROVED AND ORDERED PUBLISHED AS ADOPTED the 29th day of October, 2002.

Date of publication after adoption:



Tracy K. Baker, Clerk to the Board

