



ORDINANCE NO. 17

BOARD OF COUNTY COMMISSIONERS

OF THE

COUNTY OF SUMMIT

STATE OF COLORADO

AN ORDINANCE ADOPTING REGULATIONS REGARDING PROCEDURES FOR THE REMOVAL, STORAGE, AND DISPOSAL OF ABANDONED OR ILLEGALLY PARKED MOTOR VEHICLES WITHIN CERTAIN UNINCORPORATED AREAS OF SUMMIT COUNTY, COLORADO DESIGNATED AS HIGH SECURITY AREAS

WHEREAS, pursuant to C.R.S. §42-4-1813(2), the Board of County Commissioners of Summit County, Colorado may adopt such regulations as deemed necessary regarding procedures for the removal, storage, and disposal of abandoned or illegally parked motor vehicles on public property; and

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

WHEREAS, public property, for the purposes of such procedures pertaining to abandoned or illegally parked motor vehicles, is defined under C.R.S. §42-4-1802(8) to include any real property having its title, ownership, or possession held by any county; and

WHEREAS, in accordance with C.R.S. §42-4-1204(1)(k), (2)(f), and (3)(b), the Board of County Commissioners may prohibit stopping, standing, and parking, respectively, by means of utilizing official signs designating such prohibitions;

WHEREAS, the Office of the Sheriff of Summit County and the Board of County Commissioners of Summit County have received considerable comments from their constituents regarding the threat to the public health, welfare, and safety caused by motor vehicles being parked or abandoned in safety sensitive public areas such as areas used by emergency vehicles, areas utilized by public agencies to carry out certain functions, including road maintenance, and specifically the Denver Water Board regarding overnight parking in the areas in close proximity to the Dillon Dam; and

WHEREAS, in response to such concerns, the Summit County Sheriff and the Board of County Commissioners of Summit County desires to establish procedures for the removal, storage, and disposal of abandoned or illegally parked motor vehicles on public property in certain unincorporated areas of Summit County; and

WHEREAS, the Board of County Commissioners believes that it is in the best interests of the public health, safety and welfare to implement regulations controlling the stopping,

standing, and parking of motor vehicles in such areas, and provide for the expeditious removal of illegally parked and abandoned motor vehicles in such areas, to the expense of the owners of those vehicles; and

WHEREAS, in promulgating such regulations regarding the parking and abandonment of motor vehicles in high security areas within the unincorporated area of Summit County, it is the intent of the Board of County Commissioners to complement and remain consistent with the provisions of Title 42, Article 4, Part 18, C.R.S., regarding the State of Colorado's regulation of vehicles abandoned on public property.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO THAT: in those areas of public property designated as high security areas on the attached Exhibit A, which exhibit shall be subject to amendment from time to time, all motor vehicles shall be subject to procedures for the removal, storage, and disposal of abandoned or illegally parked motor vehicles, as set forth in the following regulations:

I. Purpose and Intent

This ordinance shall be known as and be referred to as the "Summit County Security Parking Ordinance". The purpose and intent of this ordinance shall be to reduce the occurrence of illegal parking in areas designated as high security areas and to expedite the removal and impoundment of vehicles illegally parked in such areas. Such purpose shall further serve the public by increasing the efficiency and effectiveness of the Summit County Sheriff's Office and protecting the public health, safety and welfare of the citizens of Summit County Colorado.

II. Definitions:

(A) As used in this ordinance, such words and phrases shall have the following meanings:

(1) "Abandoned motor vehicle" means:

(a) Any motor vehicle left stopped, standing or parked, during prohibited hours, or in prohibited areas, on public property designated as a high security area within the unincorporated limits of Summit County, Colorado;

(b) Any motor vehicle stored in an impound lot at the request of a law enforcement agency and not removed from the impound lot within seventy-two hours after the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees.

(c) A motor vehicle deemed abandoned pursuant to Title 42, Article 4, Part 18, C.R.S. (2006), generally regarding the abandonment of motor vehicles in public property.

(2) "Agency employee" means any employee of the department of transportation or other municipal, county, or city and county agency responsible for highway safety and maintenance.

(3) "Disabled motor vehicle" means any motor vehicle that is stopped or parked, either attended or unattended, upon a public right-of-way and that is, due to any mechanical failure or any inoperability because of a collision, a fire, or any other such injury, temporarily inoperable under its own power.

(4) "High Security Area" shall be generally defined as any area located within unincorporated regions of Summit County, Colorado that are duly designated as high security areas, in the sole discretion of the Board of County Commissioners of Summit County, Colorado, pursuant to this ordinance, as set forth on the list of designated high security areas, attached hereto as Exhibit A and incorporated herein as if referenced in full. Said Exhibit A shall be subject to modification and amendment from time to time.

(5) "Impound lot" means a parcel of real property that is owned or leased by a government or operator at which motor vehicles are stored under appropriate protection.

(6) "Nighttime hours" shall be designated as the consecutive temporal period ranging from 8 p.m. of any evening consecutively through until 6 a.m. the next day.

(7) "Operator" means a person or a firm licensed by the public utilities commission as a towing carrier. For purposes of this part 18, "Operator" includes auto parts recyclers that tow vehicles for remuneration.

(8) "Public property" means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, as defined in section 31-1-101(6), C.R.S., or other governmental entity of this state.

(9) "Responsible law enforcement agency" means the law enforcement agency authorizing the original tow of an abandoned motor vehicle, whether or not the vehicle is towed to another law enforcement agency's jurisdiction.

III. Illegal Stopping, Standing, and Parking in High Security Areas

A. High security areas shall be designated pursuant to this ordinance, as set forth on the list of designated high security areas, attached hereto as Exhibit A and incorporated herein as if referenced in full. Said Exhibit A shall be subject to modification and amendment from time to time, and may be amended without revision or re-adoption of this ordinance in its entirety.

B. It shall be deemed illegal to stop, stand, or park a motor vehicle in any area designated as a high security area during nighttime hours unless parked subject to the express permission of the Office of the Summit County Sheriff.

C. It shall further be deemed illegal to stop, stand, or park a motor vehicle in any high security areas during any period for any duration where such parking is expressly prohibited by means of official signage or posting or closure of any such areas.

D. Disabled motor vehicles shall not be exempted from the provisions set forth herein unless the Office of the Summit County Sheriff has been immediately notified by the operator of such disabled vehicle and has expressly authorized the disabled vehicle to remain on such site for a

limited amount of time to allow for towing of the vehicle to a repair shop. Such allowance shall not be for greater than a four (4) hours unless good cause for a greater allowance is determined by the Office of the Summit County Sheriff.

IV. Signage in high security areas.

A. All areas designated as high security areas pursuant to this Ordinance shall be posted with official signage that designates such areas as high security areas and sets forth the general restrictions on parking for such areas.

B. Official signage in such areas shall, consistent with C.R.S. §42-4-1204(1)(k), (2)(f), and (3)(b), prohibit stopping, standing, and parking, respectively, during prohibited periods, or in areas outright prohibited for stopping, standing or parking.

C. Official signage in such areas shall be posted as follows:

1. At least one (1) sign at all points of ingress to the high security area;
2. At least one (1) sign at all designated or marked or metered parking sections of such high security areas; and
3. At least one (1) sign along a main right of way or thoroughfare for any such high security areas.

V. Presumptive abandonment of Motor Vehicles at high security areas

A. Any vehicle found stopped, standing, or parked, whether attended or unattended, in any high security area, duly designated as such pursuant to this ordinance, during nighttime hours or other time where such use of the designated area is prohibited, may be presumed to be abandoned pursuant to this ordinance, and subject to citation, removal and/or impound by the responsible law enforcement agency discovering such motor vehicle.

B. In accordance with the authority granted to Colorado counties pursuant to C.R.S. §42-4-1813(2), this ordinance is expressly intended to supercede the definition of "abandoned motor vehicle", as set forth in C.R.S. §42-4-1802(1), only for the purposes of regulating the abandonment of motor vehicles in duly designated high security areas.

VI. Procedures for the removal, storage, and disposal of abandoned or illegally parked motor vehicles

All abandoned or illegally parked motor vehicles discovered by the responsible law enforcement agency in any duly designated high security areas shall be subject to removal, storage by impound, and eventual disposal in accordance with the procedures set forth in Title 42, Article 4, Part 18, C.R.S. (2006), generally regarding the abandonment of motor vehicles in public property.

VII. Notice of impound

A. Upon removal of a motor vehicle pursuant to the procedures set forth herein, the responsible law enforcement agency shall follow the procedures of C.R.S. §42-4-1804 regarding

the report of abandoned motor vehicles in order to attempt to afford the owner of such vehicles notice of such removal and/or impound.

B. The responsible law enforcement agency shall not be obligated to provide any other notice of such action in the case of removal and impound.

VIII. Penalties

(A) Pursuant to C.R.S. § 30-15-402, any person who violates any county ordinance commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation.

(B) Pursuant to C.R.S. § 30-15-402, the Board of County Commissioners hereby adopts the penalty assessment procedure provided in section C.R.S. § 16-2-201 for violations of this ordinance. Any arresting law enforcement officer is authorized to use the penalty assessment procedure provided in section C.R.S. §16-2-201, for violations of this ordinance. If the penalty assessment procedure is used, the fine schedule shall be as follows:

First Violation:	\$150.00 fine.
Second Violation:	\$500.00 fine.
All Subsequent Violations:	\$1,000.00 fine per violation.

(C) Any person convicted of a violation of this ordinance shall pay a surcharge of ten dollars (\$10.00) as provided in C.R.S. § 30-15-402(2). This surcharge shall be paid to the Clerk of the Court by the defendant. If any of the regulations set forth herein shall conflict with any other applicable law or regulation, the more stringent requirement shall control.

(D) In addition, any motor vehicle subject to removal, impoundment, and sale pursuant to this ordinance shall be subject to all additional costs and fees as set forth in Title 42, Article 4, Part 18, C.R.S. (2006), generally regarding the abandonment of motor vehicles in public property.

IX. Interpretation.

This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform to State of Colorado 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 the provisions of this ordinance or any section thereof. This ordinance imposes or creates no duties on the part of Summit County Government, or its departments and employees including but not limited to the Sheriff's Office, and the obligation of complying with the requirements of this ordinance, and any liability for failure to do so, is placed upon the parties responsible for owning, operating, monitoring or maintaining motor vehicles.

X. Application.

This ordinance shall apply to every duly designated high security area within the unincorporated territory of Summit County, of which the County of Summit has jurisdiction and authority to regulate.

XI. Incorporation and Severability

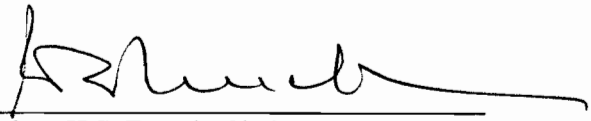
(A) This Ordinance hereby incorporates all terms and provisions of Colorado law, including without limitation Title 42, Article 4, Part 18, C.R.S. regulating vehicles abandoned on public property.

(B) If any provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate this ordinance in its entirety, and to this end the provisions of this ordinance are declared to be severable.

(C) This Ordinance shall take effect immediately upon adoption, and is necessary for the immediate preservation of the public health and safety due to the inherent dangers of illegal parking, stopping or standing in high security areas.

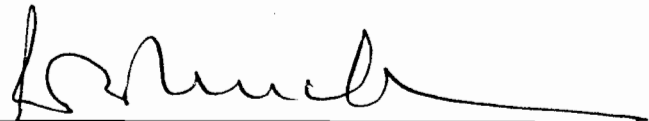
INTRODUCED, READ, ORDERED PUBLISHED IN FULL AND SET FOR PUBLIC HEARING THIS 22nd DAY OF AUGUST, 2006.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

By: 
Robert H.S. French, Chairman

READ, PASSED AND ADOPTED AFTER PUBLIC HEARING AND ORDERED PUBLISHED BY TITLE ONLY THIS 26 DAY OF September, 2006.

COUNTY OF SUMMIT
STATE OF COLORADO
By and Through its
BOARD OF COUNTY COMMISSIONERS


Robert H.S. French, Chairman


ATTEST:

Cheri Brunvand, Clerk & Recorder

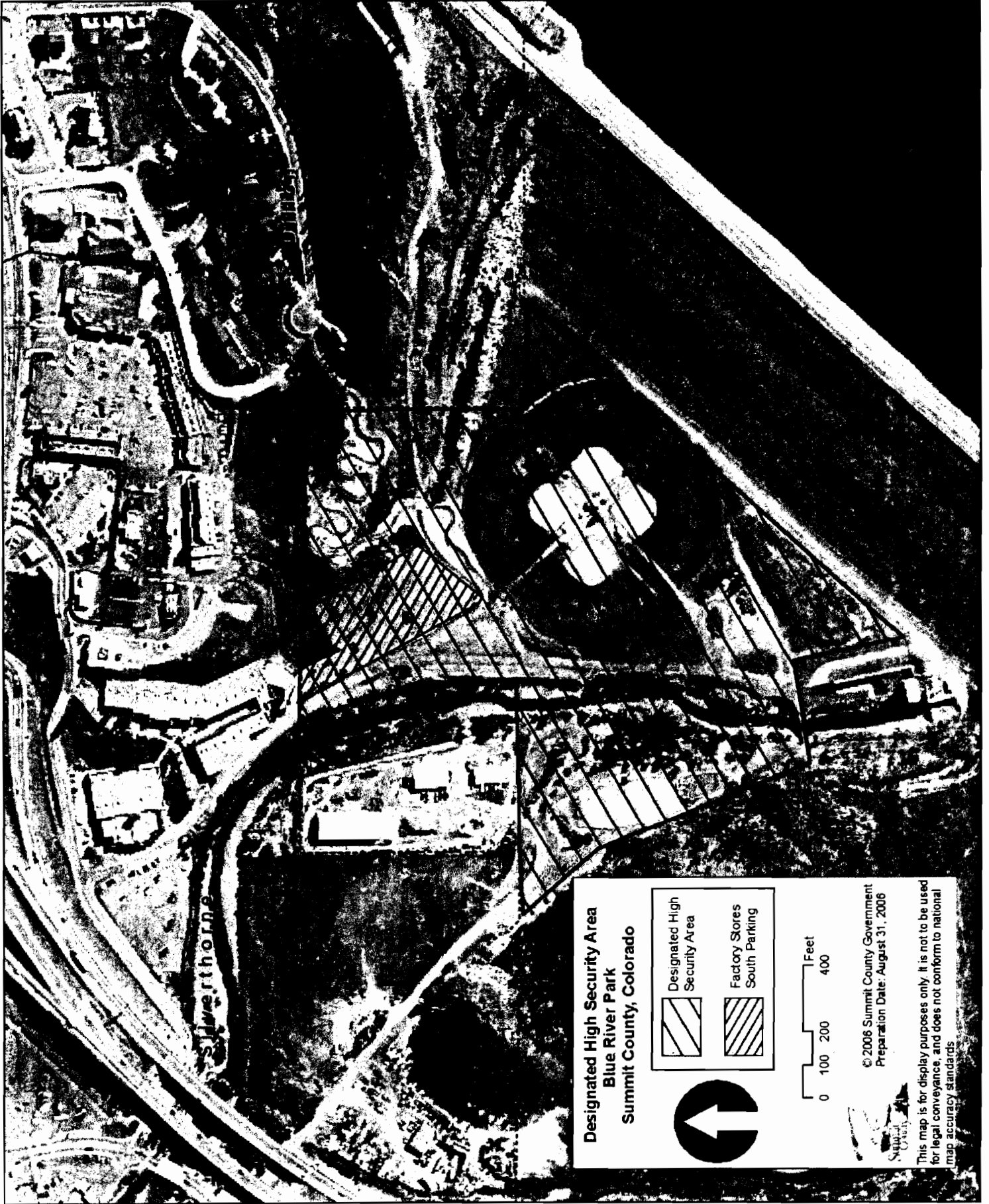
Exhibit A

Designation of Areas of High Security Pursuant to Summit County Ordinance Number 17

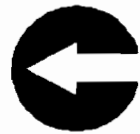
In accordance with the provisions of Summit County Ordinance Number 17, the following areas are hereby designated as areas of high security for purposes of proper restrictions on the stopping, standing, and parking of motor vehicles, and the abandonment of the same:



1. The Blue River Ballfields area, owned by the Denver Water Board and held under lease by the Summit County Government or, in the case of the South Parking Lot of Phase one of the Silverthorne Factory Outlet Stores, the Town of Silverthorne. Said area, which shall expressly exclude the Colorado Department of Transportation property within such area, is depicted with specificity in the map attached hereto as Figure 1 and incorporated herein as if referenced in full.
2. The Green Mountain Reservoir Area, defined with particularity the area commencing at the entrance gate to the dam and proceeding along the road and corridor down to the Green Mountain Camp. Said area is depicted with specificity in the map attached hereto as Figure 1 and incorporated herein as if referenced in full.

This Exhibit A may be subject to modification and/or amendment from time to time, and may include additions or deletions as to areas properly considered to be high security areas under the subject ordinance.



Designated High Security Area
Blue River Park
Summit County, Colorado



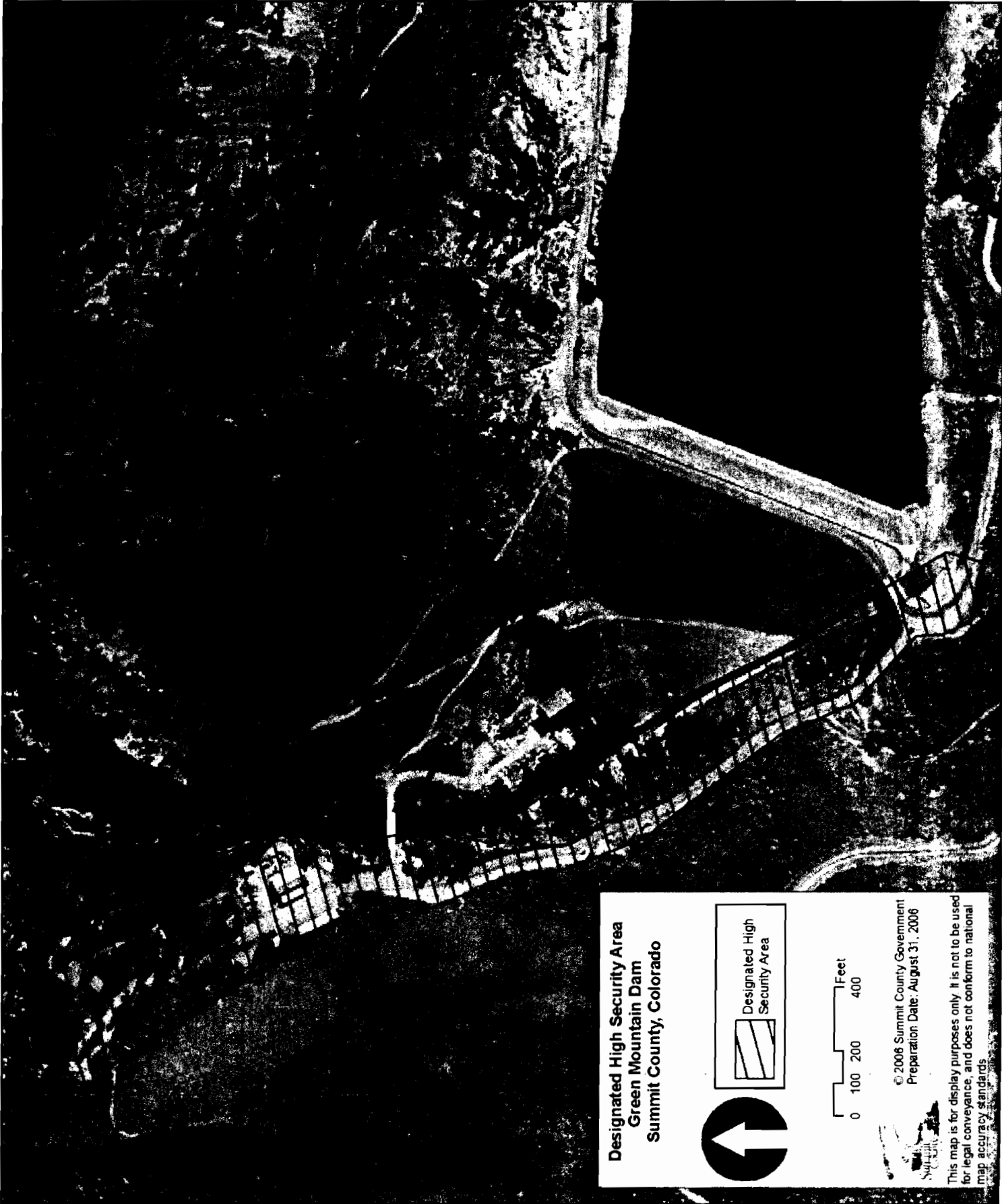
-  Designated High Security Area
-  Factory Stores South Parking

0 100 200 400
Feet

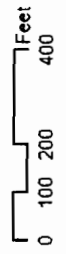
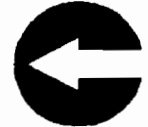
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Preparation Date: August 31, 2006



This map is for display purposes only. It is not to be used for legal conveyance, and does not conform to national map accuracy standards.



**Designated High Security Area
Green Mountain Dam
Summit County, Colorado**



© 2006 Summit County Government
Preparation Date: August 31, 2006



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