

OFFICIAL RECORDS  
DOUGLAS COUNTY CO  
CAROLE R. MURRAY  
CLERK & RECORDER  
RECORDING FEE: \$0.00  
14 PGS

# 2004011198  
01/29/2004 02:29 PM

ORDINANCE NO. O-003-002



**THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO**

**AN ORDINANCE FOR THE REGULATION OF TRAFFIC AND  
PARKING; REPEALING ALL ORDINANCES AND RESOLUTIONS  
IN CONFLICT THEREWITH; AND PROVIDING  
PENALTIES FOR VIOLATION THEREOF.**

*WHEREAS*, pursuant to section 30-15-401(1)(h), C.R.S., the Board of County Commissioners ("Board") is authorized to adopt ordinances to control and regulate the movement and parking of motor vehicles on public property; and

*WHEREAS*, pursuant to section 42-4-111(1)(a) and (c), C.R.S., the Board is authorized to regulate or prohibit the stopping, standing or parking of vehicles and to regulate traffic by means of Official Traffic Control Devices; and

*WHEREAS*, section 42-4-1210(1), C.R.S., provides that the owner or lessee of any private property available for public use in the unincorporated areas of a county may request in writing that specified areas on such property be designated by the Board for use only by authorized vehicles; and

*WHEREAS*, section 42-4-1210(1), C.R.S., further provides that said areas, upon acceptance in writing by the Board, shall be clearly marked by the owner or lessee with Official Traffic Control Devices, as defined in section 42-1-102(64), C.R.S.; and

*WHEREAS*, section 42-4-1210(2), C.R.S., provides that it is unlawful for any person to park any vehicle other than an authorized vehicle in any area designated and marked for such use as provided therein; and

*WHEREAS*, section 42-4-110(1), C.R.S., authorizes all local authorities, including counties, to adopt by reference all or any part of a model traffic code; and

*WHEREAS*, the Board has previously adopted the 1995 "Model Traffic Code for Colorado" and desires to replace the 1995 edition with the recently published 2003 edition; and

*WHEREAS*, the Board has previously adopted the "Manual on Uniform Traffic Control Devices" as authorized by section 42-4-104, C.R.S. which addresses all aspects of "traffic control devices"; and

**WHEREAS**, the Board desires to adopt this ordinance establishing consolidated parking and traffic enforcement and establishing the current authorities and priorities thereof on which Douglas County will rely, hereby superseding and revoking all prior ordinances and resolutions inconsistent or overlapping herewith; now therefore,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS as follows:**

**PART I: GENERAL**

**Purpose.** The purpose of this ordinance is to promote the general public welfare and safety by imposing and enforcing reasonable and necessary traffic and parking restrictions in the County.

**Definitions.** Unless otherwise specified or the context otherwise requires, the following words shall have the following meanings throughout this Ordinance.

“Authorized Emergency Vehicle” means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means such privately owned vehicles as are designated by the state motor vehicle licensing agency, necessary to the preservation of life and property, to be equipped and to operate as emergency vehicles in the manner prescribed by state law.

“Automobile” means any motor vehicle.

“County” means Douglas County, Colorado.

“Law Enforcement Officers” shall mean the Douglas County Sheriff, Undersheriff and his or her deputy sheriffs.

“Official Traffic Control Device” means any sign, signal, marking, and/or device, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

“Owner” means a person who holds the legal title of a vehicle; or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for purposes herein. The term also

includes parties otherwise having lawful use or control or the right to use or control a vehicle for a period of thirty days or more.

“Park” or “parking” means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

“Private Property” shall mean any property not owned by Douglas County for which a request for parking restriction designation is made and accepted pursuant to section 42-4-1210, C.R.S. These areas shall be listed in Exhibit B for purposes herein.

“Residential Parking Permit Area” means a contiguous or nearly contiguous residential area containing public streets more particularly described in Exhibit A, attached hereto and incorporated by reference herein, on which motor vehicle parking is prohibited at certain times, except for vehicles displaying a parking permit as provided in this ordinance.

“Stand” or “standing” means the halting of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

“Stop” or “stopping” means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Law Enforcement Officer or Official Traffic Control Device.

“Vehicle” means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks.

**Enforcement.** This ordinance shall be enforced by the Douglas County Sheriff.

**Violation.** It shall be unlawful for any person to violate any provision of this ordinance or to disobey any Official Traffic Control Devices referenced herein. In any prosecution for any violation of this ordinance wherein the identity of the violator is in question (such as parking citations issued when the driver of the vehicle is not present), there shall be a rebuttable presumption that the violation was committed by the Owner of the motor vehicle in which the violation occurred.

**Disposition of Fines and Forfeitures.** Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this ordinance shall be paid into the treasury of Douglas County.

