

**ORDINANCE NO. 16
ADAMS COUNTY, COLORADO
DESIGNATED RESIDENTIAL PARKING DISTRICTS**

Resolution 2021-504

WHEREAS, Colorado Revised Statute (C.R.S.) § 30-15-401(1)(h), authorizes the Board of County Commissioners (BoCC) to adopt ordinances which control and regulate the movement and parking of vehicles and motor vehicles on public property; and,

WHEREAS, C.R.S. § 30-15-402(1), authorizes fines to be imposed for violations of any county ordinance; and,

WHEREAS, C.R.S. § 30-15-402.5(1) authorizes the BoCC to designate personnel authorized to enforce its duly adopted county ordinances by issuing citations or summonses and complaints to violators of its ordinances; and,

WHEREAS, the BoCC has determined that it should designate all Adams County Code Compliance Officers and their supervisors, the Adams County Sheriff, and all Adams County Deputy Sheriffs as authorized enforcement personnel of the provisions of this Ordinance; and,

WHEREAS, the BoCC believes that the adoption of this Ordinance will benefit Adams County residents by allowing individual neighborhoods to request the implementation of designated residential parking districts.

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

ARTICLE I: GENERAL PROVISIONS

Section 1.1 Title

This ordinance shall be known and referred to as the “Adams County Designated Residential Parking Districts Ordinance.”

Section 1.2: Application

This Ordinance shall apply to all public streets and parking areas within the unincorporated areas of Adams County, Colorado.

Section 1.3: Definitions

Pursuant to C.R.S. § 2-4-101, all words and phrases contained in this Ordinance shall be read in context and construed according to the rules of grammar and common usage, unless otherwise particularly defined herein.

- (a) “Adams County Code Compliance Officer” means a code compliance officer or supervisor employed by Adams County for the purpose of providing code compliance services for unincorporated areas of Adams County.
- (b) “Adams County Deputy Sheriff” means a law enforcement officer employed by the Adams County Sheriff’s Office with the authority to enforce state laws and county regulations, rules, ordinances, or resolutions within unincorporated Adams County.
- (c) “Designated Residential Parking District” or “District” means an area in which the parking of vehicles has been restricted to residents within the designated area, as indicated by parking control devices and outlined on the Adams County website.
- (d) “Holiday” means New Year’s Day, Martin Luther King, Jr. Day, President’s Day, Memorial Day, Independence Day, Veterans’ Day, Labor Day, Cabrini Day, Thanksgiving Day, Christmas Day, and such additional entire days declared as holidays by County Resolution or state or federal statute. Where the holiday observed differs from the day of the historical event commemorated, the day observed is the holiday for the purposes of parking enforcement.
- (e) “Household” means any individual legal address within a designated residential parking district.
- (f) “Parking Control Device” means all signs, signals, markings, and devices placed or displayed by Adams County in accordance with the provisions of this Ordinance for the purpose of regulating, warning, or guiding the parking of vehicles.
- (g) “Permit” means an authorization issued by Adams County in accordance with established County guidelines allowing the permit holder to park a motor vehicle in a Designated Residential Parking District.
- (h) “Street” means the entire width between the property boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel and includes, without limitation, alleys, and the entire width of every way declared to be a public highway by any law.
- (i) “Time” means, whenever certain hours are named herein or on any Parking Control Device, Mountain Standard Time or Mountain Daylight Time, depending on the date, as prescribed by state law. Mountain Standard Time is coordinated universal time minus seven hours. Mountain Daylight Time is coordinated universal time minus six hours.

ARTICLE II: ENFORCEMENT

Section 2.1: Enforcement

Pursuant to Adams County Ordinance No.9, the Model Traffic Code, the Adams County Sheriff and Sheriff's Deputies are authorized to enforce parking rules and regulations adopted by Adams County. Additionally, as authorized by C.R.S. § 30-15-402.5, the Board finds it necessary and in the public interest to vest specific enforcement authority to County personnel listed in this Article who shall have the authority and responsibility to enforce this Ordinance.

Section 2.2: Who May Enforce

This Ordinance may be enforced by:

- (a) All Adams County Code Compliance Officers and their supervisors; and,
- (b) The Adams County Sheriff and all Adams County Deputy Sheriffs.

ARTICLE III:
RESTRICTED PARKING IN DESIGNATED RESIDENTIAL DISTRICTS

Section 3.1: Applicability

This Ordinance shall apply to all public streets and parking areas in the unincorporated areas of Adams County, Colorado.

Section 3.2: Vehicle Owner Liable for Violation

No owner of a vehicle shall allow, or fail to prevent, the stopping or parking of that vehicle, in violation of any of the prohibitions or requirements of this Ordinance. The owner of the vehicle is liable for any such violation.

Section 3.3: Restricting Parking in Designated Residential Districts

- (a) Subject to final approval by the BoCC, the Community Safety and Well-Being Department (the "Department") is hereby authorized to determine that there is a need to restrict parking of vehicles on the streets in a designated residential area by individuals who do not reside in that area.
- (b) The determination that an area should be designated as a Residential Parking District may be made based on a finding that unrestricted parking could cause hazardous traffic conditions in the residential area; produce excessive auto emissions, noise, trash and/or refuse; unreasonably burden access by area residents to their residences; damage the character of the area; or diminish the value of property in the area.
- (c) The determination that an area should be designated as a Residential Parking District may be made if sixty percent (60%) of the households within the designated area support such determination.

- (d) The boundaries of the area within which parking will be restricted shall be determined by the Community Safety and Well-Being Department Director or their designee.
- (e) Once the area is determined, the Department shall present its finding of the need for a Residential Parking District, the proposed boundaries, and the proposed restrictions for the area to the BoCC for approval.
- (f) Proposed restrictions for the area may include limiting the duration of parking for nonresidents of the area, designating certain no parking areas, limiting parking on certain days and/or during designated hours to residents of such area, and/or imposing any other restrictions reasonably necessary to mitigate the parking problem and associated harm.
- (g) If the Residential Parking District is approved by the BoCC, the Department shall publish information about the restrictions on the county website and install Parking Control Devices in the restricted area that describe the restrictions and provide notice that vehicles parked in violation of the applicable restrictions will be subject to ticketing, fines, and/or impoundment.
- (h) If the parking restriction limits parking to residents of a District, resident permits shall be obtained from the Department. Resident parking permits shall be assigned to all residents of the designated area who provide their vehicle information.
- (i) Holders of parking permits issued in accordance with the terms of this Ordinance shall have unrestricted parking access within the District that they reside, provided that such parking shall be in accordance with all other existing laws, ordinances, rules, and regulations.
- (j) Each household within a designated permit parking District will be given two (2) visitor permits to be displayed as needed. The use of visitor permits will be limited in accordance with policies adopted by the Department. The policies will be available on the Adams County website. If a visitor permit is lost, a replacement may be obtained from the Department upon payment of a replacement fee.
- (k) No person may allow, or fail to prevent, their vehicle to be parked in any District in violation of any restriction imposed in accordance with the terms of this Ordinance.
- (l) This Ordinance shall not apply to emergency vehicles responding to an emergency or to delivery vehicles that are in the process of making a delivery.

ARTICLE IV: PROCEDURES AND PENALTIES

Section 4.1: Procedures

- (a) Pursuant to C.R.S. § 30-15-402, any person who violates any part of this ordinance commits a traffic infraction, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate violation.

- (b) Unless a person who has been cited for a traffic infraction pays the penalty assessment and surcharge as provided in the penalty assessment notice, the provisions of C.R.S. §§ 42-4-1701 and 42-4-1073, and 42-4-1708 to 42-4-1718 shall apply, except that the fine or penalty for a violation charged and the surcharge thereon shall be paid to the county.

Section 4.2: Notice of Parking Violation and Penalty Assessment Procedure

- (a) As authorized by C.R.S. § 30-15-402, the Penalty Assessment procedure provided in C.R.S. § 16-2-201 may be followed by any arresting law enforcement officer or Adams County Code Compliance Officer for any violation of this Ordinance.
- (b) When an Officer comes upon a vehicle which is parked in apparent violation of this Ordinance, the Officer may place upon the vehicle a penalty assessment notice as specified in C.R.S. § 16-2-201 (2); except that said notice shall contain the license plate number and state of registration of the vehicle and need not contain the identification of the vehicle owner.
- (c) The penalty assessment notice shall be a summons and complaint containing the license plate number and state of registration of the vehicle, specification of the offense and applicable fine, and a requirement that the alleged offender pay the fine or appear to answer the charge at a specified time and place. A duplicate copy of the notice shall be sent to the Clerk of the Adams County Court in the 17th Judicial District.
- (d) If the owner of the vehicle chooses to acknowledge their guilt, they may pay the specified fine in person, online, or by mail at the place and within the time specified in the notice. If they choose not to acknowledge their guilt, they shall appear in court as required in the notice.

Section 4.3: Penalties

The following penalties shall apply to violations of the provisions of this Ordinance:

- (a) Any violation of this Ordinance is a traffic infraction and subject to a fine of \$15 and a surcharge of \$6. All fines or penalties and the surcharge thereon shall be paid into the treasury of Adams County.
- (b) In addition, if the penalty assessment procedure authorized by this Ordinance is not used, a person convicted of violating any provision of this Ordinance shall pay a ten-dollar (\$10.00) surcharge for each violation to the clerk of the court as provided in C.R.S. § 30-15-402(2). The Clerk of the Court shall transmit the ten-dollar surcharge to the court administrator of Seventeenth Judicial District for credit to the Victims and Witness Assistance and Law Enforcement fund established pursuant to C.R.S. § 42-4.2-103.

- (c) If the penalty assessment procedure authorized by this Ordinance is not used, Court Costs may be assessed against violators in addition to the fines and surcharges imposed by this Ordinance. Court costs, if any, shall be paid directly to the Clerk of Court.

Section 4.4: Towing and Impoundment

In addition to any other penalty imposed herein, any motor vehicle parked in violation of this Ordinance and left unattended for a period of forty-eight hours or longer may be towed and impounded by the Adams County Sheriff's Office in accordance with C.R.S. § 42-4-1801, *et seq.*

ARTICLE V: ADDITIONAL PROVISIONS

Section 5.1: Separate Infractions

For each parking violation a new and separate infraction occurs when a vehicle remains parked in violation of the restrictions posted on a Parking Control Device for more than two hours after the issuance of the preceding parking ticket. Citations issued to a single vehicle may not exceed three (3) in any consecutive 24-hour period.

Section 5.2: Regulations Not Exclusive

This Ordinance is in addition to, and not in place of, all other existing laws, ordinances, rules, and regulations concerning the subject matter contained herein.

Section 5.3: Interpretation

This Ordinance shall be interpreted and construed as to effectuate its general purpose. 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.

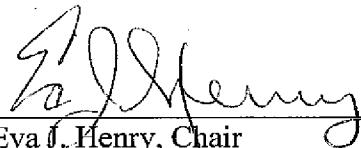
Section 5.4: Severability

Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair, or invalidate the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Section 5.5: Effective Date

In accordance with C.R.S. § 30-15-405, the BoCC hereby determines that this Ordinance shall become effective on November 1, 2021.

Adopted this 14th day of September 2021.



Eva J. Henry, Chair
Board of County Commissioners
Adams County, Colorado

Upon motion duly made and seconded the foregoing Ordinance was adopted by the following vote:

Eva J. Henry _____ Aye
Charles "Chaz" Tedesco _____ Aye
Emma Pinter _____ Aye
Steve O'Dorisio _____ Aye
Lynn Baca _____ Aye
Commissioners

CERTIFICATE OF ATTESTATION

STATE OF COLORADO)
County of Adams)

I, Josh Zygielbaum, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for Adams County, Colorado do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

The foregoing text is the authentic text of Adams County Ordinance No. 16. The first reading of said Ordinance took place on August 17, 2021, at a regular Board of County Commissioners meeting. It was published in full in a newspaper of general circulation at least ten days before its adoption; to wit, in the Northglenn/Thornton Sentinel and the Westminster Window on August 26, 2021. The Ordinance was adopted on second reading at a regular Board of County Commissioners meeting on September 14, 2021, and was published by title in the Northglenn/Thornton Sentinel and the Westminster Window on September 23, 2021. The Ordinance shall become effective on November 1, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 14 day of September, 2021.

County Clerk and ex-officio Clerk of the Board of County Commissioners
Josh Zygielbaum:

By:



Deputy