

ORDINANCE NO. 2017- 1

AN ORDINANCE FOR THE REGULATION OF TRAFFIC ROADWAYS WITHIN THE COUNTY'S JURISDICTION AND THE ENFORCEMENT OF PARKING RESTRICTIONS ON COUNTY-OWNED PROPERTY BY THE BOARD OF COUNTY COMMISSIONERS "BOARD" OF BOULDER COUNTY, COLORADO

WHEREAS, section 30-15-401(1)(h), C.R.S., authorizes a board of county commissioners to adopt ordinances which control and regulate the movement and parking of vehicles and motor vehicles on public property; and

WHEREAS, section 30-11-107(1)(a), C.R.S., authorizes a board of county commissioners to meet to adopt orders concerning property belonging to Boulder County; and

WHEREAS, section 30-15-401(h), C.R.S., authorizes a board of county commissioners to control and regulate the movement and parking of vehicles on public property, and

WHEREAS, section 30-15-402(1), C.R.S., authorizes fines to be imposed for violation of any Ordinance; and

WHEREAS, section 30-15-402.5(1) C.R.S. authorizes the Boulder County Board of Commissioners 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, section 42-4-110(1)(b), C.R.S., authorizes local authorities to adopt by reference all or part of a model traffic code, which embodies the rules of the road and vehicle requirements set forth in section 42-4-110, C.R.S. and section 42-4-111, C.R.S., except in the case of state highways, in which case any regulations shall also be approved by the Colorado Department of Transportation; and

WHEREAS, The Board of County Commissioners of the County of Boulder has previously adopted by reference the 2010 Edition of the "Model Traffic Code for Colorado and does so herein with updates to changes in the law;" and

WHEREAS, in House Bill 14-1029, the Colorado General Assembly clarified the laws governing reserved parking for persons with disabilities in C.R.S. §§ 42-1-227, 42-3-204, 42-3-213, and 42-4-1208, and changed the fines and surcharges in C.R.S. § 42-4-1701; and

WHEREAS, the Boulder County Board of County Commissioners has previously adopted and determined that ordinances pertaining to the regulation of traffic and enforcement of parking restrictions on county-owned public property are in the best interests of the public health, safety, and welfare of the citizens of Boulder County; and

WHEREAS, the Boulder County Sheriff and his designees provided regulation of traffic and the enforcement of parking restrictions on County-owned property located within the city limits of municipalities in Boulder County as designated below by Ordinance and wish to continue to do so; and

WHEREAS, the Boulder County Board of County Commissioners has determined that it is in the best interests of public safety to designate as enforcement personnel of certain restrictions on parking mandated in the Model Traffic Code and additional provisions within this Ordinance, all Boulder County Sheriff's Office peace officers and all Boulder County Security Officers, and all Boulder County Parks and Open Space Rangers; and

WHEREAS, the Board believes that the adoption of this Ordinance will lead to a more uniform application of the rules and regulations governing the movement and parking of motor vehicles on roadways within the County’s jurisdiction and on County-owned public property;

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

ARTICLE I – GENERAL PROVISIONS

Section I.1: Repeal and Replacement

The Board of County Commissioners hereby repeals and replaces Ordinance Nos. 2010-1 and 2011-1.

Section I.2: TITLE: REGULATION OF TRAFFIC ON ROADWAYS WITHIN THE COUNTY’S JURISDICTION AND THE ENFORCEMENT OF PARKING RESTRICTIONS ON COUNTY-OWNED PROPERTY.

This ordinance shall be known and referred to as the “Boulder County Traffic Regulation, Parking, and other County Enforcement Ordinance.”

Section I.3: Application.

The Ordinance shall apply to all of unincorporated Boulder County, Colorado including every street, alley, sidewalk area, driveway, park, open space, and to every other public way, public place, public parking area within the unincorporated areas of Boulder County, Colorado, and to Boulder County owned parking lots within all areas of Boulder County whether incorporated or unincorporated, the use of which this County has jurisdiction and authority to regulate.

Section I.4: Definitions.

Words and phrases used in this Ordinance shall have their usual and customary meanings, provided, however, that all words defined in the 2010 Model Traffic Code, herein adopted, as amended, and used in this Ordinance, shall have the meaning specified therein; provided, further, that the following words and phrases as used in this Ordinance shall have the meanings respectively ascribed to them in this Section:

- 1) “Abandoned Vehicle” means any vehicle that is left in one location on public property without the consent of the owner thereof for a continuous period of more than seventy-two hours.
- 2) “Boulder County Engineer” means the individual appointed by the Director of the Boulder County Transportation Department, and is responsible for the administration and/or enforcement of all floodplain and road access regulations, requirements, and referenced provisions of this Ordinance.
- 3) “Boulder County Model Traffic Code” means the 2010 Edition of the “Model Traffic Code” which has been adopted by Boulder County by reference. It further means the most recent subsequent edition of the “Model Traffic Code of Colorado,” promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222, as amended by state statute, any

changes of which shall be incorporated herein and adopted as the Boulder County Model Traffic Code on the Boulder County Sheriff's Office Website annually hereafter.

- 4) "Boulder County Ordinance" means any ordinance passed by the Boulder County Board of Commissioners for the purpose of regulating activities within unincorporated Boulder County.
- 5) "Boulder County Parks and Open Space Areas" means any areas that have been designated by the Board of Boulder County Commissioners as Boulder County Parks or Boulder County Open Space. An updated list and map of all Boulder County Parks and Open Space can be found online at the Boulder County Website.
- 6) "Boulder County Parking Lot" or "County-owned parking lot" means a lot owned or maintained by Boulder County. An updated list and a map of Boulder County Parking Lots can be found online at the Boulder County Website.
- 7) "Boulder County Parks Ranger" means those individuals that have the authority to control and regulate the use of county public lands and recreation facilities by issuance of Citations or Summons and Complaints. A Ranger shall have the authority and responsibility to enforce the Rules and Regulations for County Parks and Open Space Areas and issue parking citations for violations herein on roads adjacent to parks or open space or County parking lots at designated parks and open space areas.
- 8) "Boulder County Parks and Open Space Rules Regulations" means the Boulder County Ordinance that regulates activities in and on Boulder County Parks and Open Space.
- 9) "Boulder County Peace Officer" means a law enforcement officer employed by the Boulder County Sheriff's Office with authority to enforce state laws and county regulations, rules, ordinances or resolutions within unincorporated Boulder County.
- 10) "Boulder County Security Officer" means any security officer or supervisor employed by Boulder County for the purpose of providing security services for Boulder County buildings, property, and parking lots. As provided in Article III, Security officers have authority to enforce parking violations contained in Articles II and IV in Boulder County Parking Lots or County-owned parking lots.
- 11) "Bus" means a motor vehicle owned or operated by a public authority and designed for carrying more than ten passengers.
- 12) "Bus stop" means an area extending eight feet into the roadway from the curb and extending along the curb between the traffic control signs designating it as such. Where a traffic control sign indicates the bus stop but does not indicate its extent, it extends for fifty feet before the sign. Where the curb is indented on a street where parking is prohibited and a traffic control sign indicates a bus stop in the indented area, the bus stop extends along the entire indented area. For the purposes of this paragraph, signs erected at the curb bearing the words Regional Transportation District "The Ride," or the letters R.T.D., or a symbol for a bus or traffic control signs designating a bus stop.
- 13) "Curb" or "Curblin" means the raised concrete or asphalt edge separating the roadway of a street from the sidewalk, boulevard strip, median strip, path, or other areas, and includes its prolongation across an intersection or junction. Where no curb exists, the edge of that

portion of the street improved, designed, or ordinarily used for motor vehicular travel is the curb.

- 14) “Designated Parking lot” means a County-owned lot that is designated for a category or categories of parking users.
- 15) “Designated Parking Space” means a parking space within a County-owned lot that is designated for a category or categories of parking users.
- 16) “Employee” means an individual employed by Boulder County and includes elected officials.
- 17) “Holiday” means New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day, Independence Day, Veterans' Day, Labor 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 traffic law enforcement.
- 18) “Inoperable Motor Vehicle” means any motor vehicle that does not have a current license plate and validation sticker lawfully affixed thereto or that is apparently inoperable due to being wrecked, dismantled, or partially dismantled or having essential parts missing.
- 19) “Junction” means the intersection of a street with a driveway, alley, parking lot, or any similar established point of entry or exit onto or from a street other than onto or from another street.
- 20) “Parking Control Device” means any sign, standard, painted area, marking, or other device, inscription or designation giving notice of, delineating, controlling, or restricting parking.
- 21) “Permit” means an authorization issued by Boulder County in accordance with the Commissioners’ administrative instructions allowing the permit holder to park a motor vehicle in a Boulder County Parking Lot.
- 22) “Public Authority” means the County of Boulder, and any town or city in the County of Boulder or body or official thereof possessing power or authority delegated by the public authority.
- 23) “Sidewalk Area” means the area between the curb of a street and the adjacent property lines.
- 24) “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, or the entire width of every way declared to be a public highway by any law.
- 25) “Sunrise” and “Sunset” mean the time given at latitude 40 degrees north for the day of the year in the current Nautical Almanac, plus one hour during daylight saving time.
- 26) “Time” means, whenever certain hours are named herein or on any traffic control sign or parking meter, 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.

- 27) “Towing Carrier” means a person regularly engaged in the business of towing motor vehicles and licensed by the Colorado Public Utilities Commission.
- 28) “Traffic Control Device” means any traffic control sign, signal, marking, or device, not inconsistent with this title, placed or displayed by authority of the traffic engineer or of any public official or public body having authority over a drive, way, or parking area for the purpose of regulating, warning, or guiding traffic or the parking of vehicles. Where this title does not prescribe the meaning of a device, it has the meaning ascribed to it by the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, including any supplement thereto, as adopted by the Colorado State Highway Commission and where no such meaning is given, it has the meaning a reasonable person would give it.
- 29) “Traffic Control Marking” means a marking on the pavement of a street placed by a public authority to regulate, warn, or guide traffic.
- 30) “Traffic control sign” means a sign on, above, or adjacent to a street placed by a public authority to regulate, warn, or guide traffic.

Section I.5: Severability. Should any sections, 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 regulation as a whole or any part thereof, other than the part so declared to be invalid.

Section I.6: Application.

- a) This ordinance shall apply to every Boulder County Parking Lot, alley, sidewalk area, driveway, easement, park, roadway, street or other public property in Boulder County, the use of which the County of Boulder has jurisdiction and authority to regulate for the purposes contained herein. County-owned areas shall be designated by a sign indicating that it is a Boulder County Parking Lot, alley, sidewalk area, driveway, easement, park or other public property or shall otherwise be located within the jurisdiction of Boulder County.
- b) This ordinance is in addition to, and does not override, any municipal ordinances which may apply to such designated property.

Section I.7: Interpretation. This Ordinance shall be interpreted and construed as to effectuate its general purpose to conform to the uniform system for the regulation of vehicles and traffic. 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.

ARTICLE II – MODEL TRAFFIC CODE

Section II.1: Adoption of Model Traffic Code.

Pursuant to Section 42-4-110(1), C.R.S., and Section 30-15-401(1)(h), C.R.S., et seq., the 2010 Edition of the “Model Traffic Code of Colorado,” is hereby adopted by reference as promulgated and published by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222, as amended by state statute. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the County. The purpose of this Ordinance and the Code herein adopted is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations through the state and the nation. A copy of the Model Traffic Code adopted herein shall be filed in the records of the

Boulder County Clerk and Recorder's Office, and may be inspected during regular business hours. Any subsequent Colorado Model Traffic Code adopted by the Colorado Department of Transportation shall be automatically incorporated herein. Any changes or updates to fee schedules or Model Code Sections will be maintained and updated at the Boulder County Sheriff's Office website.

Section II.2: Deletions from the Model Traffic Code.

The following sections of the Model Traffic Code are declared inapplicable to Boulder County, and are therefore expressly excluded and hereby deleted from the Boulder County Traffic Code:

Sections 203, 233, 235,

Sections 507, 508, 509, 510, 511;

Sections 613;

Section 1208, 1210, 1212;

Section 1414

Section 1701

Section II.3: Additions and Modifications to 2010 Model Traffic Code.

The 2010 edition of the Model Traffic Code is subject to the following additions or modifications:

- a) Part 1, Section 105, "Local traffic control devices" is hereby revised by adding thereto:

The County Engineer is responsible for authorizing the placement of traffic control devices upon highways under the jurisdiction of Boulder County in consultation with the Road Supervisor and the Sheriff's Office placement and maintenance of such devices is the responsibility of the Road Supervisor.

- b) Part 1, Section 111, "Powers of Local Authorities" is hereby modified and supplemented as follows:

The County Engineer is responsible for regulating or prohibiting the stopping, standing, or parking of vehicles upon highways under the jurisdiction of Boulder County in consultation with the Road Supervisor and the Sheriff's Office. The County Engineer is responsible for regulating the operation of bicycles or electric assisted bicycles and regulating persons upon skates, coasters, sleds, or similar devices upon highways under the jurisdiction of Boulder County in consultation with the Road Supervisor and the Sheriff's Office.

- c) The following paragraph is added to Part 6, Section 606, "Display of unauthorized signs or devices":

Section 606(6) The County Engineer is responsible for authorizing and maintaining a traffic sign inventory. The County Engineer and/or the Road Supervisor are empowered to remove or cause prohibited signs, signals, or markings to be removed without notice.

- d) The following paragraph is added to Part 11, Section 1102(7), "Altering of speed limits- when":

Section 1102(7) The County Engineer is responsible for conducting traffic investigations or surveys, and evaluating appropriate design standards and projected traffic volumes necessary for declaring the reasonable and safe speed limits.

- e) The following paragraph is added to Part 11, Section 1103(2), "Minimum Speed Regulation":

Section 1103(2) The County Engineer is responsible for conducting traffic investigations or surveys, and evaluating appropriate design standards and projected traffic volumes necessary for declaring the reasonable and safe speed limits.

- f) All references made to municipal, municipality, or municipalities shall be deleted and county or counties inserted in their stead.
- g) All references made to police officers shall be deleted and Boulder County Peace Officer, as defined in Section I.4(9) of this ordinance shall be inserted in their stead. In reference only to parking violations, Boulder County Security Officer as defined in Section I.4(10) may be inserted. In reference to parking violations occurring on only roads or County Parking Lots in or adjacent to County Parks or Open Space, Boulder County Parks Ranger as defined in Section I.4(7) may be inserted.
- h) All references to the Colorado Municipal Court Rules of Procedure (C.M.C.R.) shall be deleted and the Colorado Rules for Traffic Infractions, and/or the Colorado Rules for County Court be inserted in their stead, as applicable.
- i) Section 1707(5) delete all references to "offenses" and insert "traffic infractions" in their stead.
- j) Section 1710(1) delete all references to "offense" and insert "infraction" in their stead.
- k) Section 42-4-1208, C.R.S., as amended, is hereby adopted by reference regarding reserved parking for persons with disabilities.
- l) Section 42-4-1701, C.R.S., as amended, is hereby adopted by reference regarding the classification of traffic offences under this code, the penalties for those infractions, and the penalty and surcharge schedule for each infraction. See Section II.4 of this Ordinance.

Section II.4: Penalty Assessment Procedure and Penalties. The following penalties, set forth in full herein, shall apply to violations of the provisions of this Ordinance:

- a) Any person who violates any provision of this Article II commits a traffic infraction. Except when otherwise prohibited, the penalty assessment procedure provided in § 42-4-1701, C.R.S., may be followed by the assessing officer for any such violation of this Ordinance.
- b) In addition to the penalties prescribed in this Article, persons convicted of, or admitting responsibility to, a violation of this Article II are subject to a surcharge as set forth in § 42-4-1701, C.R.S. Each defendant shall pay the fines and surcharges thereon into the General Fund of Boulder County as set forth in § 30-15-402(1), C.R.S.
- c) In addition, each defendant shall pay a ten dollar (\$10.00) surcharge for each violation to the clerk of the court as provided in § 30-15-402(2), C.R.S. The Clerk of the Court shall transmit the ten dollar surcharge to the court administrator of the Twentieth Judicial District for credit to the

Victims and Witness Assistance and Law Enforcement fund established pursuant to § 42-4.2-103, C.R.S. Court costs shall be paid directly to the Clerk of the Court.

- d) In addition, each defendant convicted of, or admitting responsibility to, operating a vehicle in excess of the speed limit in violation of Section 1101, of violating the helmet law for minors of Section 109, or of violating the helmet law of Section 1502, shall pay to the Clerk of the Court or the County Treasurer a fifteen dollar (\$15.00) surcharge, as provided in §§ 42-4-1701(4)(e)(I) and 30-15-402(3), C.R.S. The Clerk of the Court or the County Treasurer shall transmit the moneys to the State Treasurer, who shall credit them to the Colorado Traumatic Brain Injury Trust Fund created pursuant to § 26-1-309, C.R.S.
- e) In addition, each defendant shall pay to the Clerk of the Court or the County Treasurer a two dollar and fifty cent (\$2.50) surcharge for each penalty assessment notice. The Clerk of Court or the County Treasurer shall transmit the moneys to the State Treasurer, who shall credit them to the Offender Identification Fund created pursuant to § 24-33.5-415.6, C.R.S.
- f) In addition, each defendant shall pay to the Clerk of the Court or the County Treasurer a one (\$1.00) surcharge for each violation. The Clerk of the Court or the County Treasurer shall transmit the moneys to the State Treasurer, who shall credit them to the Family-Friendly Court Program Cash Fund created pursuant to § 13-3-113(6), C.R.S.
- g) Traffic infractions are dividing into two classes denoted by “TIA” for Class A Traffic Infractions, and “TIB” for Class B Traffic Infractions.
- h) The penalties for violating specific Sections of this Ordinance shall be as set forth in the Schedule of Fines posted on the Boulder County website.
- i) If the penalty assessment procedure authorized by this Ordinance is not used, Court Costs may be assessed against violators in addition to the fine imposed by this Ordinance.

ARTICLE III – ENFORCEMENT.

Section III.1: Purpose: Pursuant to § 30-15-401, C.R.S., *et seq.*, as amended, it is the duty of the Boulder County Sheriff and Sheriff’s deputies to enforce any and all of the Rules and Regulations adopted for Boulder County properties and areas. The Board finds it necessary and in the public interest to vest specific enforcement authority to the County personnel listed in this Article who shall also have the authority and responsibility to enforce regulations adopted for Boulder County properties and areas.

Section III.2: Who may Enforce:

- a) All peace officers with the Boulder County Sheriff’s Office; and
- b) All Boulder County security officers and their supervisors; and
- c) All Boulder County Parks Rangers in designated Boulder County Open Space and Parks roads and County-owned parking lots in or adjacent to County Parks or Open Space.

ARTICLE IV - OTHER PARKING VIOLATIONS ON COUNTY-OWNED PUBLIC PROPERTY

Section IV.1. Purpose. The fees and violations contained in this Article are in addition to the provisions regulating the parking of vehicles in Part 12 of the Model Traffic Code as adopted in Article II above.

Section IV.2. Vehicle Driver and/or Owner Liable for Violation.

No driver shall stop or park a vehicle, and no owner of a vehicle shall fail to prevent the stopping or parking of that vehicle, in violation of any of the prohibitions or requirements of this Article both the owner and/or the driver are jointly and severally liable for any such violation. It is a specific defense to the liability of the owner that the vehicle was parked or stopped by a thief at the time of the violation.

Section IV.3. Notice of Parking Violation to Driver or Vehicle Owner and Penalty Assessment Procedure under § 16-2-201, C.R.S.

- a) Enforcement of any provision of this Article IV may be initiated in any of the following ways:
 - 1) Penalty assessment notice may be served by leaving it under the windshield wiper or otherwise attached to the vehicle, or handing it to the driver or owner if the driver or owner is present, or mailing it by first class or certified mail to the address of the owner of the vehicle as shown in the motor vehicle ownership records of the state of registration;
 - 2) A summons and complaint may be served on the driver of the vehicle as provided in the Colorado County Court Rules of Civil Procedure;
 - 3) A summons and complaint may be served on the owner of the vehicle as provided in the Colorado County Court Rules of Civil Procedure.
- b) No more than one fine or penalty may be collected for each infraction.

Section IV.4. Regulations Not Exclusive.

No parking control device imposing a time limit on parking relieves any person from the duty of observing other and more restrictive regulations prohibiting or limiting the stopping or parking of vehicles in specified places or at specified times.

Section IV.5. Stopping or Parking Prohibited in Specified Places.

In addition to the provisions of Section 1204 of the 2010 Model Traffic Code the following provisions shall apply to the stopping or parking of vehicles on County-owned parking lots or County-regulated roadways:

- a) No vehicle may be stopped or parked:
 - 1) On a sidewalk or within the sidewalk. For purposes of this Section, the far edge of a sidewalk parallel and adjacent to a roadway is presumed to be the property line;
- b) No vehicle may be parked:
 - 1) On a roadway in or within five feet of a public or private driveway or junction;

- 2) When a fire hydrant is within ten feet of the curb, on a roadway within five feet of that point on the curb closest to the hydrant;
 - 3) In a bus stop;
 - 4) At any place on a street where a traffic control sign prohibits parking; or
 - 5) In any space or location in a County-owned parking lot if posted signs restrict that particular space or location to specific County employees, elected officials, department heads, types of vehicles, or vehicles owned by Boulder County.
- c) The provisions of this Section are limited or modified by and are expressly subject to any traffic control device regulating the stopping or parking of a vehicle.

Section IV.6. Overtime Parking, Signs.

Except on Sundays and holidays, no vehicle shall remain parked for longer than the time designated on a parking control device.

Section IV.7. Parking in Space Required.

Every vehicle parked in a Boulder County Parking Lot shall be parked entirely within one individual parking space as indicated by a parking control device.

Section IV.8. Parking in Loading Zone Prohibited.

Unless otherwise indicated by a parking control device, no vehicle shall be parked in a loading zone except:

- a) In a passenger loading zone: for the visible loading or unloading of passengers for a period not in any case to exceed three minutes; or
- b) In any other loading zone: for the unloading or loading of property for a period not to exceed thirty minutes, or such shorter time as indicated by a parking control device, or for the loading or unloading of passengers for a period not to exceed three minutes.

Section IV.9. Parking in Handicapped Space Prohibited.

In accordance with the provisions of § 42-4-1208, C.R.S., as amended, no vehicle shall be parked in a space reserved for individuals with disabilities as indicated by any parking control device using the term "handicapped," displaying a wheelchair symbol, or otherwise reasonably indicating designation for handicapped parking, unless the vehicle displays a placard or license plate issued by the Colorado Department of Revenue pursuant to § 42-3-204, C.R.S., as amended, based upon a finding that the individual has an impairment that substantially limits such person's ability to move from place to place.

This Section applies to all spaces designated for handicapped parking on County-owned property or in County-owned parking lots.

Section IV.10. Parking Prohibited in Boulder County Parking Lots or parking spaces designated for the use of Boulder County Employees.

- a) No vehicle shall be parked in a County-owned parking lot or parking space designated for use by County employees or departments, as defined in Section I.4(6), unless:
 - 1) the vehicle is one bearing a valid parking permit issued by Boulder County and in accordance with the Commissioner's administrative instructions, or
 - 2) is a vehicle owned by the County, or
 - 3) is a vehicle operated by a County employee who is authorized by the department or elected official to park in a parking lot or space designated for the exclusive use of that department or elected official.

Section IV.11. Separate Infractions.

- a) For each overtime parking infraction, a new and separate infraction occurs when a vehicle remains illegally parked for more than the maximum allowable time for parking after the issuance of the preceding parking ticket.
- b) For all other parking infractions, a new and separate infraction occurs when a vehicle remains illegally parked for more than two hours after the issuance of the preceding parking ticket.

Section IV.12. Penalties.

A violation of Sections IV.5, IV.6, IV.7, IV.8, and IV.10 is a Class 2 petty offense and subject to a \$25 fine and will be assessed a surcharge as provided in § 30-15-402(2)(a), C.R.S.

Section IV.13. Late Fee.

Whenever enforcement of Sections IV.5, IV.6, IV.7, IV.8, and IV.10, is initiated as provided in Section IV.3, and payment of the fine or penalty assessed in Section IV.12 is not received by the county court or the owner or driver does not appear in the county court to set a hearing on the allegation within fourteen days of the date of issuance of the notice of violation under Section III.3, the fine or penalty shall be increased by a late fee of \$15.00.

Section IV.14. Towing and Impoundment.

The purpose of this Section is to protect the public health, safety, and welfare by prohibiting the storage of abandoned or inoperable vehicles on public property and to establish procedures for removing from such property any vehicle that is abandoned or inoperable, obstructs traffic, is so defective as to pose a safety hazard, is involved in criminal conduct, or whose impoundment is otherwise authorized.

Section IV.15. Authority of County to Impound Vehicle.

- a) A Boulder County peace officer or Boulder County security officer is authorized to remove or cause to be removed a vehicle from any public property when:
 - 1) A vehicle is situated in a manner that obstructs the normal movement of traffic or creates a hazard to other traffic on a public street, public alley, or Boulder County Parking Lot and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal;

- 2) A vehicle is found parked in a manner that violates any Section of this Ordinance or the Boulder County Model Traffic Code, as adopted.
 - 3) A vehicle is found unattended and situated in a manner that obstructs the commencement or ongoing operation of a public construction, maintenance, or repair project or street closure; and it is not practicable to move such vehicle in the manner authorized by Boulder County; or
 - 4) Removal of a vehicle is necessary in the interest of the public health or safety because of fire, flood, snow, storm, or other emergency, and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal.
- b) Removal of such vehicles shall be done by a Licensed Towing Carrier at the request of the County or its designees as provided in Section III.2. Payment of all storage and towing charges of the Licensed Towing Carrier shall be the sole responsibility of the owner or operator of the towed vehicle and shall be paid by the owner or operator directly to the towing carrier. The location of any vehicle towed as provided for in this Section may be obtained from the Records Division of the Boulder County Sheriff's Office.
- c) A Boulder County Parks Ranger is authorized under this section to remove or cause to be removed any vehicles listed in Subsections (a)(1) through (a)(4) in those County-owned parking lots in County open space, parks, or on roads adjacent to County open space and parks.

Section IV.16. Fines and Forfeitures.

All fines and forfeitures for the violation of this Article IV shall be paid into the treasury of Boulder County.

INTRODUCED, READ AND ADOPTED ON FIRST READING on January 26, 2017, and ordered published in the BOULDER DAILY CAMERA.

THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY
OF BOULDER, COLORADO

By: _____
Deb Gardner, Chair

ATTEST:

Clerk to the Board

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BOULDER, COLORADO,
ADOPTED ON SECOND AND FINAL READING on February 14, 2017.

EFFECTIVE DATE WILL BE _____, 2017.

THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY
OF BOULDER, COLORADO

By: _____
Deb Gardner, Chair

ATTEST:

Clerk to the Board

CERTIFICATION

I, Hillary Hall, Boulder County Clerk and Recorder, do hereby certify that the foregoing Ordinance No. 2017-1, entitled “AN ORDINANCE FOR THE REGULATION OF TRAFFIC ROADWAYS WITHIN THE COUNTY’S JURISDICTION AND THE ENFORCEMENT OF PARKING RESTRICTIONS ON COUNTY-OWNED PROPERTY BY THE BOARD OF COUNTY COMMISSIONERS “BOARD” OF BOULDER COUNTY, COLORADO” is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of the County of Boulder and is in full force and effect. Further, one (1) copy of the Ordinance adopted herein is now filed in the office of the Clerk and Recorder for the County of Boulder, Colorado, and may be inspected during regular business hours.

Clerk and Recorder

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

Subscribed and sworn to before me by Hillary Hall this ____ day of _____, 2017.

(S E A L)

Notary Public

My Commission expires: _____