

TITLE 24
TRAFFIC AND MOTOR VEHICLES^{1,2}

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¹ **Cross reference**—Department of Engineering, § 2.20.010 et seq.; bicycles, § 7.04.010 et seq.; certain vehicles prohibited on sidewalks and malls, § 15.04.230; idling of vehicle motors restricted, § 18.04.030; mufflers required, sound trucks restricted, § 18.04.030; police, § 19.04.010 et seq.; streets and sidewalks, § 21.04.010 et seq.

² **State law reference**—Regulation of vehicles and traffic, C.R.S. 42-4-101 et seq.

Chapter 24.04

GENERAL PROVISIONS

Sec. 24.04.010. Code does not affect ordinances regulating traffic on specific streets.

Nothing in this Code or the ordinance adopting this Code shall be construed as repealing or otherwise affecting any ordinance of the City prescribing traffic regulations on specific streets or highways in the City, such as, but not limited to ordinances prescribing speed limits, establishing areas or spaces where parking is prohibited or limited or designating one-way streets or alleys or intersections for the control of traffic by signs or signals and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein. (Code 1971, § 22-1)

Sec. 24.04.020. Model Traffic Code.

(a) Adoption. Pursuant to Parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of the Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the City Clerk, and may be inspected during regular business hours.

(b) Deletions. The 2003 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

Please see the Section on additions and modifications immediately following.

(c) Additions or modifications. The said adopted Code is subject to the following additions or modifications:

(1) Article I.

(A) Section 202 of this Model Traffic Code.

Section 202 is hereby amended by the addition of the following Subsection, which shall read as follows:

"(4) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street or highway within this municipality any vehicle or combination of vehicles which does not contain those parts or is not at all times equipped with such lamps, reflectors, brakes, horn and other warning and signaling devices, mirrors, safety glass, fenders, tires and other equipment, kept in proper condition and adjustment as required in Sections 42-4-202 through 42-2-228 and 42-2-230 and 42-4-301 through 42-4-306, C.R.S. 1973, as amended or which is equipped in any manner in violation of said Sections or for any person to do any act forbidden or fail to perform any act required by and under said Sections."

(B) Section 601 of the Model Traffic Code is hereby repealed and reenacted to read as follows:

"Local governments to sign highway, where this local government shall place and maintain such traffic control devices, conforming to the 'Manual of Uniform Traffic Control Devices' and specifications, upon streets and highways as it deems necessary to indicate and to carry out the provisions of this Code or to regulate, warn or guide traffic."

(B-1) (Errata) Section 614(2). At Section 614(2) in the fourth sentence that begins with the words "Local authorities," the ninth word "sing" should be "sign."

(B-2) At Section 615(3) in the first line insert the word "apply" between the words "not" and "if." To-wit: "This Section does not *apply* if...."

(C) Section 616. Model Traffic Code. Section 613 is hereby amended by the addition of the following Section, which shall read as follows:

"Obedience to stopping, standing or parking regulations. On any street or at any place within the municipality where official signs are posted giving notice of stopping, standing or parking restrictions or prohibitions, no person shall stop, stand or park a vehicle in any manner in violation of the provisions contained on such sign or signs except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device or except for the purpose of loading or unloading passengers when such standing does not obstruct impede or endanger any traffic."

(C-1) The Model Traffic Code is hereby amended by the addition of the following Section, which shall read:

"713. Yielding to Transit Vehicle.

"(1) The driver of a vehicle shall yield the right-of-way to a transit vehicle traveling in the same direction that has signaled and is reentering the traffic flow.

"(2) Nothing in this Section shall operate to relieve the driver of a transit vehicle from the duty to drive with due regard for the safety of all persons using the roadway."

(D) Model Traffic Code Section 1101(2)(c) is hereby repealed and reenacted to read as follows:

"Twenty-five miles per hour in any residence district, as defined in Section 42-1-102(80), C.R.S."

(E) Model Traffic Code Section 1204(1) is hereby amended by the repeal and reenactment of Subsection (k) and the addition of Subsections (l), (m) and (n), which shall read as follows:

"Except as otherwise provided in Subsection (4) of this Section, no person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

"(k) At any other place where official signs prohibit stopping, standing or parking.

"(l) In alleyways, truck loading zones and passenger loading zones except during the necessary and expeditious loading and unloading of merchandise, freight or passengers.

"(m) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly posted.

"(n) Within two (2) feet of a walkway leading to a residence where no sidewalk exists."

(F) Model Traffic Code Section 1204(2) is hereby repealed and reenacted to read as follows:

"Except as otherwise provided in Subsection (4) of this Section, in addition to the restrictions specified in Subsection (1) of this Section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a duly authorized official or official traffic control device or except for the purpose of loading or unloading passengers when such standing does not obstruct, impede or endanger any traffic, in any of the following places:

"(a) Within five feet of a public or private driveway or alleyway;

"(b) Within fifteen feet of a fire hydrant;

"(c) Within twenty feet of a crosswalk at an intersection;

"(d) Within thirty feet upon the approach to any flashing beacon or signal, stop sign, yield sign or traffic control signal located at the side of a roadway;

"(e) Within twenty feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of said entrance when properly signposted;

"(f) At any other place where official signs prohibit standing."

(G) Model Traffic Code Section 1205 is hereby amended by the addition of the following Subsections, which shall read as follows:

"(4) Obedience to angle parking signs or markings. On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings; and such vehicle shall be so parked with its front wheel no more than six (6) inches from the curb.

"(5) Parking not to obstruct traffic or maintenance. No person shall park any vehicle upon a street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance or to leave any vehicle parked at the same place or substantially the same place for a period of seventy-two (72) hours."

(H) Model Traffic Code Section 1208(2) is hereby amended by the addition of the following Subsection, which shall read as follows:

"In a jurisdiction recognizing the privilege ("parking privileges for persons with disabilities") defined by this Subsection (2), a vehicle with distinguishing license plates or an identifying placard may be parked in public parking areas along public streets regardless of any time limitation imposed upon parking in such area; except that the privilege need not apply to zones in which:

"Parking is restricted to short-term parking of thirty minutes or less, as imposed by official signs or meters."

(I) Model Traffic Code Section 1212 is hereby amended by the addition of Section 1212, which shall read as follows:

"Parking meter zones. Wherever parking meter zones have been established on streets or in parking areas regulated by this municipality, the parking of vehicles at places, streets or parts of streets so designated shall be controlled by parking meters between the hours and on the days specified on authorized parking meter signs or legends."

(J) The Model Traffic Code is hereby amended by the addition of Section 1213, which shall read as follows:

"1213. Parking meters.

"Parking meters installed in parking meter zones established in this municipality shall be so designed, constructed, installed and set as to meet the following conditions:

"(1) Said meters shall be capable of being operated, either automatically or mechanically, upon the deposit therein of one or more coins or of United States currency or authorized cards or tokens, for the full period of time for which parking is lawfully permitted in any such parking meter zone or, in lieu thereof, for an appropriate fractional period of time. Meters may, as indicated by authorized parking meter signs or legends, regulate parking in either individual parking spaces or multiple parking spaces.

"(2) Individual space parking meters. Upon the expiration of the time period registered by the deposit of one or more coins, tokens or cards as provided herein, parking meters for individual parking spaces shall indicate by an appropriate signal that the lawful parking meter period has expired, and during said period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period.

"(3) Multiple space parking meters. Upon the deposit of one or more coins, tokens or cards as provided herein, parking meters regulating multiple parking spaces shall issue a printed receipt indicating the date of issuance and expiration time of the interval of authorized parking.

"(4) Each parking meter shall bear thereon an authorized sign or message clearly legible indicating the days and hours when the requirement to deposit coins, tokens or cards shall apply, the value of the coins, tokens or cards to be deposited and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

"(5) The City may authorize the use of portable, in-vehicle meters for use in multiple space parking meter zones. Such portable meters, when properly operated, may be used in lieu of receipts issued by multiple space parking meters. Portable meters, when used, must be clearly visible, hanging from the rear view mirror of the vehicle for which the meter is used. Unless otherwise authorized by the City, portable meters shall require the same rate of payment per unit of time as is applicable to the multiple space parking meter zone in which the portable meter is used."

(K) The Model Traffic Code is hereby amended by the addition of Section 1214, which shall read as follows:

"1214. Parking meter spaces.

"(a) Individual parking meters. Parking meter spaces for individual space parking meters shall be of appropriate length and width as determined by an engineering and traffic investigation and may be designated by appropriate markings on the curb and/or pavement of the street. Every vehicle parked in an angle parking space regulated by an individual space parking meter shall be parked wholly in the metered space, with the front end or front portion of such vehicle immediately adjacent to the parking meter for such space. Every vehicle parked in a parallel parking space regulated by an individual space parking meter shall be parked wholly in the metered space, with either the front end or front portion or the rear end or rear portion of such vehicle immediately adjacent to the parking meter for such space.

"(b) Multiple space parking meters. In zones regulated by multiple space parking meters, vehicles shall be parked either parallel or diagonal to the curb, as may be indicated by official signs. Vehicles parked in a manner so that any portion of the vehicle is within the zone regulated by the multiple space meter shall be required to pay the amount indicated by the meter for parking in that zone.

"(c) Except where prohibited by other provisions of this Code, a vehicle which is of a size too large to be parked within a single parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins, tokens or cards have been deposited in the parking meter for each space so occupied as is required for the parking of other vehicles in such spaces."

(L) The Model Traffic Code is hereby amended by the addition of Section 1215, which shall read as follows:

"1215. Deposit of coins, tokens or cards, time limits.

"(a) Individual space parking meters. No person shall park a vehicle in any parking space upon a street along side of, next to or adjacent to which an individual parking space meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a coin or coins of United States currency or authorized tokens of the appropriate denomination as provided in this Code shall have been deposited therein or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.

"(b) Multiple space parking meters. No person shall park a vehicle in any multiple space parking meter zone, as indicated by official signs, during the restricted and regulated time applicable to the multiple space parking meter zone unless a coin or coins of United States currency or authorized tokens or cards of the appropriate denominations as provided in this Code shall have been deposited therein, a receipt therefor received from the multiple space parking meter, and the receipt clearly displayed on the dashboard indicating an unexpired interval of time; or, such vehicle displays a validly issued and properly operated portable, in-vehicle meter. No person shall display more than one (1) multiple space parking meter receipt on the dashboard of any vehicle at one time.

"(c) No person shall permit a vehicle under the person's control to be parked in any parking meter space or parking meter zone for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter space or zone, irrespective of the number or amount of coins, tokens or cards deposited in the meter regulating such space or zone.

"(d) No person shall permit a vehicle within his control to be parked in any parking meter space or zone during the restricted and regulated time applicable to the parking meter space or zone while the parking meter for such space indicates by signal that the lawful parking time in such space is expired or in multiple space parking meter zones, without displaying a valid multiple space parking meter receipt. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter coins, tokens or cards in such meter.

"(e) A vehicle may be parked in a parking meter space or zone without operation of the meter on Sundays, on holidays as defined by this Code, and during those hours of the day when the requirement to deposit coins, tokens or cards does not apply, as determined from the parking meter sign or legend.

"(f) The provisions of this Section shall not relieve any person from the duty to observe other and more restrictive provisions of this Code or official signs or parking meter legends prohibiting or limiting the stopping, standing or parking of vehicles in specified places, at specified times or in a specified manner.

"(g) No person shall deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for coins of United States currency, authorized tokens or cards, and no person shall deposit any lawful coin, token or card that is bent, cut, torn, battered or otherwise misshapen."

(M) The Model Traffic Code is hereby amended by the addition of Section 1216, which shall read as follows:

"1216. Clearance between vehicles.

"No person shall stand or park a vehicle in such a manner as to leave available less than 2 feet clearance between vehicles when parked."

(N) The Model Traffic Code is hereby amended by the addition of Section 1217, which shall read as follows:

"1217. Parking for certain purposes prohibited.

"No person shall park a vehicle upon a roadway for the principal purpose of:

"(a) Displaying such vehicle for sale;

"(b) Washing, greasing, painting or repairing such vehicle except repairs necessitated by an emergency;

"(c) Displaying advertising."

(O) The Model Traffic Code is hereby amended by the addition of Section 1218, which shall read as follows:

"1218. Fraudulent use of parking resources.

"No person shall park a vehicle upon a street or in an alley of the City using action or actions intended to circumvent the enforcement of the 20035 edition of the "Model Traffic Code" as amended by ordinances of the City."

(P) The Model Traffic Code is hereby amended by the addition of Section 1416, which shall read as follows:

"1416. Violation of registration provisions.

"It is unlawful for any person:

"To park or for the owner or operator thereof knowingly to permit the parking upon a street or property of the City, of any vehicle or trailer coach subject to registration under the laws of the State or the laws of any other jurisdiction, which is not registered pursuant to Colorado law or which does not have attached thereto and displayed thereon the number plate or plates assigned thereto by the department for the current registration year. This Section does not apply to vehicles or trailer coaches with dealer plates or depot tags displayed in accordance with laws applicable to such use for motor vehicle dealers and manufacturers."

(Q) Article II. Section 102. Model Traffic Code, Article II, Section 102, is hereby amended by the addition of the following Subsection, which shall read as follows:

"(29.5) *Holidays*. Where used in this ordinance or on official signs, *holidays* shall, in addition to Sundays, mean New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, Christmas Day and any such additional statutory holidays as may by ordinance be declared applicable."

(d) Penalties. The following penalties, herewith set forth in full, shall apply to this Section.

(1) It is unlawful for any person to violate any of the provisions stated or adopted in this Section.

(2) Every person convicted of a violation of any adopted in the ordinance codified herein shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year or by both such fine and imprisonment.

(e) Application. The ordinance codified herein shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413 and part 16 of the adopted Model Traffic Code respectively concerning reckless driving, careless driving, eluding a police officer and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

(f) Validity. If any part or parts of this Chapter are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified herein and each part or parts thereof, irrespective of this fact that any one part or parts be declared invalid.

(g) Repeal. Existing or parts of the ordinance identified as Section 24.24.020, Model Traffic Code, of this Code, covering the same matters as embraced in the ordinance codified herein are hereby

repealed and all ordinances or parts of ordinances inconsistent with the provisions of the ordinance codified herein are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of the ordinance codified herein.

(h) Interpretation. This Chapter shall be so interpreted and constructed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Chapter and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

(i) Certification. The City Clerk shall certify to the passage of the ordinance codified herein and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours. (Ord. No. 21-98, §§ 1, 2; Ord. No. 5-98, § 2; Ord. No. 49-2003, § 1; Ord. No. 60-2003, § 1; Ord. No 12-2004, § 1)

Editor's note—Ord. No. 5-1998, § 2, repealed former § 24.04.020, pertaining to the Model Traffic Code and enacted a new § 24.04.020 as herein set out. Former § 24.04.020 was derived from Ord. No. 28-1996, § 2 as amended by Ord. No. 34-1997, § 2.

Sec. 24.04.030. Reserved.

Editor's note—Ord. No. 16-1971 did not expressly amend this Code, but superseded prior provisions of: former Sec. 22-3 relating to deletions of portions of the Model Traffic Code, derived from Code 1962, § 10-1-1, and Ord. No. 17-1966, § 1; former Sec. 22-4 relating to amendments to the Model Traffic Code, derived from Code 1962, § 10-1-3, and Ord. No. 17-1966, § 2; former Sec. 22-4.1 relating to violation of the Model Traffic Code. (Code 1971, §§ 22-3—22-4.1)

Sec. 24.04.040. Reserved.

Editor's note—Ord. No. 46-1974, § 1, repealed former § 22-5 derived from Code 1962, § 10-1-4, and Ord. No. 20-1964. Said ordinance prohibited sleeping in motor vehicles. (Code 1971, § 22-5)

Sec. 24.04.050. Parking during snow removal restricted.

There shall be no parking whatsoever on any roadway or contiguous shoulder of any state highway connecting link within the City during the times and at the places where snow removal operations are in progress. (Code 1962, § 10-6-7; Ord. No. 37-1966; Code 1971, § 22-6)

Sec. 24.04.060. Vehicles with lug-wheels on streets restricted.

It shall be unlawful for tractors with wheels injurious to pavements to be permitted upon the paved public thoroughfares unless the operator of such vehicles shall first plank such streets. (Code 1962, § 6-1-20; Code 1971, § 22-7)

Sec. 24.04.070. Reserved.

Editor's note—Ord. No. 16-1979, § 1, repealed former § 22-8. Said section was derived from Code 1962, § 10-2-1, and prohibited the riding or driving of animals upon city avenues, alleys or lanes at a speed greater than six miles per hour. (Code 1971, § 22-8)

Sec. 24.04.080. Duty to obey state traffic laws on state highways.

On any portion of any state highway connecting link within the City no person shall violate any of the provisions of Chapter 13, C.R.S., 1963, nor any of the laws amending the same, nor any of the rules or regulations issued pursuant hereto. (Code 1962, § 10-6-5; Ord. No. 37-1966; Code 1971, § 22-9)

Sec. 24.04.090. Approval of regulations which affect state highways.

All traffic and parking regulations adopted which pertain to the streets and roadways which form a part of the state highway system and constitute a connecting link thereof, shall be submitted to the

Department of Highways for approval in accordance with the provisions of Chapter 120, Article 13, Section 35(8), C.R.S, 1963, before they shall become effective. (Code 1962, § 10-6-9; Ord. No. 37-1966; Code 1971, § 22-10)

Sec. 24.04.100. Special provisions for State Highway No. 82.

(a) The public necessity and convenience requires that a portion of State Highway No. 82, which lies in and on a street of the City, be widened and reconstructed in accordance with the plans and specifications of the Department of Highways, State of Colorado.

(b) The portions of the streets described in Subsection (e) are hereby dedicated to the people of the State as connecting links in and as a part of Colorado State Highway No. 82, recognizing that the streets or highways have priority over local intersecting streets.

(c) The City recognizes the right of the Department of Highways, State of Colorado and its contractor or contractors, to proceed at once or at any time in the future, to construct the connecting links of Colorado State Highway No. 82 in the City on the portions of the streets involved.

(d) No commercial activity or encroachment shall be permitted within the right-of-way boundaries of the streets, and that the width from curb to curb of the street shall be a minimum of fifty (50) feet.

(e) Parking on the streets or portions thereof is hereby prohibited at certain places as specified in Section 13-5-73 C.R.S., 1963 as amended. Parking when and where permitted shall be parallel unless otherwise specifically provided by other Sections of this Code or other ordinances of this City. Traffic-control devices on such streets shall conform to the uniform standards as adopted by the State Department of Highways. Upon the basis of engineering and traffic investigation and determination made by the State Department of Highways in behalf of the City it is hereby declared that when standard signs are erected giving notice thereof, the reasonable and true prima facie speed limit on portions of such streets shall be as specified in the following schedule.

	Portion Affected Name of Street	(Terminal Limit)	Speed Limit
(1)	Hallam	W. City Limits to 7th St.	30
(2)	7th	Hallam to Main	30
(3)	Main	7th to Aspen	30
(4)	Main	Aspen to Original	25
(5)	Original	Main to Cooper	25
(6)	Cooper	Original to E. City Limits	30

(Code 1962, § 10-6-6; Ord. No. 37-1966; Code 1971, § 22-11)

Sec. 24.04.110. Enforcement of Chapter.

Any duly authorized official of the City may enforce the provisions of this Chapter. (Code 1962, § 10-6-8; Ord. No. 37-1966; Code 1971, § 22-12; Ord. No. 62-1994, § 2)

Sec. 24.04.120. Waiver of parking limitations.

(a) All vehicular traffic is prohibited within the pedestrian mall (as defined in Ordinance 20, Series of 1973) and within Alley 89; provided, that the City Manager or the City Manager's designees may permit service and delivery vehicles, vehicles of medical personnel and of those desiring access to

privately owned parking areas to enter into areas of the pedestrian mall and Alley 89, and to park therein, for such periods and under such conditions as may be determined by the City Manager or the City Manager's designees (taking into consideration the need for such services, deliveries and access, the level of traffic congestion within the area and the public safety).

(b) The provisions of Subsection (a) to the contrary notwithstanding, all fire-fighting equipment, ambulances, police vehicles, other emergency vehicles, private vehicles carrying the injured or ill, public vehicles and public utility vehicles may enter into the pedestrian mall and Alley 89 and park therein when necessary to render medical, police, utility or other public services or aid to an injured or ill person, but only at such times, and for such periods necessary to render such services.

(c) The City Manager or the City Manager's designees may issue parking permits waiving parking limitations under the following conditions:

(1) Handicapped persons. Permits waiving timed parking limitations applicable to spaces allowing parking for more than thirty (30) minutes, and authorizing said vehicles to park in "Handicapped Parking" zones may be issued to persons who have a temporary or permanent impairment that substantially limits the ability to move from place to place and who are residents of the Roaring Fork River Valley. Written verification of the existence of such a condition and the projected duration of the handicap must be submitted by the person's physician. In addition, a valid Colorado driver's license shall be required as proof of residence within the Roaring Fork River Valley. These permits shall be valid for the duration of the handicap. Permits issued for temporary impairments shall have an expiration date corresponding with the expected duration of the handicap. Permits issued for permanent disabilities shall be renewed annually.

(2) Service vehicles. Permits waiving timed parking limitations applicable to spaces allowing parking for more than thirty (30) minutes may be issued to qualified service vehicles that require extended parking in timed parking areas while on service calls. Service vehicle permits shall be issued pursuant to criteria and standards promulgated by the City Manager or the City Manager's designees. A City business license shall be required as a precondition to receipt of a service vehicle parking permit. These permits must be renewed on an annual basis.

(3) Construction vehicles. Permits waiving timed parking limitations at specific construction sites may be issued to the general contractor for the duration of construction activity within a timed parking area. Construction vehicle permits shall be issued pursuant to criteria and standards promulgated by the City Manager or the City Manager's designees. A City business license shall be required as a precondition to receipt of a construction vehicle-parking permit. Permits shall expire upon termination of construction at the construction site, issuance by the Building Department of a certificate of occupancy or letter of completion or notification of approval of the final building inspection at the construction site, whichever event first occurs.

(4) Delivery vehicles. Vehicles used to make regular deliveries of goods to businesses in Aspen may be issued a permit allowing parking in loading zones or waiving time parking limits while loading or unloading goods to a business. Delivery vehicle permits shall be issued pursuant to criteria and standards promulgated by the City Manager or the City Manager's designees. A City business license shall be required as a precondition to receipt of a delivery vehicle parking permit. These permits shall be renewed on an annual basis.

(5) A processing fee in an amount prescribed by Subsection 2.12.050(c) of this Code shall be levied for the issuance of service or delivery vehicle and construction vehicle permits. There shall be no processing fee for the issuance of temporary handicapped person permits.

(d) Official City and County vehicles, as identified by official license plates or a properly issued, valid placard, while on official government business shall be exempt at all times from all parking restrictions except restrictions applicable to parking spaces where:

- (1) Stopping, standing or parking of all vehicles is prohibited at all times;
- (2) Only special vehicles may be parked;
- (3) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic; or
- (4) In any area restricted to short-term parking of thirty (30) minutes or less, as imposed by official signs or meters.
- (5) Only handicapped parking is allowed.

(e) Vehicles displaying valid and duly issued placards identifying Aspen Fire Protection District volunteer firemen when such vehicle is actually parked by and under the control of such volunteer firemen shall be exempt from parking restrictions except restrictions applicable to parking spaces where:

- (1) Stopping, standing or parking of all vehicles is prohibited at all times;
- (2) Only special vehicles may be parked;
- (3) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic;
- (4) In any area restricted to short-term parking of thirty (30) minutes or less, as imposed by official signs or meters; and
- (5) Only handicapped parking is allowed. (Code 1971, § 22-12.1; Ord. No. 93-1975, § 1; Ord. No. 68-1976, § 1; Ord. No. 57-1985, § 1; Ord. No. 12-1991, § 1; Ord. No. 44-1991, § 7; Ord. No. 77-1992, § 11; Ord. No. 62-1994, § 3)

Sec. 24.04.130. Jurisdiction of courts over violations.

(a) Any violation of this Chapter shall be punishable in the City Court by penalty as provided by this Code or other ordinance of the City regulating the use of public streets or in the County and District Courts of Pitkin County, as provided by the statutes of the State. The courts shall have jurisdiction to hear and try any person charged with such violation and if such person be guilty, to punish such person as provided by this Code or other ordinances of the City or the State statutes.

(b) Notwithstanding the provisions of Rule 223 of the Colorado Municipal Court Rules of Procedure or any other provision of law, the right of a jury trial shall not be available at a hearing where the cited person is charged in Municipal Court with a traffic or parking offense. (Ord. No. 8-2001, § 1)

Editor's note—Ord. No. 8-2001, § 1, repealed former § 24.04.130 pertaining to jurisdiction of courts over violations and enacted a new § 24.04.130 as herein set out. Former § 24.04.130 was derived from Code 1962, § 10-6-8, as amended by Code 1971, § 22-13, and Ord. No. 37-1966.

Sec. 24.04.140. Reserved.

Editor's note—Ord. No. 71-1976, § 1, repealed former § 22-14 which Section contained a penalty assessment schedule and established procedures for enforcement of traffic violations. Said Section was derived from Code 1962, § 10-1-5, and Ord. No. 17-1966, § 5. (Code 1971, § 22-14)

Sec. 24.04.150. Handicap parking spaces.

(a) The owner of private property available for public use may install signs identifying parking spaces reserved for handicap parking only. Installation of such signs shall be a waiver of any objection the owner may assert concerning the enforcement of restrictions applicable to such parking spaces by duly authorized officials of the City, and such officials are hereby authorized and empowered to enforce such restrictions.

(b) Each handicap parking space, whether on public or private property shall be marked with an upright sign, which sign may be stationary or portable, clearly identifying such parking space as reserved for handicap parking.

(c) It is unlawful for any vehicle not bearing a valid license plate or duly issued placard authorizing parking in handicap parking spaces to park in any handicap parking space on public or private property which is clearly identified by a sign as being reserved for handicap parking.

(d) It is unlawful for any person other than a person with a disability to park in any handicap parking space on public or private property which is clearly identified by a sign as being reserved for handicap parking unless such person is parking the vehicle for the benefit of a person with a disability.

(e) Any law enforcement officer, authorized parking enforcement officer or duly authorized City official may check the identification of any person using a license plate or placard for persons with disabilities in order to determine whether such use is authorized. (Ord. No. 62-1994, § 5)

Sec. 24.04.160. Unattended car alarms prohibited.

(a) It shall be unlawful for the owner or person having control over any vehicle in which an audible car alarm has been installed to allow such alarm to emit an audible alarm for more than five (5) minutes or, to allow such alarm to emit an audible alarm more than three (3) times in any one (1) hour regardless of the duration of the alarm sound. Any change or modulation of the alarm tone shall not be deemed to be a cessation of the alarm for purposes of calculating the five-minute period.

(b) Unattended vehicles with operating audible car alarms are hereby declared to constitute a public nuisance. Any vehicle equipped with a car alarm which emits an audible alarm for more than five (5) minutes or, an alarm which emits an audible alarm more than three (3) times in any one (1) hour regardless of the duration of the alarm sound shall be deemed to be unattended. Any change, modulation or brief cessation of the alarm tone shall not be deemed to be a cessation of the alarm for purposes of calculating the five-minute period.

(c) Police officers and other duly authorized officers of the City are hereby authorized to enter into, by any reasonable means, any unattended vehicle with a car alarm which has been emitting an audible alarm for more than five (5) minutes or, an audible alarm more than three (3) times in any one (1) hour regardless of the duration of the alarm sound, for purposes of abating the nuisance by disabling or turning off such car alarm. Additionally, if, in the discretion of the responding officer, the vehicle cannot be entered by reasonable means or after such entry, the officer is unable to disable the alarm, the officer may cause the vehicle to be towed to any garage maintained by the City or the Police Department for the storage of impounded vehicles or in any private garage approved by the City Manager for such purpose and designated on a list of such approved garages posted in his office or to be any other place of safety. Said removal and storage shall be at the sole cost, risk and expense of the owner or person in charge of said vehicle, and said cost of removal and storage of such vehicle shall be paid by the owner or person in charge thereof prior to the release of said vehicle. In the event of such towing, the owner or person having control of the vehicle shall be entitled to the rights set forth in Section 24.08.030 above of this Code.

(d) A violation of this Section shall be punishable by a fine of fifty dollars (\$50.00) plus the cost of any towing pursuant to Subsection (c) above. (Ord. No. 62-1994, § 6)

Chapter 24.08

IMPOUNDMENT OF MOTOR VEHICLES^{1, 2}

¹ **Cross reference**—Abandonment of motor vehicles prohibited, § 15.04.400; Keeping of junk restricted, § 15.04.420.

² **State law reference**—Abandoning vehicles prohibited, Section 42-4-1603 C.R.S.; Removal and disposal of abandoned vehicles, Section 42-4-1601 et seq., C.R.S.

Sec. 24.08.010. Authority to remove; situations enumerated when removal authorized.

Members of the Police Department and other duly authorized officials are hereby authorized to remove or have removed at their direction, a vehicle from any street, alley, highway, roadway, sidewalk, ditch or other public way or place, and from any restricted or prohibited parking area, to any garage maintained by the City or the Police Department for the storage of impounded vehicles or in any private garage approved by the City Manager for such purpose and designated on a list of such approved garages posted in his office or to any other place of safety, under any of the circumstances hereinafter enumerated. Said removal and storage shall be at the sole cost, risk and expense of the owner or person in charge of said vehicle, and said cost of removal and storage of such vehicle shall be paid by the owner or person in charge thereof prior to the release of said vehicle. The City Council hereby determines vehicles under the following circumstances to be obstructions to traffic and public nuisances. Such vehicles shall be subject to removal under this Section:

(1) When any vehicle is left unattended upon any bridge or where such vehicle constitutes an obstruction to traffic.

(2) When a vehicle upon a public way is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by way of physical injury or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(3) When any vehicle is left unattended upon a street or is parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic or left unattended on any public street with engine running or with keys in the ignition switch or lock.

(4) When any vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition established by the City, provided such area or portion of such public street has by him or her been posted with an official sign giving notice both of limitation or prohibition.

(5) When a vehicle is parked at the same place continuously or substantially the same place continuously for a period of seventy-two (72) hours.

(6) When any vehicle has been taken into custody by the City and the vehicle would thereby be left unattended on a street, highway or restricted parking area or other public way.

(7) When the driver of a vehicle is reasonably suspected of using license plates or license permit unlawfully or a vehicle is driven or parked without proper license permit or driven or parked without proper license plates or license permits or with no license plates or license permit or driven or parked with an invalid or expired license permit.

(8) When the driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid or who does not have such license in his immediate possession or drives

a vehicle while his operator's license or chauffeur's license has been denied, suspended, canceled or revoked by the State or is unable to produce evidence of required insurance.

(9) When a vehicle is found parked on or so near to any railroad track as to block the same in any manner.

(10) When the driver of any vehicle or the vehicle which he or she is driving is reasonably suspected of having been involved in any hit and run accident.

(11) When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor or when the vehicle is suspected of containing stolen goods or other contraband.

(12) When any vehicle is reasonably suspected of being a stolen vehicle or parts thereof to be stolen parts.

(13) When any motor vehicle, by reason of having no muffler or a defective or inadequate muffler or a muffler which has been modified in such a manner as to amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, emits an excessive or unusual noise.

(14) When a vehicle is parked upon private property without the permission of the owner thereof.

(15) When the records of the City indicate that a parking, standing or stopping violation citation has been issued on a vehicle by the City and has not been paid or otherwise legally disposed of for more than sixty (60) days from the date of issuance of such citation.

(16) When a vehicle is in violation of the provisions of Section 24.04.160 of this Code prohibiting unattended audible car alarms sounding for more than five minutes. (Code 1962, § 10-4-1; Ord. No. 13-1967, § 1; Code 1971, § 22-26; Ord. No. 8-1973, § 1; Ord. No. 38-1987, § 2; Ord. No. 62-1994, § 4)

Sec. 24.08.020. Charges for release; penalty.

It shall be unlawful for any person to move or take possession of any vehicle moved, removed, stored or impounded as provided for in this Title without first securing a certificate of no probable cause issued in accordance with Section 24.08.030(e) of this Chapter or paying the charge for towing, removing, storing or impounding such vehicle plus a processing fee as set forth at Subsection 2.12.050(b) of this Code. (Code 1962, § 10-4-2; Code 1971, § 22-27; Ord. No. 73-1982, § 1; Ord. No. 38-1987, § 3; Ord. No. 51-1991, § 1; Ord. No. 43-1996, § 12)

Sec. 24.08.030. Notices of impoundment and hearings for impounded vehicles.

Notices of impoundment and hearings regarding the removal and towing and storage fee assessments for vehicles removed and impounded pursuant to the authority contained in this Title shall be provided as follows:

(a) Whenever a vehicle is impounded as authorized in this Chapter, the officer or employee of the City who removed the vehicle or caused it to be removed and impounded shall make a diligent effort to ascertain from the registration, other records in the vehicle or otherwise, the name and address of the owner or any other person legally entitled to possession of the vehicle, and shall immediately give or cause to be given notice in writing to such owner or person legally entitled to possession indicating the fact of such removal, the reason therefor and the place to which such

vehicle has been removed and the right to a post-removal administrative hearing as set forth in this Section. Written notice shall be mailed within forty-eight (48) hours of the removal.

(b) Any person demonstrating a legal entitlement to possession of an impounded vehicle has a right to a post-removal administrative hearing to determine whether there was probable cause to impound the vehicle and shall be so advised at the time the vehicle is retrieved. Demands for a hearing must be filed in writing on forms provided for such a hearing, with the City Manager within ten (10) days after the vehicle has been impounded or within ten (10) days after the mailing of the written notice of impounded vehicle required in Subsection (a) above, whichever occurs first.

(c) Upon written request, a hearing shall be conducted before a hearing officer designated by the City Manager within forty-eight (48) hours of the receipt of a written demand therefor from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays and City holidays shall be excluded from the calculation of the forty-eight-hour period. The hearing officer shall be someone other than the person who directed the removal and impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle. *Probable cause to impound* shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle.

(d) The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The officer or other person responsible for the removal and impounding of the vehicle shall carry the burden of establishing that there was probable cause to remove and impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing). The hearing officer's decision shall in no way affect any traffic or criminal proceedings in connection with the removal and impound in question, and any such traffic or criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer shall be final. Failure of the registered or legal owner or their agent to request or attend a scheduled post-removal hearing shall be deemed a waiver of the right to such hearing.

(e) The hearing officer shall only determine that as to the vehicle in issue either (1) there was probable cause to impound the vehicle or (2) there was no such probable cause. In the event that the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, copies of which shall be given to the possessor of the vehicle and the officer or employee who caused the vehicle to be removed and impounded. Upon receipt of the possessor's copy of such certificate, the City or the official police garage having custody of the vehicle shall release the vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be assumed by the City. If such towing and storage fees have already been paid, they shall be reimbursed by the City. (Code 1962, § 10-4-3; Code 1971, § 22-28; Ord. No. 73-1982, § 2)

Sec. 24.08.040. Notice to state department when owner unknown.

Whenever an officer or employee or agent of the City removes a vehicle from a public way under the provisions and authority of this Chapter and does not know or is not able to ascertain the name of the owner thereof or for any other reason is unable to give the notice to the owner as provided in Section 24.08.030 above and in the event the vehicle is not returned to the owner within a period of three (3) days, then in that event, the Chief of Police shall immediately send or cause to be sent a written report of such removal by mail to the State Department whose duty it is to register motor vehicles. Such notice shall

include a complete description of the vehicle, the date, time and place of removal, the reasons for such removal and the name of the garage or other place where the vehicle is stored with a request that the owner of the vehicle be notified immediately. (Code 1962, § 10-4-4; Code 1971, § 22-29)

Sec. 24.08.050. Disposal.

Whenever, pursuant to the terms of this Section, a vehicle has been stored on a lot maintained for the storage of impounded vehicles or at a garage designated for such storage for a period of thirty (30) days and no claim of ownership or the right to possession thereof has been made or when such claim has been made but not established to the satisfaction of the City Manager, and no suit or action to determine such claim has been instituted and impending, the Chief of Police may dispose of such vehicle as provided in this Section. The Chief of Police shall cause written notice to be given to all persons known by him or her to claim an interest in the vehicle. Such notice shall be given by delivering in person or by registered mail, addressed to the last known address of the business or residence of the person to be notified. The notice shall contain:

(1) An itemized statement of the amount due to the City for removal of and storage of the vehicle showing the amount due at the time of notice.

(2) A description of the vehicle.

(3) A demand that the amount due the City as stated in the notice and such further claims as shall accrue shall be paid and the right to the possession of the vehicle be established to the satisfaction of the City Manager on or before a date mentioned, being not less than ten (10) days from the delivery of the notice if it is personally delivered or from the date of registration of the letter, and the statement that unless the amount so due the City is paid and the right to the possession of the vehicle is established to the satisfaction of the City Manager within the time specified, the vehicle will be advertised for sale and sold by auction at a specified time and place. (Code 1962, § 10-4-5; Code 1971, § 22-30)

Sec. 24.08.060. Auction.

In accordance with the terms of the notice given under Section 24.08.050 above, a sale of the vehicle by auction may be had to satisfy the claim of the City for the storage and removal of the vehicle and to discharge the City from further responsibility in connection with the vehicle and from any duty to further retain or store the same. The sale shall be held at the place where the vehicle is stored or impounded or if such is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim and the establishment to the satisfaction of the City Manager of the right to possession of the vehicle has elapsed, if such notice was given when required, an advertisement of the sale describing the vehicle to be sold and stating the names of all persons known by the City Manager to claim an interest in the vehicle if there are any such persons, and the time and place of the sale shall be published once a week for two (2) consecutive weeks in a legal newspaper published in the county. The sales shall be had not less than fifteen (15) days from the date of the first publication. (Code 1962, § 10-4-6; Code 1971, § 22-31)

Sec. 24.08.070. Proceeds of sale.

From the proceeds of a sale under Section 24.08.060 above, the City Manager shall satisfy the claim of the City for such charges for removal and storage of the vehicle, and for the reasonable or expenses for or of such notice, advertising and sale. The balance, if any, of the expenses will be paid into the treasury of the City and appropriated to the general fund. No refund shall be made by any person entitled to the same except such claim is made within one (1) year from the date of any sale resulting in the payment of any such proceeds into the treasury. Such claim for refund shall be made to the City

Manager who shall make a thorough examination of the claim so made. The failure on the part of any person so to request the initiation of a refund to him or her within one (1) year from the date of sale, shall be conclusive of the fact that he or she has no meritorious claim for such refund within the set period of one (1) year from the date of sale, he or she shall not thereafter commence any action, suit or proceeding whatsoever to obtain the same, and the City shall be under no liability to him or her whatsoever by reason of such sale of the payment of any part of the proceeds of such sale or the entire proceeds of the said sale in the treasury of the City. (Code 1962, § 10-4-7; Code 1971, § 22-32)

Sec. 24.08.080. Sale to City.

When any vehicle is offered for sale at auction pursuant to the terms of this Chapter and there is no bid or offered bid for the same, the City Manager shall declare the same to be sold to the City for the amount of the charges for the removal and storage of such vehicle and the charges and expenses of notice, advertisement and sale and shall place the vehicle in the custody of such department of the City as he, in his sole discretion, may determine for the sole benefit and use of the City. (Code 1962, § 10-4-8; Code 1971, § 22-33)

Sec. 24.08.090. No right of redemption.

There shall be no right of redemption from any sale made pursuant to the terms of this Chapter and after a vehicle has been sold pursuant to such terms, neither the City nor any officer, agent or employee thereof shall be liable for failure to deliver such vehicle to anyone other than the purchaser or purchasers at such sale. (Code 1962, § 10-4-9; Code 1971, § 22-34)

Chapter 24.12

ASPEN TRAIL SYSTEM

Sec. 24.12.010. Trail system.

The Aspen Trail System is defined as those trails designated on the Aspen Trails System Map as adopted (or as hereinafter amended) by the City Council and on file in the offices of the City/County planning office. (Code 1971, § 22-40; Ord. No. 28-1976, § 1)

Sec. 24.12.020. Vehicles prohibited.

No motorized vehicles whatsoever, including automobiles, motorbikes, motorcycles, motor scooters, go-carts, snowmobiles and the like, except City and County maintenance, police, fire, ambulance and emergency vehicles, are permitted on the Aspen Trail System. The sheriff's office, Aspen Police Department, City Manager, County Manager, City or County road supervisors, ambulance service and Aspen Fire Department shall have keys to the trails entrance gates, and, in the event of an emergency, officers and employees thereof are authorized to permit emergency vehicles to enter upon the trails. Special permission may be granted by the City or County Manager for use of motorized vehicles on the trails for special events, and for limited periods (to be specified on permits issued), provided, however, that such special permits shall not conflict with provisions of trail easements given across private property. Horse-drawn vehicles, bicycle-drawn vehicles, sleigh-type vehicles and the like, shall be permitted to use the trails by special permit, such permits to be granted, at their discretion, by the City and County Managers only. (Code 1971, § 22-41; Ord. No. 28-1976, § 1)

Sec. 24.12.030. Special provisions.

Special conditions and provisions which constitute limitations on trail usage imposed by private landowners as a condition for easements granted, shall be enforced, if posted, in the same manner as the prohibitions contained in this Chapter. (Code 1971, § 22-42; Ord. No. 28-1976, § 1)

Sec. 24.12.040. Leaving trail right-of-way.

It shall be unlawful, in areas posted, to leave a trail right-of-way at such points as the trail passes on or through private property. The City or County shall enforce and prosecute any violation of this prohibition as a criminal action under this Chapter and, if necessary, as a property trespass on behalf of both the City (as holder of the easement) and the owner of the land trespassed upon. (Code 1971, § 22-43; Ord. No. 28-1976, § 1)

Sec. 24.12.050. Dogs on trails.

Where prohibited by posted notice, dogs shall not be permitted on any trail right-of-way. If permitted on the right-of-way, all dogs shall be on a leash at all times when required by appropriate posted notice. (Code 1971, § 22-44; Ord. No. 28-1976, § 1)

Sec. 24.12.060. Trail crossings, yielding, safe speed.

Trail users shall stop at all roads and yield to any automobile traffic; unless the intersection is posted otherwise. Trail users shall not be required to stop at each private driveway. At such intersections, automobiles shall yield to trail users. Bicyclists, Skaters, Pedestrians and others shall yield to Equestrians. Bicyclists and Skaters shall yield to Pedestrians. Bicyclists shall yield to Skaters. Downhill users yield to Uphill users. Faster users yield to slower users. All users of trails shall obey any posted warning, caution or other signs. Horses are restricted to the unpaved portions of trails unless otherwise posted as provided by law. Users of the paved trails shall keep to the right half of the pavement at all times. Cyclists, Skaters and Equestrian shall travel at a safe speed at all times. (Code 1971, § 22-45; Ord. No. 28-1976, § 1; Ord. No. 7-2009).

Sec. 24.12.070. Prohibited activities.

It shall be unlawful, on any trail right-of-way (or an adjacent property if access thereto is achieved through the trail system) to create loud noises; to use horns and bells; to use firearms or fireworks; to litter; to obstruct the trail system; to deface, cut, blaze or carve trees, fences, vegetation, trail signs, markers, bridges or structures; to camp or ignite campfires (except in designated areas); or to camp overnight. (Code 1971, § 22-45.1; Ord. No. 28-1976, § 1)

Sec. 24.12.080. Use after dark.

Persons using the trail system after dark, especially during the late night and early morning hours, shall avoid the making of any noise such as to disturb residents within the area of the trail right-of-way. (Code 1971, § 22-46; Ord. No. 28-1976, § 1)

Sec. 24.12.090. Enforcement by County officials.

Whenever this Chapter shall allow for the management of trail use or enforcement of these regulations by officials of the county, such reference shall be to officers of Pitkin County, Colorado, and such rights shall accrue only if so provided by agreement between the City and County, and if permitted by law. (Code 1971, § 22-47; Ord. No. 28-1976, § 1)

Sec. 24.12.100. Penalties.

The violation of any provision of this Chapter shall be punished by a fine, imprisonment or both a fine and imprisonment, as set forth in Section 1.04.080 of this Code. Each day any violation shall

continue shall constitute a separate offense. (Code 1971, § 22-48; Ord. No. 28-1976, § 1; Ord. No. 12-1996, § 15)

Chapter 24.16

RESIDENTIAL PERMIT PARKING PROGRAM

Sec. 24.16.010. Residential permit zone map.

The City Manager or designee shall determine which residential areas of the City would benefit by inclusion in a Residential Permit Zone (RPZ). The City Manager shall designate the boundaries of each zone, identifying each zone by a letter (Zone A, Zone B, Zone C and so on as necessary), and cause a map to be published showing the zone boundaries (Official Aspen Residential Permit Parking Program Map or RPPP Map). (Code 1971, § 22-50.1; Ord. No. 30-1994, § 1 (part))

Sec. 24.16.020. High occupancy vehicle (HOV) zones.

In order to provide preferential parking for High Occupancy Vehicles (HOVs), the City Manager shall also designate HOV Zones which shall also be identified on the RPPP Map. (Code 1971, § 22-50.2; Ord. No. 30-1994, § 1 (part))

Sec. 24.16.030. Modifications of zones.

If the City Manager determines that modifying the boundaries of an established parking zone or establishing a new parking zone is in the public interest, the City Manager shall designate the boundaries thereof and hold a public meeting after giving ten (10) days notice of the same by publication in a daily newspaper of general circulation within the City. After such meeting, the City Manager may reconsider the propriety of the designated zones or may adjust the boundaries thereof. If the City Manager determines to modify an existing zone or to create a new zone, the City Manager shall cause a revised RPPP map to be published showing the revised or new zones. (Code 1971, § 22-50.3; Ord. No. 30-1994, § 1 [part])

Sec. 24.16.040. Permit types.

The following permit types are established. (Code 1971, § 22-51; Ord. No. 30-1994, § 1 [part])

Sec. 24.16.050. Resident permit.

One (1) resident permit shall be issued, upon payment of the prescribed fee, for each vehicle owned by a person residing within a residential permit-parking zone. One (1) resident permit shall be issued, upon payment of the prescribed fee, for any one (1) vehicle either owned by a business located within a residential-permit parking zone and holding a currently valid City business license or owned by a qualified nonprofit institution located within a residential-permit parking zone. An applicant for a permit shall present: (a) evidence that the motor vehicle is in compliance with the county clean air program, (b) his/her current motor vehicle registration, and (c) a current operator's license with the application. No permit shall be issued in the event that either the registration or license shows an address not within the RPZ unless the applicant demonstrates to the satisfaction of the City Manager that the applicant is, in fact, a resident of the RPZ and that the vehicle is used primarily by him/her. (Code 1971, § 22-51.1; Ord. No. 30-1994, § 1 [part])

Sec. 24.16.060. Residential guest permit.

One (1) residential guest permit shall be provided, upon payment of the prescribed fee, if any, to each residential, business or qualified nonprofit institution address receiving at least one (1) resident permit within an RPZ, subject to the following conditions:

Residential guest permits shall be issued for the exclusive use of resident permit holders' guests only during periods when the guests are actually visiting at a resident permit holder's address. Residential guest permits shall display the host resident's resident permit number. Residents shall instruct their guests in the proper display and use of the guest permit.

Residential guest permits issued to business or nonprofit institution guests within an RPZ shall be valid only while the guest is actually engaged in business at a resident permit holder's business or institution address. Residential guest permits issued to businesses or institutions within an RPZ shall display the host business's or institution's resident permit number. Businesses or institutions shall instruct their guests in the proper display and use of the guest permit.

Residential guest permits may also be issued directly to guests by the Transportation Department subject to reasonable conditions imposed by the Transportation Director. (Code 1971, § 22-51.2; Ord. No. 30-1994, § 1 [part])

Sec. 24.16.070. Lodge guest permit.

Lodge guests permits shall be issued, upon payment of the prescribed fee, to lodges within an RPZ for the exclusive use of lodge guests during their period of stay at the lodge. Lodge employees shall fill out the lodge guest permit completely, using permanent ink and instruct their guests in the proper display and use of the lodge guest permit. The lodge guest permit shall be valid either: (a) only during the guest's stay at the lodge or (b) for 7 days from the date of issue to the guest, whichever is less.

Lodge guest permits may also be issued to individuals with unusual or special needs at the discretion of the Transportation Director. The Transportation Director shall annually report to the City Manager in an inventory of all lodge guest permits so issued. (Code 1971, § 22-51.3; Ord. No. 30-1994, § 1 [part])

Sec. 24.16.080. High occupancy vehicle (HOV) permit.

HOV permits shall be issued to vehicles with three (3) or more occupants for use on the day of issue only. (Code 1971, § 22-51.4)

Sec. 24.16.090. Day pass permit.

Day pass permits shall be available for any motor vehicle upon payment of the prescribed daily fee. (Code 1971, § 22-51.5)

Sec. 24.16.100. Business vehicle permit.

To avoid placing an onerous burden upon businesses located within the commercial core that require a vehicle for deliveries, business vehicle permits shall be made available upon payment of the prescribed fee, to allow business delivery vehicles to park in the Residential Permit Zones. Businesses shall be required to justify a business vehicle permit for business delivery use (other than simply commuting) and adhere to strict qualifications. Businesses shall also be required to use the designated loading zones in the commercial core or to otherwise pay the hourly fee for parking. (Code 1971, § 22-51.6)

Sec. 24.16.110. Permits nontransferable.

Permits, except the residential guest permit, shall not be transferable, and may be revoked in the event the Transportation Department determines that the owner of the vehicle or the vehicle itself for which a permit has been issued no longer meets the eligibility requires of Sections 24.16.040 through 24.16.100. Upon no longer meeting the eligibility requirements, the holder of the permit shall surrender such permit to the Transportation Department. (Code 1971, § 22-52.1)

Sec. 24.16.120. Falsely obtaining permits prohibited.

It shall be unlawful for any person falsely to represent himself or herself as eligible for a permit under this division or to furnish any false information in or in conjunction with, an application for a residential parking permit. (Code 1971, § 22-52.2)

Sec. 24.16.130. Hours of enforcement.

The parking restrictions stipulated below shall be enforced from 8 a.m. until 6 p.m. Monday through Friday (official holidays excepted), unless otherwise specified. (Code 1971, § 22-53.1)

Sec. 24.16.140. Resident permits restricted by zone.

Resident permits shall be valid only in the same residential permit-parking zone in which the residence, business or qualified institution is located. (Code 1971, § 22-53.2)

Sec. 24.16.150. Residential guest permits restricted by zone.

The residential guest permit shall be valid only in the same Residential Permit-Parking Zone in which the host residence, business or qualified institution is located. (Code 1971, § 22-53.3)

Sec. 24.16.160. Lodge guest permits restricted by zone.

The lodge guest permit shall be valid only in the same Residential Permit-Parking Zone in which the host lodge is located. (Code 1971, § 22-53.4)

Sec. 24.16.170. Reserved parking areas.

In any area designated as a Residential Permit Zone, which is posted as 'No Parking' with certain permits exempt, it shall be unlawful for any person to park any motor vehicle on the street between the posted hours unless there is affixed to windshield of such motor vehicle a valid parking permit corresponding to the permits which are posted as exempt; provided, however, that the provisions of this Section shall not apply to emergency, government, delivery or service vehicles while engaged in such delivery or service. (Code 1971, § 22-53.5)

Sec. 24.16.180. Time restricted parking areas in Residential Permit Zones.

In any area designated as a Residential Permit Zone, which is posted as 'Time Restricted' with certain permits exempt, it shall be unlawful for any person to park any motor vehicle on the street longer than the posted time limit unless there is a valid and properly-displayed parking permit on the vehicle corresponding to the permits which are posted as exempt; provided, however, that the provisions of this Section shall not apply to emergency, government, delivery or service vehicles while engaged in such delivery or service. (Code 1971, § 22-53.6)

Sec. 24.16.190. High occupancy vehicle (HOV) parking areas in Residential Permit Zones.

In any area designated as a High Occupancy Vehicle Permit Zone, it shall be unlawful for any person to park any motor vehicle during the posted hours of enforcement, unless there is a valid HOV parking permit properly displayed on the vehicle or provided, however, that the provisions of this Section

shall not apply to emergency, government, delivery or service vehicles while engaged in such delivery or service.

After the posted hours of enforcement, the HOV area shall be enforced as a 'Time Restricted' area as described in Section 24.16.180 above. (Code 1971, § 22-53.7)

Sec. 24.16.200. Time restricted parking areas outside of Residential Permit Zones.

In any area not designated as a Residential Permit Zone, which is posted as 'Time Restricted', it shall be unlawful for any person to park any motor vehicle on the street longer than the posted time limit unless there is a valid and properly-displayed service vehicle, handicap or other authorizing parking permit on the vehicle; provided, however, that the provisions of this Section shall not apply to emergency, government, delivery or service vehicles which engaged in such delivery or service. (Code 1971, § 22-53.8)

Sec. 24.16.210. Loading zones.

In any area designated as a loading zone, it shall be unlawful for any person to park any vehicle longer than one-half (½) hour or for the duration of active loading/unloading, whichever is less, unless there is a valid and properly-displayed service vehicle permit; provided, however, that the provisions of this Section shall not apply to marked delivery, service or lodge van vehicles while actively engaged in such delivery or service. (Code 1971, § 22-53.9)

Sec. 24.16.220. No exemption created.

Display of any of the permits referenced in Sections 24.16.040 through 24.16.100 above shall not exempt a vehicle from the provisions of Title 24 of this Code, Traffic and Motor Vehicles. Display of permit does not convey any privileges other than that of exceeding the posted time limit in designated areas. It does not authorize parking in any other restricted or prohibited zone or parking space. (Code 1971, § 22-53.10)

Sec. 24.16.230. No guarantee of parking space.

Display of any of the permits referenced in Sections 24.16.010 through 24.16.100 above shall not guarantee or reserve a parking space. (Code 1971, § 22-53.11; Ord. No. 30-1994, § 1 [part])

Sec. 24.16.240. Construction staging area, parking and emergency vehicle access management plan.

To ensure proper public health, welfare and safety, the City requires approval of job site plans describing construction staging areas, location and number of construction-related vehicles, and ensuring proper emergency vehicle access for construction projects within the City. These plans are required for all residential construction or remodeling of one-thousand-five-hundred (1,500) square feet or more, for any construction or remodeling involving multi-family buildings (three (3) or more units) or for any construction or remodeling involving commercial buildings. All other construction activity shall be considered exempt from these provisions.

The construction project shall be issued street parking permits for the expected duration of the project for a fee. Parking permits issued, pursuant to an approved Construction Staging Area, Parking and Emergency Vehicle Access Management Plan, shall permit the all-day on-street parking of construction related vehicles within the specified construction parking area for the duration of the construction project. Construction vehicles parked outside of the approved area or after the specified construction duration shall be considered in violation.

The Chief Building Official shall require submission of a Construction Staging Area, Parking and Emergency Vehicle Access Management Plan with submission of building permit documents. A building permit shall not be issued until such plan has been reviewed and approved by the Chief Building Official.

All construction staging and construction parking shall be confined to the areas defined in the approved plan for the jobsite. Workers shall be encouraged to carpool. Emergency access, as described in the approved plan for the jobsite, shall at no time be blocked. A stop work order may be issued upon noncompliance. (Ord. No. 35-2002, § 1)

Chapter 24.20

DELIVERY VEHICLES

Sec. 24.20.010. Definitions.

For purposes of this Chapter, the following definitions shall apply:

Commercial core includes all property within the area bordered by Durant to the south, Monarch to the west, Main Street to the north and Spring to the east, plus all properties that abut Main Street on the north side of that street. These boundaries may be amended from time to time by City Council.

Deliveries are defined as the necessary and expeditious loading and unloading of goods, merchandise and freight.

Delivery vehicles are defined as vehicles which are used to make regular deliveries, as defined herein, to businesses in Aspen and which may be issued a permit allowing parking in loading zones. (Ord. No. 29-1999, § 1 [part])

Sec. 24.20.020. Restrictions on deliveries.

Except for vehicles delivering newspapers or fast food, such as pizza and sandwiches, the following time restrictions shall apply to deliveries made in the commercial core of the City (also see the illustrative table below):

A. 9:00 p.m. to 5:00 a.m.: Between the hours of 9:00 p.m. and 5:00 a.m., no deliveries may be made in the City.

B. 5:00 a.m. to 10:00 a.m.: Between the hours of 5:00 a.m. and 10:00 a.m., deliveries may be conducted from a legally parked vehicle on a street, alleyway or truck loading zone in the City.

C. 10:00 a.m. to 9:00 p.m.: Between the hours of 10:00 a.m. and 9:00 p.m., deliveries may be conducted only from the alleyways or truck loading zones of the City.

Time Period	Streets	Alleys	Loading Zones
9:00 p.m.-5:00 a.m.	no deliveries	no deliveries	no deliveries
5:00 a.m.-10:00 a.m.	deliveries permitted	deliveries permitted	deliveries permitted
10:00 a.m.-9:00 p.m.	no deliveries	deliveries permitted	deliveries permitted

(Ord. No. 29-1999, § 1 [part])

Sec. 24.20.030. Regulations on delivery vehicles.

A. Operators of delivery vehicles shall cooperate with City personnel regarding snow removal and street cleaning operations.

B. Delivery vehicles shall comply with the idle ordinance and other relevant City ordinances, including but not limited to the Model Traffic Code.

C. A business using a delivery vehicle shall possess a valid City business license or be exempted from the requirement by the City Finance Department.

D. A delivery vehicle shall either be conspicuously marked as a delivery vehicle with plain and legible identification including the business name and phone number affixed permanently to the side of the vehicle or the vehicle shall display a valid delivery permit issued by the City Transportation and Parking Department.

E. The use of a delivery vehicle shall be required due to (1) the bulk of the items being delivered or (2) the need for repeated and frequent trips to load or unload the vehicle.

F. The vehicle must be actively involved in a delivery for the entire period of any exemption granted. Specifically, the exempted status does not cover time taken for personal business, business not specifically involving the delivery and break periods. (Ord. No. 29-1999, § 1 (part))

Sec. 24.20.040. Exemption of delivery vehicles from certain parking limitations.

A. Delivery vehicles which comply with the requirements of this Chapter, including the time restrictions set forth in Section 24.20.020 and the general regulations set forth in Section 24.20.030, are exempt from certain parking limitations in Aspen's Commercial Core and in surrounding Residential Parking Zones, as set forth below:

1. In the Commercial Core a delivery vehicle shall be allowed to use all truck loading zones and alleys while the driver is completing a delivery.
2. In the Residential Parking Zones surrounding the Commercial Core, a delivery vehicle shall be exempt from the two (2) hour limitation while the driver is completing a delivery.

B. Delivery vehicles which comply with the general regulations set forth in Section 24.20.030 and which meet all of the following requirements are exempt from the restrictions on deliveries from 9:00 p.m. to 5:00 a.m.:

1. The delivery vehicle may not exceed fifteen (15) feet in length, and
2. The delivery vehicle may not have any refrigeration equipment, and
3. The delivery vehicle may not be diesel powered, and
4. The delivery vehicle may not have automated lift gates, and
5. The delivery shall not cause undue noise or disturbance to residents or businesses in the area. (Ord. No. 29-1999, § 1 [part])

Sec. 24.20.050. Appeal.

A. A business receiving deliveries or a delivery company may appeal the requirements of this Chapter to the Commercial Core and Lodging Commission (CCLC).

B. Mailing of notice. At least ten (10) days prior to the public hearing, the party bringing the appeal shall send notice by first class, postage prepaid U.S. mail to all owners of property within three hundred (300) feet of the business or businesses to which deliveries are made.

C. Content of notice. Every notice shall include the name and address of the party bringing the appeal, a description of the relief sought, the date, time and place of the hearing, a reference to the CCLC as the decision-making party conducting the hearing, and such other information as may be required to fully apprise the public of the nature of the application.

D. Quorum. No appeal may be heard by the CCLC without a quorum being present. An affirmative vote of the members present, but in no event less than three (3) affirmative votes, is required to grant relief from the strict requirements of this Chapter.

E. Appeal criteria. No appeal may be granted absent findings by the CCLC (1) that the business or delivery company cannot reasonably comply with the terms of this Chapter and (2) that the grant of the variance will not unduly burden or affect the residents and businesses of the neighborhood. (Ord. No. 29-1999, § 1 [part])

Sec. 24.20.060. Violations and penalties.

A violation of any of the provisions of this Code shall constitute a misdemeanor, punishable upon conviction by a fine, imprisonment or both a fine and imprisonment, as set forth in Section 1.04.080 of this Code. A separate offense shall be deemed committed on each day or portion thereof that a violation of the provisions of this Code occurs or continues unabated. (Ord. No. 29-1999, § 1 [part])

Chapter 24.24

**HYBRID VEHICLE REGISTRATION FEE REBATE AND
PARKING RELIEF PROGRAM**

Sec. 24.24.010. Hybrid Vehicle Registration Fee Rebate Program.

There is hereby created a Hybrid Vehicle Registration Fee Rebate Program within the City to encourage the ownership of low emission vehicles in the City. (Ord. No. 37-2003, § 1)

Sec. 24.24.020. Qualifications, administration and rebate amount.

(a) For purposes of this Chapter, the following terms shall have the following meanings:

Hybrid vehicle shall mean a vehicle that meets the then-applicable definition of the Super Ultra Low Emission Vehicle (SULEV) Standards or better, promulgated by the California Air Resource Board (CARB) and that meets the definition of *hybrid vehicle* per the U.S. Department of Energy (www.ott.doe.gov/hev).

Resident of the City shall mean any person who resides in the City during the calendar year for which a Hybrid Vehicle Registration Fee Rebate is sought.

(b) Any resident of the City who is the owner of a hybrid vehicle that meets the then-applicable SULEV standards and pays an annual motor vehicle registration fee to the State, within the same calendar year following the payment of a motor vehicle registration fee so long as this Chapter shall be in force, may apply, on such forms as provided by the Director of Parking, for an annual SULEV Hybrid Vehicle Registration Fee Rebate from the City in the amount of one-hundred dollars (\$100.00.)

(c) The application for a rebate shall be reviewed by the City's Transportation and Parking Department to determine the ownership and type of vehicle for which an application is made. The Director of Parking shall further review the application for completeness and to verify residence eligibility. All applicants may prove their resident status by evidence that they were registered voters of the City for the full calendar year for which the rebate applies. Any resident who is barred from registering to vote due to noncitizenship or due to other disqualification shall provide alternative proof of residency, as may be required by the Parking Director.

(d) The Director of Parking shall administer this Chapter 24.24 and shall prepare such forms and adopt such regulations consistent with this Chapter, as he or she deems necessary to implement the same. (Ord. No. 37-2003, § 1)

Sec. 24.24.030. Hybrid Vehicle Parking Program.

There is hereby created a Hybrid Vehicle Parking Program within the City to encourage the ownership and use of low emission vehicles in the City. (Ord. No. 37-2003, § 1)

Sec. 24.24.040. Qualifications, administration and parking privileges.

(a) Any person who is the owner of a hybrid vehicle that meets the then-applicable SULEV standards, may apply for an Aspen Hybrid Vehicle Parking Program Permit every year so long as this Chapter shall be in force on such forms as provided by the Director of Parking. The Hybrid Vehicle Parking Program Permit shall allow qualifying hybrid vehicles to park in any Residential Permit Zone or High Occupancy Vehicle (HOV) Zone space. Vehicles that display a valid hybrid vehicle permit will be exempt from the two-hour parking restriction in Residential Permit Zones and will not be required to display an additional permit in High Occupancy Vehicle (HOV) Zone spaces.

(b) The application for a Hybrid Vehicle Parking Program Permit shall be reviewed by the City's Transportation and Parking Department to determine the SULEV hybrid status of the type of vehicle for which an application is made. Qualifying SULEV hybrid vehicles will be issued Hybrid Vehicle Parking Program Permits. Such permits are not transferable and will only be valid on hybrid vehicles that meet Super Ultra Low Emission Vehicles Standards or better. (Ord. No. 37-2003, § 1)

Sec. 24.24.050. No exemption created.

Display of a Hybrid Vehicle Parking Program Permit shall not exempt a vehicle from the provisions of Title 24 of this Code. Display of a permit on a qualifying vehicle does not convey any privileges other than that of exceeding the posted time limit in Residential Permit Zones or of parking in High Occupancy Vehicle (HOV) parking areas without a valid HOV parking permit. It does not authorize parking in any other restricted or prohibited zone or parking space. It does not authorize exemption from the seventy-two-hour parking limitation (Section 24.08.010[5]), nor any other parking limitation or prohibition posted on an official sign (Section 24.08.010[4]). (Ord. No. 37-2003, § 1)