

ORDINANCE NO. 11-02

INTRODUCED BY:

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES, COLORADO
REGULATING VEHICLES, TRAFFIC AND OBSTRUCTIONS WITHIN THE CITY
RIGHTS-OF-WAY AND PUBLIC PROPERTY AND AMENDING ORDINANCE 09-02
BY WHICH THE CITY ADOPTED THE 2003 MODEL TRAFFIC CODE WITH
AMENDMENTS**

WHEREAS, pursuant to Section 31-15-401, C.R.S., for purposes of promoting health, safety, morals and the general welfare of the community, the City Council has the authority to create laws that prevent and suppress activities that could prove harmful to the health, safety and welfare of its citizens, and pass and enforce all necessary police ordinances; and

WHEREAS, pursuant to Section 31-15-702(1)(a)(I), C.R.S., the City is authorized to regulate the use of streets; and

WHEREAS, pursuant to Section 42-1-102(48), C.R.S., the City is defined as a “local authority” having the authority to adopt local police regulations under the constitution and laws of the State of Colorado; and

WHEREAS, Part 2 of Article 16, Title 31, C.R.S., authorizes the City to adopt by reference published compilations of ordinances adopted by an agency of the State or other political subdivision of the State upon notice and hearing as provided in Section 31-16-203, C.R.S.; and

WHEREAS, by Ordinance 09-02, the City of Castle Pines adopted by reference the 2003 edition of the Model Traffic Code as promulgated by the Colorado Department of Transportation (“MTC”), with certain amendments to conform with the County’s adoption of such MTC; and

WHEREAS, the City desires to prohibit the placement, accumulation or storage of landscape materials, portable on-demand storage units, portable toilets, dumpsters, debris and snow piles, subject to certain conditions, on public property, and the parking of certain larger defined vehicles on the public property within residential districts of the City, subject to certain conditions, and to place such restrictions within the Municipal Code provisions governing traffic and vehicles, including parking, for enforcement by the Douglas County Sheriff’s Office; and

WHEREAS, the City finds that the adoption of this ordinance is a proper exercise of the City’s police power and that it is in the best interest of the public health, safety, and welfare of the citizens of the City to regulate the use of the public rights-of-way and public property and to prescribe the penalties for violations thereof.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:

Section 1. Section 2 of “Part II: Traffic” of Ordinance 09-02 adopting and amending the 2003 Model Traffic Code is hereby amended by the addition of new subsections DD and EE to read as follows in their entirety:

- DD. The Model Traffic Code is further amended by the addition of a new Section 1212, entitled “Parking restrictions in residential districts” to read as follows in its entirety:

1212. Parking restrictions in residential districts.

(1) As used in this Section:

(a) “*Bus*” means a motor vehicle designed to seat more than sixteen (16) passengers and used for the transportation of persons, regardless of compensation, including but not limited to motor vehicles operated for profit by governmental agencies and motor vehicles used for the transportation of children to and from school.

(b) “*Camper*” means non-wheeled, detachable vehicular equipment that weighs over five hundred (500) pounds, used for temporary or permanent habitation, which has no independent motor power and that is capable of being placed on a vehicle but is not capable of being towed.

(c) “*Camping Trailer*” means a trailer constructed to provide temporary occupancy as a dwelling or sleeping place for one or more persons.

(d) “*Commercial Vehicle*” means:

(i) Any self-propelled or towed vehicle bearing a commercial license plate or having a manufacturer’s gross vehicle weight rating or gross combination rating of ten thousand one pounds (10,001) or more, which vehicle is used in commerce or is designed to transport sixteen (16) or more passengers, including the driver, unless such vehicle is a bus as defined in this subsection; and

(ii) Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting.

(e) "*Load(ed) and/or Unload(ed)*" means the uninterrupted activity of continuously moving material, equipment, goods or other items of personal property from or to a vehicle.

(f) "*Mobile Home*" means a non-motorized vehicle designed to be permanently affixed to land to be used for occupancy as a dwelling or sleeping place for one or more persons, but which is constructed to allow it to be transported upon streets and highways.

(g) "*Motor Home*" means a motorized vehicle designed to provide temporary occupancy as a dwelling or sleeping place for one or more persons and which is intended to be transported upon streets and highways, but excluding pick-up trucks with attached campers.

(h) "*Residential District*" means any area of the City zoned to allow single family or multi-family residential use and includes any area that includes residential development within a Planned Development.

(i) "*Recreational Vehicle*" or "*RV*" means a motor home, mobile home, or camping trailer.

(j) "*Rendering Services*" means commercial activities carried on in connection with the business purpose of the vehicle, such as making deliveries, service calls, accepting articles for removal or delivery, and related commercial activities.

(k) "*Semi-Tractor*" means a motor vehicle with a manufacturer's gross combination weight rating (GCWR) in excess of twenty six thousand and one (26,001) pounds, which is designed and commonly used to draw a semi-trailer and its cargo load over the public roadways.

(l) "*Semi Trailer*" means a wheeled vehicle, the empty weight of which is more than two thousand (2,000) pounds or the length of which is greater than twenty-five feet (25'), which has no motor power and is designed to be used in conjunction with a semi-tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such semi-tractor.

(m) "*Trailer*" means any wheeled vehicle without motor power that may be drawn over the roadway by a motor vehicle, including camping trailers and boat trailers.

(n) "*Truck*" means a motor vehicle exceeding eight (8') feet in width, twenty-five (25') feet in length or ten (10') feet in height, excluding motor homes and recreational vehicles as defined herein.

(2) The following restrictions shall apply to parking vehicles in residential districts anywhere within the boundaries of the City of Castle Pines:

(a) No trailer, semi trailer, camping trailer, or boat, or mobile home or motor home shall be parked on any public street or highway within any residential district of the City, with the exception of:

1. A recreational vehicle (RV) that is being loaded or unloaded, prepared for service, or prepared for storage; but such loading and unloading and preparation for storage shall not in any event exceed seventy-two (72) hours.
2. A boat, camper, trailer, semi trailer, or camping trailer being loaded or unloaded, or prepared for storage; but such loading and unloading and preparation for storage shall not in any event exceed seventy-two (72) hours.
3. A commercial vehicle temporarily parked for only that period of time necessary to expeditiously complete rendering services to real property located within two hundred feet (200') of the commercial vehicle not to exceed seventy-two (72) hours.
4. Any vehicle otherwise parked in violation of this Section for a period not to exceed four hours (4) as a result of an emergency occurring during such four hour period.

(b) No semi-tractor, truck or semi trailer shall be parked upon any public street located in a residential district other than when being loaded and/or unloaded or otherwise rendering services within two hundred feet (200') of the commercial vehicle, and such loading and/or unloading or rendering of service locally shall not exceed fourteen (14) hours between the hours of 7 a.m. and 9 p.m. No loading and/or unloading of a semi-tractor, truck or semi-trailer during permissible hours is allowed to extend over more than two (2) consecutive calendar days.

(3) A violation of this Section 1212 shall be punishable by a minimum fine of \$100.00.

EE. The Model Traffic Code is further amended by the addition of a new Section 1213, entitled "Prohibitions on dumpsters, portable toilets, storage pods, landscape materials, snow piles and other obstructions on public streets and other public property" to read as follows in its entirety:

1213. Prohibitions on dumpsters, portable toilets, storage pods, landscape materials, snow piles and other obstructions on public streets and other public property.

(1) As used in this Section:

(a) "*Debris*" means any iron, brass, copper or other metal materials, ropes, rags, garbage, fibers or fabrics, bottles or other glass, rubber materials, including without limitation tires, junk materials, paper bundles, machinery, motor parts, tools, appliances, furniture, firewood, cartons, pallets, barrels or other containers, building materials, waste or discarded goods, or like materials.

(b) "*Dumpster*" means any container exceeding a capacity of ten (10) cubic feet designed or intended to be used for the storage or hauling of trash, refuse, garbage, yard debris, recyclables or other waste materials.

(c) "*Landscape materials*" means any material used in the landscape of property such as, without limitation, trees, shrubs, sod, gravel, boulders, rocks, mulch, and paving materials.

(d) "*Portable toilet*" means an enclosed, freestanding toilet not requiring a foundation, whether intended to be temporary or permanent.

(e) "*Public property*" means any public street, right-of-way, road, highway, alley, or other publicly owned and maintained property.

(f) "*Snow pile*" means an accumulation or piling of snow in the public right-of-way which obstructs or impedes the normal flow of vehicular traffic.

(g) "*Storage pod*" means any container intended for the purpose of storing or keeping household goods and other personal property that is to be filled, refilled or emptied while located outdoors on the property and then later removed from the property for storage off-site. A storage pod does not include a dumpster.

(2) It shall be unlawful for any person to place, store or maintain a portable toilet, storage pod, dumpster, landscape materials or snow pile, or to place, store, maintain or allow to accumulate any debris on any public right-of-way or other public property unless such person is an employee, official or contractor of the City acting within the scope of his or her official municipal functions.

(3) This Section shall not apply to privately owned property within the City.

(4) A violation of this Section 1213 shall be punishable by a minimum fine of \$100.00.

Section 2. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 3. Effective Date. This Ordinance shall become effective thirty days after publication following final passage.

Section 4. Authorization. The officers of the City are authorized and directed to take actions necessary and appropriate to effect the provisions of this Ordinance.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 12th day of April, 2011.

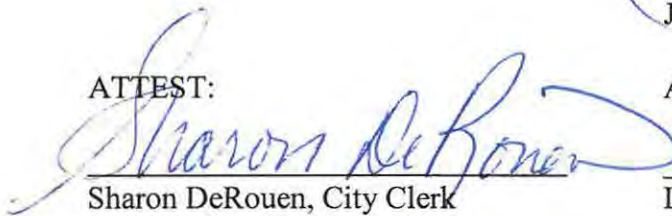
READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 10th day of May, 2011.

CITY OF CASTLE PINES:



Jeffrey T. Huff, Mayor

ATTEST:



Sharon DeRouen, City Clerk

Approved as to form:



Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a regular meeting of the Castle Pines City Council on April 12, 2011; published in full in the *Douglas County News-Press*; and finally passed and adopted by the City Council on May 10, 2011 following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on May 19, 2011.

ATTEST:



Sharon DeRoner

City Clerk or Deputy City Clerk