

Ordinance #00-01

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
COUNTY OF GILPIN COUNTY

AN ORDINANCE AMENDING ORDINANCE #97-1 REGULATING PARKING ON  
GILPIN COUNTY OWNED PUBLIC RIGHT OF WAY IN THE UNINCORPORATED  
PORTIONS OF THE COUNTY OF GILPIN

WHEREAS, pursuant to C.R.S. 30-11-107(l)(h) and C.R.S. 43-2-108 et. seq., the Board of County Commissioners of the County of Gilpin have full jurisdiction and authority over County roads within the unincorporated portions of the County of Gilpin; and,

WHEREAS, pursuant to C.R.S. 30-11-107(l)(a), the Board of County Commissioners has the power to make such orders concerning property belonging to the County as it may deem expedient, and to perform such duties respecting County roads as may be required by law; and,

WHEREAS, pursuant to 30-15-401(l)(h) C.R.S., the Board of County Commissioners has the power to regulate movement and parking of vehicles on public property; and,

WHEREAS, the Gilpin County Sheriff and any Deputy Sheriff have authority to remove by towing any unattended motor vehicles obstructing traffic or county road maintenance, pursuant to C.R.S. 42-4-1803(2) and,

WHEREAS it is the desire of the County to set forth an orderly procedure to regulate parking of properly licensed vehicles on county roads.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GILPIN, AS FOLLOWS:

**I. PARKING**

**A. DEFINITIONS.**

1. **County Roadway.** The "County roadway" is defined as follows:
  - a. The maintained road surface plus any county maintained ditches or berm area.
  - b. Any platted right-of-way.
  - c. All area within a cul-de-sac.
  - d. All area in a permitted snow plow turn-around.
2. **Disabled Vehicle.** A "disabled vehicle" is a vehicle or object that will not move under its own power due to mechanical failure, snow or other circumstances.

**B. PARKING POLICY.**

1. **Policy.** Vehicles or other objects shall not be parked, stored or abandoned in whole or in part on a County roadway unless one of the following conditions exist:
  - a. **Disabled.** A vehicle is disabled and the Sheriff's Department has been notified that efforts are actively underway to have the vehicle or object removed.
  - b. **When snow is present.** A vehicle is disabled or "stuck" and the Sheriff's Department has been notified that efforts are actively underway to have the vehicle removed.
  - c. **Special Event.** During an infrequent event, including by way of example and not limitation, a family gathering or community meeting, overflow vehicles may be parked no less than 10 feet from the center line of the traveled portion of a County roadway. Such parking shall not be overnight and no vehicles shall be parked in such a manner as to interfere with snow removal or County road maintenance operations.
  - d. **N.B.** A vehicle parked on a County roadway that is mechanically operative, but that may be ill equipped to move off the County roadway, including by way of example and not limitation, vehicles with inadequate tires, no chains or two wheel drive, is in violation of this ordinance and shall be subject to removal under the provisions herein.

- C. TRAFFIC HAZARD/SNOW REMOVAL.** Notwithstanding the parking policy set forth in Section 1-B hereof, in the event a parked vehicle creates an obstruction to traffic, or if it impedes snow removal or scheduled road repair, or if it impedes emergency vehicles, the vehicle shall be removed immediately under the direction of the Sheriff, pursuant to 42-4-1803(2) C.R.S.

**II. RED TAG**

- A. **RED TAG ISSUANCE.** Either an employee of the Gilpin County Road and Bridge Department or a Deputy Sheriff shall place a red tag on a vehicle parked on a County roadway in violation of this ordinance, unless the vehicle is to be removed immediately in accordance with I.C. above. The red tag shall require the owner to remove the vehicle within 24 hours. After expiration of 24 hours "red tagged" vehicles shall be deemed "abandoned motor vehicles" as defined in 42-4-182(1)(b) C.R.S., unless the owner has conspicuously affixed to the vehicle a notice indicating the intention to return or has notified the Sheriff's Department of intention to remove the vehicle within 72 hours.
- B. **TIME LIMITS.** The time limit for compliance with a red tag shall be no more than 24 hours unless an arrangement has been approved in accordance with II.A. above.
- C. **COURTESY CALL.** The person placing the red tag may request the Sheriff's Dispatcher to telephone, if possible, the vehicle owner as a courtesy to request the owner's cooperation.
- D. **FOLLOW-UP.** The person placing the red tag shall follow-up or arrange for follow-up at the time of red tag expiration. If the tagged vehicle remains in violation at the expiration of the red tag, it shall be towed in accordance with established procedures.

### III. VEHICLE REMOVAL

- A. **SHERIFF ACTION.** Should a tow be required, the tow shall be carried out under the direction of the Sheriff's Department in accordance with 42-4-1803 C.R.S.
- B. **REPEAT VIOLATIONS.** If a vehicle has been red tagged once, at a second occurrence it may be towed immediately.
- C. **TOW FEES.** The County has no control over, and does not regulate, the rates charged by any tow company.

INTRODUCED, READ, AND PASSED on first reading, ordered published in full in a newspaper of general circulation published in the County of Gilpin at least ten (10) days prior to adoption, this 14<sup>th</sup> day of March, 2000.

PASSED AND ADOPTED on second and final reading at a regularly scheduled meeting of the Board of County Commissioners on the 11<sup>th</sup> day of April, 2000.

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF GILPIN COUNTY

BY: *Carly Nicholson*

Chair

Attest:

*Susan C. Allen*

*Deputy*

County Clerk

\*\*\*\*\*  
CERTIFICATION

Deputy Gilpin County Clerk, hereby certifies that the foregoing ordinance was adopted on first reading by the Board of County Commissioners of the County of Gilpin at a regular meeting held on the 14<sup>th</sup> day of March that the ordinance was thereafter published in full in the Weekly Register Call, and that the ordinance was adopted on final reading after such publication, at a regular meeting of the Board of County Commissioners held on the 11<sup>th</sup> day of April, 2000.



(county seal)

GILPIN COUNTY CLERK

*Justin A. Dombroski*  
Clerk