

# CHAPTER 1 WESTCLIFFE PARKING INFRACTIONS CODE

## SECTIONS:<sup>1</sup>

- 9-1-1: Purpose**
- 9-1-2: Definitions**
- 9-1-3: Driver and Owner Liable for Violation**
- 9-1-4: Penalties, Fees and Separate Infractions**
- 9-1-5: Enforcement**
- 9-1-6: Exclusivity**
- 9-1-7: Violations**
- 9-1-8: Permitted Parking**
- 9-1-9: Effective**

### **9-1-1: Purpose**

The purpose of the ordinance is to promote the safety, health and welfare of the citizens and guests of the Town by promulgating safe vehicular parking regulations. (Ord. 7-2014, eff. 11-6-2014)

#### **A. Authority:<sup>2</sup>**

The Town shall have the authority to establish rules, policy, requirements, and penalties regarding parking of motor vehicles on real property owned or controlled by the Town. (Ord. 1-2018, eff. 4-5-2018)

### **9-1-2: Definitions**

**A. ALLEY OR ALLEYWAY:** A narrow minor street, usually without sidewalks, on which the rears of buildings customarily adjoin. (Ord. 8-2016, eff. 5-4-2016)

**B. AUTHORIZED EMERGENCY VEHICLE:** Vehicles of the Fire Department, police vehicles and ambulances are publicly owned, and other publicly or privately owned vehicles as are designated by the State motor vehicle licensing agency as provided under Colorado Revised Statutes

<sup>1</sup> Title 9, Chapter 3 is amended by adding Section 9-1-2 and retitling Sections 9-1-3 through 9-1-8. (Ord 8-2016, eff. 5-4-2016)

<sup>2</sup> Title 9, Chapter 1 is amended by adding a new Section 1 a. (Ord 1-2018, eff. 4-5-2018)

section 42-4-108(5). (Ord. 8-2016, eff. 5-4-2016)

**C. BICYCLE:**

Every device propelled by human power upon which any person may ride, having two (2) or more wheels, any of which is more than fourteen inches (14") in diameter. (Ord.8-2016, eff. 5-4-2016)

**D. BUSINESS DISTRICT:**

The territory contiguous to a highway, street or roadway as defined in the Town Zoning and Building Code. (Ord. 8-2016, eff. 5-4-2016)

**E. COMMERCIAL VEHICLES:**

Every vehicle designated, maintained or used primarily for the transportation of property or persons in the course of commerce. (Ord. 8-2016, eff. 5-4-2016)

**F. CONTROLLED ACCESS  
HIGHWAY, STREET OR  
ROADWAY:**

Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at the points only and in a manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.(Ord.8-2016, eff. 5-4-2016)

**G. COURT:**

The Municipal Court of the Town. (Ord. 8-2016, eff. 5-4-2016)

**H. CROSSWALK:**

That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections or any portion of a roadway distinctly indicated for pedestrian crossing by lines or markings on the surface. (Ord. 8-2016, eff. 5-4-2016)

**I. CUL-DE-SAC:**

a street, or passage closed at one end. (Ord. 8-2016, eff. 5-4-2016)

**J. DISABLED PERSON:**

A person so severely disabled that the person is unable to move from place to place without the aid of a mechanical device or who has a physical impairment verified, in writing, by the Director of the Division of

Rehabilitation or a physician licensed to practice medicine in this State that the impairment limits substantially the person's ability to move from place to place. (Ord. 8-2016, eff. 5-4-2016)

**K. DRIVER:**

Every person who drives or is in actual physical control of a vehicle. (Ord. 8-2016, eff. 5-4-2016)

**L. ELDERLY PERSON:**

A person who has reached the age of sixty five (65). (Ord. 8-2016, eff. 5-4-2016)

**M. FARM TRACTOR:**

Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry. (Ord. 8-2016, eff. 5-4-2016)

**N. INTERSECTION:**

1. The area embraced within the prolongation of lateral curb lines or, if none, then the lateral boundary lines of two (2) or more streets or highways which join one another at an angle, whether or not one highway, street or roadway crosses the other. (Ord. 8-2016, eff. 5-4-2016)
2. Where a highway, street or roadway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of the divided highway, street or roadway by an intersecting highway, street or roadway shall be regarded as a separate intersection. (Ord. 8-2016, eff. 5-4-2016)
3. In the event the intersecting highway, street or roadway also includes two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) or more roadways of the streets or highways shall be regarded as a separate intersection. The junction of an alley with a highway, street or roadway does not constitute an intersection. (Ord. 8-2016, eff. 5-4-2016)

- O. LOADING ZONE:** A designated space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property. (Ord.8-2016, eff. 5-4-2016)
- P. MARKINGS:** All lines, patterns, words, colors or other devices, except signs, set into the surface of, applied upon or attached to the pavement or curbing or to objects within or adjacent to the roadway, conforming to State standards as required by law and officially placed for the purpose of regulating, warning or guiding traffic. (Ord. 8-2016, eff. 5-4-2016)
- Q. MEDIAN OR CENTRAL DIVIDING STRIP:** That portion of a divided highway, street or roadway separating the traveled ways for traffic in opposite directions. (Ord. 8-2016, eff. 5-4-2016)
- R. MOTOR DRIVEN CYCLE:** Every motorcycle, including every motor scooter, with a motor which produces not to exceed six (6) brake horsepower, and every bicycle with motor attached, but not trail bikes, minibikes, go-carts, golf carts and similar vehicles which are not designed for, or approved by the Department of Revenue for use on the public roads or highways, and not "motorized bicycles" as defined in this section. (Ord. 8-2016, eff. 5-4-2016)
- S. MOTOR VEHICLE:** Any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and/or property over the public highways. This term shall include "recreational vehicle" as defined in this section. (Ord. 8-2016, eff. 5-4-2016)
- T. MOTORCYCLE:** Every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground except any vehicle as may be included within the term "farm tractor" as herein defined. (Ord. 8-2016, eff. 5-4-2016)

- U. MOTORIZED BICYCLE:** A vehicle having two (2) or three (3) wheels with operable pedals which may be propelled by human power or helper motor, or both, with a motor rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cc, and an automatic transmission which produces a maximum design speed of not more than thirty (30) miles per hour on a flat surface. (Ord. 8-2016, eff. 5-4-2016)
- V. MUNICIPAL COURT CLERK:** The Clerk of the Municipal Court of the Town.(Ord.8-2016, eff. 5-4-2016)
- W. OFFICIAL TIME STANDARD:** Whenever certain hours are named herein, they shall mean the standard time or daylight saving time as may be in current use in the Town. (Ord. 8-2016, eff. 5-4-2016)
- X. OFFICIAL TRAFFIC CONTROL DEVICES:** All signs, signals, markings and devices consistent with statute or this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. (Ord.8-2016, eff. 5-4-2016)
- Y. OWNER:** A person who holds the legal title of a vehicle or, in the event a vehicle is the subject of any agreement for the conditional sale or lease thereof, a person with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner, or parties otherwise having lawful use or control or the right to use or control a vehicle for a period of thirty (30) days or more. (Ord. 8-2016, eff. 5-4-2016)

- Z. PEDESTRIAN:** Any person afoot. (Ord. 8-2016, eff. 5-4-2016)
- AA. PENALTY ASSESSMENT NOTICE:** A notice mailed to a registered owner of a vehicle involved in any traffic violation detected advising that a violation has been detected. (Ord. 8-2016, eff. 5-4-2016)
- AB. POLICE OFFICER/SHERIFF/DEPUTY SHERIFF:** Every officer authorized to direct or regulate traffic or to make arrest for violations of traffic regulations. (Ord. 8-2016, eff. 5-4-2016)
- AC. PRESIDING JUDGE:** The Municipal Judge appointed by the Town Board of Trustees to serve as the executive head of the Municipal Court. (Ord. 8-2016, eff. 5-4-2016)
- AD. PRIVATE ROAD OR DRIVEWAY:** Every road or driveway not open to the use of the public for purposes of vehicular travel. (Ord. 8-2016, eff. 5-4-2016)
- AE. PROHIBITED ROUTES:** A street or roadway that is not a designated truck route. (Ord. 8-2016, eff. 5-4-2016)
- AF. PUBLIC PLACE:** A place to which the public or a substantial part of the public has access, including streets, highways, transportation facilities, schools, places of amusement, parks, playgrounds and the common areas of public and private buildings and facilities, including parking lots or any other area intended for use by the public. (Ord. 8-2016, eff. 5-4-2016)
- AG. RECREATIONAL VEHICLE:** A vehicle designed to be used primarily for recreation or as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motor power or is mounted on or towed by another vehicle. "Recreational vehicle" includes camping trailers, fifth wheel trailers, motor homes, travel trailers, truck campers, watercraft and

snowmobiles. (Ord. 8-2016, eff. 5-4-2016)

**AH. RIGHT OF WAY:**

The privilege of the immediate use of the highway, street or roadway by pedestrians or vehicles, this being the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under the circumstances or direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. (Ord. 8-2016, eff. 5-4-2016)

**AI. ROAD MACHINERY  
AND CONSTRUCTION  
EQUIPMENT:**

Those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons but which

have been redesigned or modified by the mounting thereon of special equipment or machinery, and which may be only incidentally operated or moved over the public highways. This definition includes, but is not limited to, wheeled vehicles commonly used in the construction, maintenance and repair of roadways and the digging of ditches. (Ord. 8-2016, eff. 5-4-2016)

**AJ. ROAD TRACTOR:**

Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn. May also be referred to as "truck tractor". (Ord. 8-2016, eff. 5-4-2016)

**AK. ROADWAY:**

That portion of a highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder. In the event a highway, street or roadway includes two (2) or more separate roadways, the term "roadway" shall refer to any

roadway separately but not to all roadways collectively. If no erected curb exists, the roadway shall commence at the portion of the roadway where the pavement ends. (Ord. 8-2016, eff. 5-4-2016)

**AL. SCHOOL BUS:**

Every motor vehicle owned by a public, private, or governmental agency and operated for the transportation of children to or from school but not including informal or intermittent arrangements such as sharing of actual gasoline expense, or participation in a car pool, for the transportation of children to or from school. (Ord. 8-2016, eff. 5-4-2016)

**AM. SCHOOL ZONES:**

The area or space along a highway, street or roadway adjacent to or near a public, elementary or private school, and which is plainly marked by proper signs to indicate that the area is a school zone. (Ord. 8-2016, eff. 5-4-2016)

**AN. SEMITRAILER:**

Any wheeled vehicle, without motive power, which is designed to be used in conjunction with a truck or road tractor so that some part of its own weight and that of its cargo load rests upon or is carried by the truck or road tractor and which is generally and commonly used to carry and transport property over the public highways. (Ord. 8-2016, eff. 5-4-2016)

**AO. SIDEWALK OR  
SIDEWALK AREA:**

That portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (Ord. 8-2016, eff. 5-4-2016)

**AP. SNOWMOBILE:**

A self-propelled vehicle primarily designed for travel on snow or ice, and supported in part by skis, belts or cleats. (Ord. 8-2016, eff. 5-4-2016)

**AQ. STAND OR STANDING;  
PARK OR PARKING:**

The halting of a vehicle, whether occupied



or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. (Ord. 8-2016, eff. 5-4-2016)

**AR. STOP:**

When required, means the complete cessation of movement. (Ord. 8-2016, eff. 5-4-2016)

**AS. STOP LINE OR  
LIMIT LINE:**

A line which indicates where drivers shall stop when directed by an official traffic control device or a police officer. (Ord. 8-2016, eff. 5-4-2016)

**AT. STOP OR STOPPING:**

When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, sheriff or sheriff's deputy or traffic control sign or signal. (Ord. 8-2016, eff. 5-4-2016)

**AU. STREET, HIGHWAY  
OR ROADWAY:**

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel; or the entire width of every way declared to be a public highway, street or roadway by any law of this State. The terms "street", "highway" and "roadway" are synonymous and interchangeable. (Ord. 8-2016, eff. 5-4-2016)

**AV. THROUGH HIGHWAY,  
STREET OR ROADWAY:**

Every highway, street or roadway or portion thereof on which vehicular traffic is given preferential right of way at the entrances to which vehicular traffic from intersecting streets, roadways or highways is required by law to yield right of way to vehicles on a through highway, street or roadway in obedience to either a stop sign or a yield sign, when the signs are erected as provided

in this chapter. (Ord. 8-2016, eff. 5-4-2016)

**AW. TRAFFIC:**

Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together while using any highway, street or roadway for the purpose of travel. (Ord.8-2016, eff. 5-4-2016)

**AX. TRAFFIC CONTROL SIGNAL:**

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. (Ord. 8-2016, eff. 5-4-2016)

**AY. TRAILER:**

Any wheeled vehicle, without motive power that is designed to be drawn by a motor vehicle over the public highways. (Ord. 8-2016, eff. 5-4-2016)

**AZ. TRAILER COACH OR MOBILE HOME:**

Any wheeled vehicle which is a single, self-contained unit, without motive power, which is designed and generally and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which may occasionally be drawn over the public highways by a motor vehicle. (Ord. 8-2016, eff. 5-4-2016)

**BA. TRUCK:**

Any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways, when the gross vehicle weight rating (GVWR) is in excess of ten thousand (10,000) pounds. This term shall also include commercial vehicles, road machinery, construction equipment, road tractors and truck-tractors, when the gross vehicle weight rating exceeds ten thousand (10,000) pounds. (Ord. 8-2016, eff. 5-4-2016)

**BB. TRUCK-TRACTOR:** Any motor vehicle which is generally and commonly designed to draw a semitrailer and its cargo load over the public highways. May also be referred to as "road tractor". (Ord. 8-2016, eff. 5-4-2016)

**BC. UNAUTHORIZED PERSON:** Any person not authorized, either expressly or implicitly, to have dominion over a vehicle. It shall be a rebuttable presumption that family members and friends are excluded from the definition of Unauthorized Person. (Ord. 8-2016, eff. 5-4-2016)

**BD. VEHICLE:** Any device which is capable of moving itself, or being moved, from place to place upon wheels or endless tracks. This term shall not mean or include any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations, or any device moved by muscular power, or moved exclusively over stationary rails or tracks, or designed to move primarily through the air. This term shall include "recreational vehicle" as defined in this section. (Ord. 8-2016, eff. 5-4-2016)

**BE. YIELD:** To take appropriate action to grant the right of way. (Ord. 8-2016, eff. 5-4-2016)

**9-1-3: Driver and Owner Liable for Violation<sup>3</sup>**

A. No driver shall stop or park a vehicle and no owner of a vehicle shall fail to prevent the stopping or parking of that vehicle in violation of any of the prohibitions or requirements of this chapter. Both the owner and the driver may be jointly and severally liable for any such violation. It is a specific defense to the owner for the liability of a person who was unauthorized by the owner to use the vehicle at the time of the violation. (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)

**9-1-4: Penalties, Fees and Separate Infractions<sup>4</sup>**

<sup>3</sup> Title 9, Chapter 1, Section 3 is retitled and repealed and replaced in its entirety. (Ord. 8-2016, eff. 5-4-2016)

<sup>4</sup> Title 9, Chapter 1, Section A is repealed and replaced in its entirety. Section 9-1-3 is now 9-1-4 and repealed and replaced in its entirety. (Ord 12-2015, eff. 9-3-2015, Ord. 8-2016, eff. 5-4-2016)

- A. Violations of any of the provisions of this chapter are traffic infractions. Every person who is convicted of, who admits liability for or against whom a judgment is entered for such a traffic infraction shall be fined or penalized as follows: (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)
1. Fine Per Offense (excluding Section I, Violations, item (1) Parking in Handicapped Space Prohibited): \$25.00 Penalty. (Ord. 7-2014, eff. 11-6-2014, Ord. 12-2015, eff. 9-3-2015, Ord. 8-2016, eff. 5-4-2016)
  2. Fine Per Offense in Violation of Section I, Violations, item (1) Parking in Handicapped Space Prohibited: \$200.00 Penalty. (Ord. 7-2014, eff. 11-6-2014, Ord. 12-2015, eff. 9-3-2015, Ord. 8-2016, eff. 5-4-2016)
- B. Failure to Pay: If full payment of the fine as indicated on the parking citation is not received by the town indicated on the citation in full either in person or postmarked by the US Mail or tendered for delivery to another private carrier within twenty (20) days of issuance of the parking citation, the parking citation shall revert to a summons, and the offender must appear in court as indicated on the date of the citation/summons.. (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)
- C. Separate Infractions
1. For all parking infractions, a new and separate infraction occurs when a vehicle remains illegally parked for more than two hours after the issuance of the preceding parking ticket. (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)
  2. Towing: The Town has the right to remove vehicles parked in violation of this ordinance. The owner shall be liable for any fees and costs related to the vehicle removal by the Town. (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)

### **9-1-5: Enforcement**

- A. Enforcement of the provisions of this chapter shall be as follows: (Ord. 7-2014, eff. 11-6-2014)
1. At any time that a person is charged with the commission of any parking infraction, the peace officer shall give a penalty assessment notice to the owner of the vehicle personally or by leaving it under the windshield wiper of the vehicle. (Ord. 7-2014, eff. 11-6-2014)
  2. The fine or penalty specified in Section 3 for the violations charged and the surcharge thereon may be paid at the municipal court clerk's office, either in person or by postmarking such payment within twenty days from the date the penalty assessment notice is served upon the defendant. Acceptance of a

penalty assessment notice and payment of the prescribed fine or penalty and surcharge thereon shall be deemed a complete satisfaction of the violation. (Ord. 7-2014, eff. 11-6-2014)

- 3.<sup>5</sup> The penalty assessment notice shall contain the name and address of the vehicle owner, the license number of the vehicle, a citation of the ordinance alleged to have been violated, a brief description of the offense, the date and approximate location thereof, the amount of the penalty prescribed for the offense, the amount of the surcharges thereon, if any and the date the penalty assessment notice is served; shall direct the owner to appear in a municipal court at a specified time and place in the event the penalty and surcharges thereon are not paid; shall be signed by the peace officer; and shall contain a place for the owner to elect to execute a signed acknowledgment of guilt and an agreement to pay the penalty prescribed and surcharges thereon within twenty days as prescribed herein, as well as such other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint, should the prescribed penalty and surcharges thereon not be paid within the time allowed. (Ord. 7-2014, eff. 11-6-2014, Ord 8-2016, eff. 5-4-2016)
4. Unless a person who has been cited for a traffic infraction pays the penalty assessment as set forth above, the person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person. (Ord. 7-2014, eff. 11-6-2014)

B. No more than one fine and one penalty may be collected for each infraction. (Ord. 7-2014, eff. 11-6-2014)

**9-1-6: Exclusivity**

A. No traffic control sign imposing a time limit on parking relieves any person from the duty of observing other and more restrictive traffic control sign (s) prohibiting or limiting the stopping or parking of vehicles in specified places or at specified times. (Ord. 7-2014, eff. 11-6-2014)

**9-1-7: Violations<sup>6 7</sup>**

A. Unauthorized Parking of Vehicle of Other Prohibited. No person shall move any vehicle

<sup>5</sup> Title 9, Chapter 1, Section 4 (9-1-4) now becomes (9-1-5), Subsection A-3 is repealed and replaced in its entirety. (Ord 8-2016, eff. 5-4-2016)

<sup>6</sup> Title 9, Chapter 1, 9-1-6 (A) now 9-1-7 (A), (C), J (4) and (5) shall repealed and replaced in their entirety. (Ord. 8-2016, eff. 5-4-2016)

<sup>7</sup> Title 9, Chapter 1, Section 7 is amended by the addition of a new paragraph. (Ord. 7-2017, eff. 4-6-2017, Ord. 1-2018, eff. 4-5-2018)

under such person's control into any area where parking or stopping is prohibited, leave such vehicle there, or leave such vehicle otherwise improperly parked. (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)

- B. **Parked on Wrong Side of Street.** On a two-way street vehicles shall be parked on the right-hand side of the street facing in the direction of travel. On a one-way street vehicles shall be parked facing in the direction of travel. (Ord. 7-2014, eff. 11-6-2014)
- C. **Parked Too Far From Curb.** Except where angle parking is permitted, vehicles shall be parked only in the position specified below: (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)
1. All vehicles with four or more wheels shall be parked with the right-hand wheels within twelve inches of the right-hand curb or edge of roadway if no curb exists. On a one-way street, vehicles parked on the right shall be parked in compliance with the rule for two-way streets, and vehicles parked on the left shall be parked with the left-hand wheels parallel to and within twelve inches of the left-hand curb or edge of roadway if no curb exists. On a cul-de-sac or other closed street with traffic control devices designating parking spaces, vehicles shall be parked with all wheels within the marked parking space. Vehicles with three or fewer wheels shall be parked with at least one wheel in compliance with subsection (1) of this section, and no part of the vehicle shall be more than six feet from the appropriate curb. (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)
  2. In no case shall any vehicle be double-parked. (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)
  3. If no curb or other delineated parking space is clearly indicated on the side of a roadway, the vehicle shall park as close as practicable to the edge of the roadway. (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)
- D. **Obedience to Angle Parking Rules.**<sup>8</sup>
1. Upon any portion of a street where angular parking is indicated by a traffic control device, no vehicle shall be parked other than at an angle to the curb so indicated, except motorcycles or three wheeled motorized vehicles which may back into an angular parking space, and with the wheel closest to the curb within twelve inches of it. (Ord. 7-2014, eff. 11-6-2014, Ord. 11-2015, eff. 9/2015)

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<sup>8</sup> Title 9, Chapter 1, Section 6, Subsection D-1 is repealed and replaced in its entirety by (Ord. 11-2015, eff. 9-3-2015)

2. <sup>9</sup>No vehicle shall be parked in an angular parking space if any part of the said vehicle or the vehicle's cargo protrude or extend beyond the markings designating the boundaries of the angular parking space, including the vehicle, mirrors, bumpers, trailer hitches, trailers or any other object temporarily or permanently attached to or transported by said vehicle. (Ord. 7-2014, eff. 11-6-2014, Ord. 12-2017, eff. 1-4-2018)

E. Unattended Motor Vehicle.

1. No motor vehicle shall be stopped unattended without the engine being stopped, the ignition being locked and the key being removed from the ignition. But this subsection does not apply to commercial delivery vehicles licensed as trucks by the Colorado Department of Revenue. (Ord. 7-2014, eff. 11-6-2014)
2. A driver who stops and leaves a vehicle unattended shall set the brake thereon in an effective manner. If the vehicle stands on any grade, such driver shall also turn the front wheels to the curb in such a manner as to prevent the vehicle from rolling away. (Ord. 7-2014, eff. 11-6-2014)

F. Stopping or Parking Prohibited in Specified Places. No vehicle may be stopped or parked:

1. On a sidewalk or within the sidewalk area. For the purposes of this section, the far edge of a sidewalk parallel and adjacent to a roadway is presumed to be the property line; (Ord. 7-2014, eff. 11-6-2014)
2. Within an intersection; (Ord. 7-2014, 11-6-2014)
3. On a crosswalk; (Ord. 7-2014, eff. 11-6-2014)
4. On a roadway in such a manner or under such conditions as to leave available fewer than ten feet of width of the roadway of an alley or seven feet from the centerline of a street with no double center line for the free movement of vehicular traffic or on a roadway that has a marked double yellow centerline, unless ten feet of clearance between the parked vehicle and the centerline exists; (Ord. 7-2014, eff. 11-6-2014)
5. On any state highway, unless otherwise signed or marked as an area where parking is allowed; (Ord. 7-2014, eff. 11-6-2014)
6. On a bike lane or path; (Ord. 7-2014, eff. 11-6-2014)
7. In a clearly marked fire lane; (Ord. 7-2014, eff. 11-6-2014)

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<sup>9</sup> Title 9, Chapter 1, Section 7, Paragraph D, Subparagraph 2, shall be repealed and reenacted in its entirety. (Ord. 12-2017 eff. 1/4/2018)

8. At any place where traffic control signs prohibits stopping or parking; (Ord. 7-2014, eff. 11-6-2014)
9. On a roadway in a manner which is unsafe or under conditions as to interfere with the free movement of vehicular traffic use of public or private driveways, or proper street or highway maintenance; (Ord. 7-2014, eff. 11-6-2014)
10. Within fifteen (15) feet of a fire hydrant; (Ord. 7-2014, eff. 11-6-2014)
11. On a roadway within twenty feet (20) of any flashing beacon or signal, stop sign, yield sign or traffic control signal located at the side of the roadway; (Ord. 7-2014, eff. 11-6-2014)
12. In a bus stop; (Ord. 7-2014, eff. 11-6-2014)
13. Stopped, or allowed to stand upon the property or premises of another or in the lawful possession of another without the permission of the owner or person in possession of the premises; (Ord. 7-2014, eff. 11-6-2014)
14. On a roadway without displaying current valid license plates assigned to that vehicle as provided in C.R.S. 42-3-201. (Ord. 7-2014, eff. 11-6-2014)

G. Parking in Loading Zone Prohibited. No vehicle shall be parked in a loading zone for any purpose or period of time except:

1. In a passenger loading zone, for the visible loading or unloading of passengers for a period not in any case to exceed three minutes; or (Ord. 7-2014, eff. 11-6-2014)
2. In any other loading zone, for the visible unloading and delivery or pick-up and loading of property for a period not in any case to exceed thirty minutes, or such shorter time indicated by a traffic control sign, or loading or unloading of passengers for a period not in any case to exceed three minutes. (Ord. 7-2014, eff. 11-6-2014)

H. All alleys in the Core Commercial Zone as defined by Title 10, Land Use Code, is a loading zone. On all other streets, traffic control signs indicate loading zones. (Ord. 7-2014, eff. 11-6-2014)

I. Parking in Handicapped Space Prohibited.

1. It is unlawful for any person other than a disabled person to park in a parking space on public or private property which is clearly identified by an official sign as being reserved for use by a disabled person, unless the person is parking the vehicle for the benefit of a disabled person. A placard or license plate issued to a disabled person by the Colorado Department of Revenue,



pursuant to § 42-4-1208, C.R.S., as amended, shall be displayed on the vehicle while parked in the space. For purposes of this section, an official sign identifying a parking space designated for the disabled is one that is painted sign on the surface of the parking space, or a sign either freestanding or wall-mounted, or both, which depicts the disabled symbol of a wheelchair. (Ord. 7-2014, eff. 11-6-2014)

J. Parking for Certain Purposes Prohibited. No vehicle shall be parked upon any street or roadway:

1. No parking in any alley within the Town limits other than for loading and/or unloading. The loading and/or unloading exception shall be valid for a maximum period of one (1) hour; (Ord. 7-2014, eff. 11-6-2014)
2. For selling merchandise from such vehicle; (Ord. 7-2014, eff. 11-6-2014)
3. For greasing or repairing such vehicle, except repairs necessitated by an emergency; (Ord. 7-2014, eff. 11-6-2014)
4. While inoperable for a period of time not to exceed seventy-two (72) hours; (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)
5. On property open to the use of the public for parking: (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)
  - a. Without displaying a valid, current license plate recognized under the laws of the State of Colorado, and (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)
  - b. Without displaying the license plate or plates in the location or locations required by the laws of the state, territory or country which issued the license plate or plates displayed. (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)

K. Special Regulations for Parking in Parks and Open Space. No vehicle shall be parked in any park, parkway, recreation area, or open space not designated for parking:

1. In a manner that blocks or impedes travel on or into a designated fire road or other emergency access; (Ord. 7-2014, eff. 11-6-2014)
2. Contrary to posted signs; (Ord. 7-2014, eff. 11-6-2014)
3. Between 10 p.m. and 6 a.m. on any town property. (Ord. 7-2014, eff. 11-6-2014)

L. Snow Removal – Access by Snow Removal Equipment:

1. No vehicle shall be parked or left unattended on Main Street between Highway 69 and Adams Boulevard between the hours of 2:00 a.m. and 6:00 a.m. during the months of October through April. (Ord. 7-2014, eff. 11-6-2014)

#### M. Recreation Vehicles – Occupancy

1. It is unlawful for any person to occupy any Recreational Vehicle, Trailer Coach or Mobile Home, hereinafter referred collectively as, “recreational vehicle”, within any Core Commercial, Highway Commercial or Industrial zones in the Town of Westcliffe, other than in an RV Park. (Ord.. 7-2017, eff. 4-6-2017)
2. It is unlawful for any person to occupy any Recreational Vehicle or Trailer Coach in any residential or agriculture zone without first having obtained a building permit for building a home on vacant land and having obtained a permit for the temporary occupancy of an RV or Trailer Coach during construction for a period of one (1) year or until construction is completed whichever occurs first. (Ord. 7-2017, eff. 4-6-2017)
3. It is unlawful for any person to park or occupy a mobile home anywhere in the Town of Westcliffe other than in a Mobile Home Park. (Ord. 7-2017, eff. 4-6-2017)

#### N. Parking in Town Designated Parking Area<sup>10</sup>

No person shall park a motor vehicle in a Town designated parking area which does not comply with posted rules, regulations and restrictions which may be amended from time-to-time by the Town Board of Trustees. (Ord. 1-2018, eff. 4-5-2018)

#### **9-1-8: Permitted Parking**

- A. Notwithstanding the provisions of this chapter, vehicles may be parked in accordance with a permit issued by the Town Clerk and prominently displayed on the vehicle’s dashboard. Upon application therefore in such reasonable form as the Town Clerk requires, the Town Clerk shall issue such a permit if the Town Clerk finds that no reasonable alternative exists and that traffic on the street, including sidewalks, will not be unreasonably obstructed considering the frequency, duration and nature of the parking and of the traffic in the area. The Town Clerk may place such reasonable restrictions on the permit as in the Town Clerk’s discretion are deemed appropriate to minimize interference with traffic. (Ord. 7-2014, eff. 11-6-2014)

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<sup>10</sup> Title 9, Chapter 1, Section 7 is amended by the addition of a new paragraph N. (Ord. 1-2018, eff. 4-5-2018)

**9-1-9: Effective**

A. This ordinance shall take effect immediately upon approval by the Board of Trustees. (Ord. 7-2014, eff. 11-6-2014, Ord. 8-2016, eff. 5-4-2016)