AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO
REGULATING THE PARKING OF VEHICLES ON
COUNTY ROADS, PROPERTY AND ROAD RIGHT OF WAYS

ORDINANCE NO. 2021-01

WHEREAS, pursuant to C.R.S. §30-15-401(1)(h), the Board of County Commissioners of San Miguel County, Colorado, ("Board") is authorized to adopt ordinances to control and regulate the movement and parking of motor vehicles on public property; and

WHEREAS, pursuant to C.R.S. §42-4-111(1)(a) and (c), the Board is authorized to regulate or prohibit the stopping, standing or parking of vehicles and to regulate traffic by means of Official Traffic Control Devices; and

WHEREAS, pursuant to C.R.S. §30-11-107(1)(a), the Board 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, C.R.S. §42-4-1204(1), sets forth the areas that are appropriate for parking and stopping of vehicles; and

WHEREAS, C.R.S.§42-4-1803, the San Miguel County Sheriff, Undersheriff, Deputy Sheriff, or agency employee has authority to remove by towing any motor vehicle abandoned on public property or an unattended motor vehicle obstructing traffic or county road maintenance; and

WHEREAS, it is the desire of the Board to set forth an orderly procedure to regulate parking of vehicles on county roads, property and road right-of-ways within the boundary of the Telluride R-1 School District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, as follows:

I. PARKING

A. DEFINITIONS
   1. County Property: Any real property having its title, ownership, use, or possession held by San Miguel County to include parks, parking lots and developed or undeveloped land.

   2. County Roadway: For purposes of this Ordinance, the "County Roadway" is defined as follows:

   a. The road surface and County maintained drainage features of maintained County roads.
b. Any platted right-of-way.

c. Any public right-of-way as defined in C.R.S. §43-2-201.

d. All areas within a cul-de-sac.

e. Designated snow plow turnarounds and all maintenance areas.

f. All designated emergency pull-outs and school bus turn-arounds.

3. **Disabled Vehicle:** A validly licensed and registered vehicle, trailer or camper that will not move under its own power due to mechanical failure, snow or other circumstances.

4. **Motor Vehicles:** Any self-propelled vehicle that is designed primarily for travel on public highways and that is generally and commonly used to transport persons and property over the public streets and highways.

5. **Non-Commercial or Recreational Vehicle:** A truck, or unladen truck tractor, operated singly or in combination with a trailer or utility trailer or a motor home, which truck, or unladen truck tractor, or motor home is used exclusively for personal pleasure, enjoyment, other recreational purposes, or personal or family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise.

6. **Object:** An “Object” includes by way of example and not limitation, construction materials/equipment, discarded articles and scrap materials.

7. **Park or Parking:** The standing of a Vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers (C.R.S. §42-102(67).

8. **Road & Bridge Permit:** A County permit that may be obtained from the County Road and Bridge Department. Said Permit shall be issued on a case-by-case basis and will be restricted to a specific Vehicle or location.

9. **Trailer:** Any wheeled Vehicle, without motive power, which is designed to be drawn by a Motor Vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, horses, or other property over highways and County roadways.

10. **Vehicle:** A device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks, including but not limited to Motor Vehicles, Recreational Vehicles, and Trailers.
B. **RESTRICTING PARKING IN DESIGNATED AREAS**

1. The gross general areas defined for this policy are the same boundary lines for the Telluride R1 School District. The County may post signs pursuant to this Ordinance in areas determined to be adversely impacted by illegal or excessive Parking to:

   a. limit the duration of Parking;

   b. limit Parking on certain days and/or during designated hours;

   c. provide notice that Vehicles Parked illegally in such areas are subject to impoundment; and/or

   d. impose any other restrictions reasonably necessary to mitigate the Parking problem and associated harm.

2. The proper signage posted shall designate certain no parking areas including, but not limited to, the following areas: Bridal Veil, Trout Lake, Placerville, Ilium, Ophir, Ski Ranches and the San Miguel County Intercept Lot in Lawson Hill.

C. **PARKING POLICY**

1. Vehicles or other Objects shall not be parked, stored or abandoned in whole or in part on a County Roadway or on County Property where there is not designated parking unless one of the following conditions exist:

   a. The Sheriff’s Office has been notified that efforts are actively underway to have a Disabled Vehicle or Object removed.

   b. During an infrequent event, including by way of example and not limitation, a family gathering, community meeting or garage sale, overflow Vehicles may be parked in whole or in part on a County Roadway or County Property only when:

      i. said parking does not impede on a minimum of twelve (12) feet of traveled road surface if the road is designated to accommodate one lane of traffic;

      ii. the Parked Vehicle allows both lanes to remain passable on a two-lane road;

      iii. the Parked Vehicle does not create potential traffic or public safety hazard; or

      iv. said parking is not overnight.

2. If there is no established public maintenance for snow removal (e.g. County or metro district) for an individual to access his/her property, the owner of an operable, validly licensed and registered vehicle may obtain a County Road & Bridge Permit
to park in whole or in part on a County Right-of-Way. This Permit will be issued only when:

a. said Parking does not impede on a minimum of twelve (12) feet of traveled road surface if the road is designated to accommodate one lane of traffic;

b. the parked vehicle allows both lanes to remain passable on a two-lane road;

c. does not create potential traffic or public safety hazard; or

d. the area is cleared and maintained by the party as defined in the designated Road & Bridge Permit.

3. This Ordinance shall not apply to emergency vehicles responding to an emergency or in compliance with the directions of a law enforcement officer or official temporary traffic control device.

D. TRAFFIC HAZARD / SNOW REMOVAL
Notwithstanding the parking policy set forth in Section B herein, in the event a Vehicle creates an obstruction to traffic, is abandoned, 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 C.R.S. §42-4-1803.

II. NOTICE OF VIOLATION

A. RED TAG ISSUANCE
Either an employee of the San Miguel County Road and Bridge Department or a Deputy Sheriff shall place a red tag on a Vehicle Parked on a County Roadway or on County Property to give the owner notice of the violation(s) of this Ordinance unless the Vehicle is to be removed immediately in accordance with Section I.D herein. 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 C.R.S.§42-4-1802(1)(b), unless the owner has conspicuously affixed to the vehicle a notice indicating the intention to return or has notified the Sheriff’s Office of intention to remove the vehicle within 24 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 with Section II.A. herein.

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 a 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 the Sheriff’s Office’s 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 Office in accordance with C.R.S. § 42-4-1803.

B. REPEAT VIOLATIONS
If a Vehicle has been previously red-tagged, the Vehicle may be towed immediately upon any additional violations of this Ordinance.

C. TOW FEES
Costs of towing and storage of Vehicles in violation of this Ordinance shall be the responsibility of the Vehicle owner. The County has no control over, and does not regulate, the rates charged by any tow company. No Vehicle shall be released from impoundment until the charges for impoundment and storage shall have been paid by the Vehicle owner.

D. ABANDONMENT OF IMPOUNDED VEHICLES
Any impounded Vehicle not claimed within seventy-two (72) hours of the time of impoundment shall be treated as abandoned. The provisions of C.R.S §42-4-1805, regarding abandoned Vehicles, shall apply to such Vehicles.

IV. PENALTIES FOR VIOLATIONS

A. Notwithstanding other provisions contained herein, any person who violates any provision of this Ordinance shall be guilty of a class 2 petty offense pursuant to C.R.S. §30-15-402. For each separate offense, the penalty for any person found to violate this ordinance shall be punished by fines of:

- First Violation: Two hundred fifty dollars ($250.00)
- Second Violation: Five hundred dollars ($500.00)
- Subsequent Violations: Five hundred dollars ($500.00)

B. The penalty assessment procedure provided for in C.R.S. §16-2-201 shall be followed for any violation of this Ordinance. Any person who violates any provision of this Ordinance shall be given a penalty assessment notice by the apprehending peace officer or by the designated County enforcement personnel. The penalty assessment notice shall be a summons and complaint which contains: (i) the identity of the alleged offender by name and address, (ii) specifies the offense with which the person is charged; (iii) states the fine which may be paid directly to the San Miguel County Treasurer at their office in
Telluride, CO, and (iv) states the requirement that the alleged offender either pay the fine to the San Miguel County Treasurer in person or by mail, at the address specified in the penalty assessment notice within fourteen days of such penalty assessment notice, or else be required to appear to answer the charge before the San Miguel County Court, at the County Courthouse in Telluride, CO, at the date and time specified in the penalty assessment notice. Any person who chooses to acknowledge that they are guilty of the charge specified in the penalty assessment notice may, within fourteen days of the date of issuance of the penalty assessment notice, pay a fine to the San Miguel County Treasurer either in person at the San Miguel County Courthouse in Telluride, CO or by mail to the County Treasurer's address as specified on the penalty assessment notice. Any such payment of the fine specified in the penalty assessment notice shall be accompanied by a copy of the penalty assessment notice signed by the person acknowledging their guilt. Timely payment of the optional fine specified in the penalty assessment notice shall relieve the person receiving such notice of any further obligation to appear in the San Miguel County Court, at the date and time specified in such notice, to answer the offense charged in the notice.

C. All fines, penalties or forfeitures for the violation of this Ordinance, but not any surcharge imposed by the Court upon conviction pursuant to C.R.S. §30-15-402, shall be paid to the County Treasurer of San Miguel County, CO, within thirty days of the Court's receipt of any such fines, penalties, and/or forfeitures.

D. Pursuant to C.R.S. §30-15-410, the San Miguel County Court shall have jurisdiction in prosecutions of violations of this Ordinance. The simplified county court procedures set forth in Part 1 of Article 2 of Title 16, C.R.S., and the penalty assessment procedures set forth in Part 2 of said Article shall be applicable to the prosecutions of alleged violations of this Ordinance. Any summons and complaint brought before the San Miguel County Court for the alleged violation of this Ordinance, shall be filed in the name of San Miguel County, by and on behalf of the people of the state of Colorado, and any process issued by the San Miguel County Court in such proceedings shall be likewise so denominated.

E. All suits for the recovery of any fine and prosecutions for the commission of any offense made punishable under this Ordinance shall be barred if not commenced within one year after the commission of the alleged Ordinance offense pursuant to C.R.S. §30-15-409.

F. Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other federal, state or local law, order or regulation.

G. The penalty assessment procedure provided in this Ordinance is authorized to be followed by any arresting law enforcement officer for any such violation.

**V. EFFECTIVE DATE**

The Board hereby finds, determines and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety and welfare of the citizens of San
Miguel County, Colorado. This ordinance shall take effect immediately upon adoption on second and final reading.

INTRODUCED, READ, AND ADOPTED AS AMENDED ON FIRST READING AND ORDERED PUBLISHED at Telluride, Colorado, on December 16, 2020.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

By: [Signature]
Hilary Cooper, Chair

ATTEST:
By: [Signature]
Carmen Warfield, Chief Deputy Clerk

VOTE:

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<td>Kris Holstrom</td>
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<td>Lance Waring</td>
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ADOPTED, APPROVED, AND ORDERED AS ADOPTED ON 01/20, 2021 at Telluride, Colorado.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

By: [Signature]
Lance Waring, Chair

ATTEST:

By: [Signature]
Carmen Warfield, Chief Deputy Clerk

VOTE:

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CERTIFICATE

I hereby certify that the foregoing ordinance entitled:

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Ordinance #2021 - 1

was introduced, read and adopted on first reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on December 16, 2020, and the same was published in full in the Norwood Post on 01/06/21 and thereafter was adopted on second and final reading at a regular meeting of the San Miguel County, Colorado, Board of Commissioners on 01/20/2021, and Notice of the Adoption of the foregoing ordinance following such second and final reading was published in the Norwood Post on 2/10/21.

DocuSigned by:
Carmen Warfield
Carmen Warfield, Chief Deputy Clerk