

**ORDINANCE NO. 02-2019**

**AN ORDINANCE AMENDING CHAPTER 8 – VEHICLES AND TRAFFIC OF THE GARDEN CITY MUNICIPAL CODE AS PUBLISHED REGARDING PARKING**

WHEREAS, the Town of Garden City, by the Municipal Code regulates parking within the Town's limits; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of the Town of Garden City to revise the Municipal Code regarding this issue.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GARDEN CITY, COLORADO AS FOLLOWS:

Section 1. Amendment of Chapter 8 – Vehicles and Traffic of the Garden City Municipal Code is hereby amended by the addition of Article 3 Parking and the following sections:

Section 8-3-10 Illegal Parking.

- (a) It is unlawful for any person to park or place any vehicle, or other modes of conveyance, whether occupied or not, on any private property, including private driveways in the Town, without the consent of the owner or the person in possession of such property.
- (b) It is unlawful for any person to leave any vehicle which he or she owns or controls unattended on any portion of a street or highway right-of-way in the Town for a period of seven (7) days or longer without moving or using such vehicle. Vehicles not registered to a nearby address shall be considered abandoned and may be ticketed and/or towed at the expense of the owner if such vehicles are not moved every 72 hours.
- (c) It is unlawful for any person to park or place any vehicle or other personal property in the roadway or public right-of-way of a street, alley or intersection within the Town limits that is offered for sale or barter.
- (d) Parking of any trailer in the front yard of a residentially zoned lot shall be prohibited unless such trailer is parked on an improved area having a surface of paved asphalt or paved concrete or similar hard surface such as brick pavers. The foregoing notwithstanding, a trailer may be parked on the area between a paved driveway and the nearest side property line provided that said area is covered entirely with gravel, rock or similar material, at least one inch thick, contained, and kept entirely free of weeds. It shall be the responsibility of the property owner to ensure that no mud, dirt, gravel, rock or other material is displaced upon any adjacent sidewalk, street or property.
- (e) It is unlawful for any person to leave in the public right-of-way any detached trailer, pickup camper or boat. Such trailers may be towed by, or at the direction of, the Town and such

campers and boats may be removed and impounded at the expense of the owner. For purposes of this section, 'trailer' means any wheeled vehicle without motive power and designed to be drawn by a motor vehicle. A 'pickup camper' means a camper body capable of being loaded or unloaded from or to the bed of a pickup truck.

- (f) It is unlawful for any person to park any oversized private vehicle on public right-of-way in any area of the Town zoned residential, except for temporary parking of vehicles used for loading or unloading of personal goods or property for a period not to exceed 24 hours. 'Oversized private vehicle' shall mean any vehicle registered, licensed, or used for private purposes, including but not limited to buses, trucks, truck tractors, mobile homes and recreational vehicles that exceed 20 feet in length (20 feet combined length for vehicles with trailers), or eight feet or more in width, or eight feet or more in height, or 8,000 pounds or more in weight. Measurements made in the enforcement of this section shall be made as follows: The height of vehicles shall be measured perpendicular to the parking surface to the uppermost portion of the vehicle, including loads or any projections attached thereto, with the exception of radio antennae, exhaust pipes and vents. The length of vehicles shall be measured parallel to the long axis of the vehicle and shall include any projections permanently or temporarily attached thereto.
  
- (g) It is unlawful for any person to park any oversized commercial vehicle in any area in the Town zoned residential, whether on public right-of-way or private residential property, with the exceptions listed below. 'Oversized commercial vehicles' means any vehicle or trailer that is registered, licensed or used for commercial purposes or displaying advertisements and exceeding 20 feet in length (20 feet in combined length for vehicles with trailers), eight feet or more in width, eight feet or more in height, or 8,000 pounds or more in weight. Measurements made in the enforcement of this section shall be made as follows: The height of vehicles shall be measured perpendicular to the parking surface to the uppermost portion of the vehicle, including loads or any projections attached thereto, with the exception of radio antennae, exhaust pipes and vents. The length of the vehicles shall be measured parallel to the long axis of the vehicle and shall include any projections permanently or temporarily attached thereto.
  - (1) Loading or unloading moving vans or similar type vehicles used for moving personal goods, for a period not to exceed 24 hours;
  - (2) Temporary parking for purposes of pick-up or delivery, for a period not to exceed two hours;
  - (3) Construction equipment or machinery employed in any authorized construction project, for a period not to exceed the completion of such construction or construction project;
  - (4) Truck tractors parked on paved driveways or approved paved off-street parking areas on the dwelling premises of the owner or regular driver thereof;

- (5) Any wrecker truck designed and used to tow disabled vehicles while the wrecker truck is parked in the street in front of the dwelling of the owner or regular driver thereof, or on the dwelling premises of the owner or regular driver thereof.

Section 8-3-20 Prohibited Uses.

No person shall use any motor vehicle, bus, trailer, coach or mobile home, self-propelled motor home or recreational equipment for living, sleeping, housekeeping or preparation of food, except within a permitted recreational vehicle (RV) park/campground. This section shall not apply to such vehicles used to temporarily house guests of the property on which the vehicle is located, provided that the vehicle is located on private residential property and such use does not exceed seven days within any calendar year. This section shall not apply to vehicles used for the temporary preparation and sale of food with a current County Health Department license and located in areas of the Town other than those zoned residential.

Section 8-3-30 Parking Violations.

- (a) Any vehicle parked or left such that it creates an immediate hazard may be towed without prior notice to the owner by the Town at the owner's expense, and the owner of the vehicle shall pay the actual towing and storage fees for the release of the vehicle.
- (b) Any vehicle parked or left in violation of this section, but that does not appear to create an immediate hazard in the opinion of law enforcement or code enforcement, may either be (a) towed by the Town at the owner's expense, and the owner of the vehicle shall pay the actual towing and storage fees for the release of the vehicle, after an officer of the Town has conspicuously affixed to such vehicle a parking violation notice informing the user or owner that a particular parking or stopping violation has occurred at that time and place and after the violation has not been corrected within 24 hours; or (b) assessed a parking violation fine to be paid by the owner of such vehicle within 15 days of the date of such notice. The notice shall set forth the nature of the violation, the fine for the particular violation and the procedure for payment or dispute of the charge.

Section 3. Penalties. Any person convicted of a violation of any provision adopted in this Article shall be punished by a fine not exceeding the maximum penalty provided in Chapter 1, Article 4 of the Garden City Municipal Code.

Section 4. Severability. Should any section, clause, sentence or part of this ordinance be adjudged by a court of competent jurisdiction to be unconstitutional, and or invalid, such adjudication shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after publication as required by law.

PASSED, ADOPTED AND APPROVED THIS 4th DAY OF JUNE, 2019.

TOWN OF GARDEN CITY

By: \_\_\_\_\_  
Mayor

ATTEST:

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Town Clerk