

ORDINANCE NO. 26

SERIES 2010

AN ORDINANCE AMENDING THE PARKING AND TRAFFIC REGULATIONS OF THE TOWN CODE TO INCLUDE RESTRICTIONS ON THE PARKING OF VEHICLES FOR CERTAIN PURPOSES ON TOWN-OWNED PROPERTY

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Crested Butte Municipal Code (the "**Code**") does not contain requirements placing restrictions on the sale of vehicles on Town property;

WHEREAS, the Town Council has determined that the parking of vehicles on Town owned-property on Sixth Street and one block east and west of Sixth Street for certain purposes such as the sale thereof, where not otherwise authorized by the Town, is an unsightly nuisance that detracts from the character of the Town;

WHEREAS, the Town Council has determined that an amendment to the Code making it unlawful for any person to park a vehicle on Town-owned property for certain purposes such as the sale thereof, where not otherwise authorized by the Town, is necessary to eliminate said nuisance and, accordingly, the Town staff recommends that the Town Council adopt the amendments to the Code set forth below in order to accomplish these goals; and

WHEREAS, the Town Council finds that the below amendments accomplish the recommendations of the Town staff and that such recommendations and the amendments to the Code made hereunder are in the best interest of the health, safety and general welfare of the residents and visitors of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Amending Chapter 8, Article 2, Section 8-2-140. Section 8-2-140 of the Code is hereby deleted in its entirety and replaced with the following Sections which shall read as follows:

"Sec. 8-2-140 Restrictions on the parking of vehicles for certain purposes.

(a) It shall be unlawful, except as otherwise permitted in any license given to such person by the Town, for any person to park any vehicle upon the Sixth Street right of way or in any roadway, street, maintained public parking, public snow storage or alley within 100 feet of the Sixth Street right of way for the purpose of:

- (1) Displaying such vehicle for sale (for four (4) hours or greater).
- (2) Soliciting business.
- (3) Selling merchandise from such vehicle.
- (4) Dead or broken down (whether temporary or permanent in nature) storage.

(b) It shall be unlawful, except as otherwise permitted in any license given to such person by the Town, for any person to park any vehicle on any Town-owned or controlled parking lot or other facility for the purpose of:

- (1) Displaying such vehicle for sale (for four (4) hours or greater).
- (2) Soliciting business.
- (3) Selling merchandise from such vehicle.
- (4) Dead or broken down (whether temporary or permanent in nature) storage.

(c) No person whose business involves the repairing, servicing, towing, wrecking or salvaging of vehicles shall park, leave standing or store any vehicle on any roadway, street, maintained public parking, public snow storage, alley or Town-owned or controlled parking lot or other facility after that person has accepted, obtained or exercised custody of the Vehicle; except as otherwise permitted in any license given to such person by the Town.

Sec. 8-2-150 Violation and penalty.

(a) **Penalty.** Any person who is convicted of, or admits guilt to, a violation of this Article shall be guilty of a traffic infraction and shall be fined for such violation in accordance with the fine schedule set forth in Section 42-4-1701(1)(M), C.R.S.

(b) Evidence with respect to vehicles parked or left in violation of Article. In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this Article, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this Article, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall be prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this Article."

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as previously amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 3rd DAY OF AUGUST, 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 16th DAY OF AUGUST, 2010.

TOWN OF CRESTED BUTTE, COLORADO

By: *Leah B. Williams*
Leah B. Williams, Mayor

ATTEST:

Eileen Hughes
Eileen Hughes, Town Clerk

