

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
Ordinance 22-05**

AN ORDINANCE AMENDING CHAPTER 167 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING VEHICLES AND TRAFFIC, BY AMENDING SECTION 167-11, CONCERNING TRAFFIC CONTROL DEVICES, AND VARIOUS OTHER PROVISIONS OF THE ADOPTED MODEL TRAFFIC CODE, ALL IN ORDER TO FACILITATE THE ENFORCEMENT OF PARKING REGULATIONS BY A CONTRACTED PARKING ENFORCEMENT OPERATOR.

WHEREAS, Section 42-4-110(1)(b), C.R.S., authorizes Colorado municipalities to adopt by reference a model traffic code embodying the rules of the road and vehicle requirements set forth in Article 4 of Title 42, C.R.S., and such additional local regulations as are provided for in Section 42-4-111, C.R.S.; and

WHEREAS, the Town of Frisco has adopted (and amended) the Model Traffic Code For Colorado, 2003 edition, as the Traffic Code for the Town; and

WHEREAS, the Town Council finds, determines, and declares that the Model Traffic Code For Colorado, 2003 edition, as previously adopted (and amended) by the Town should be further amended as set forth in this ordinance.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO, COLORADO:

Section 1. That Section 167-11 of the Code of Ordinances of the Town of Frisco ("Code"), titled "Section 105, Local Traffic Control Devices" is hereby amended by amending subsection 105(2) of the Model Traffic Code to read as follows:

(2) Any and all references in this Code to "official sign(s)," "official signal(s)" "official traffic control device(s)," "official device(s)" or "official marking(s)" shall be construed to refer to any and all signs, signals, devices or markings that have been placed upon the highways within the Town of Frisco by authority of the Town of Frisco, any official of the Town of Frisco, the Parking Enforcement Operator, or any other proper official, whether or not the Town of Frisco exercised such authority by means of a resolution or ordinance, and whether or not such official or other individual was authorized to exercise such authority by resolution or ordinance. It is the intent of this section that proof of a resolution or ordinance authorizing the placement of any sign, signal, device or marking not be construed to be an element of any traffic offense or other violation of this Code.

Section 2. That a new Section 167-15 be added to the Code to amend Part 17 of the Model Traffic Code, concerning penalties and procedures, to add a new Section 1718, to read as follows:

**§ 167-15. Section 1718, Notice on Illegally Parked Vehicle;
Authority of Parking Enforcement Operator to Enforce
Certain Parking Laws.**

A new Section 1718 of the Model Traffic Code is hereby added to read as follows:

1718. Notice On Illegally Parked Vehicle; Authority of Parking Enforcement Operator to Enforce Certain Parking Laws.

- A. Whenever any motor vehicle is found parked or stopped in violation of any of the restrictions imposed by this code, the officer or other authorized individual finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user if the driver of the vehicle is not present, and shall conspicuously affix to such vehicle a penalty assessment notice directing the driver thereof to respond to and answer the charge against him at a place and at a time specified in said notice.

- B. The Town's parking enforcement operator shall have the power to enforce all of the restrictions imposed by Part 12 of the Town's Model Traffic Code (concerning the parking of motor vehicles) as adopted by reference and amended in this Chapter 167, except for Section 1208 of the Town's Model Traffic Code concerning parking privileges for persons with disabilities, which the Town's parking enforcement operator is not authorized to enforce.

Section 3. That a new Section 167-16 be added to the Code to amend Section 1204 of the Model Traffic Code, concerning stopping, standing, or parking in specified places as follows:

**§ 167-16. Section 1204, Stopping, Standing, or Parking Prohibited
in Specified Places.**

Section 1204 of the Model Traffic Code is amended as follows:

The introductory portion of Section 1204(1) is amended to read as follows:

(1) Except as otherwise provided in subsection (4) of this section, no person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, the parking enforcement operator, or an official traffic control device, in any of the following places:.....

The introductory portion of Section 1204(2) is amended to read as follows:

(2) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsection (1) of this section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, the parking enforcement operator, or an official traffic control device, in any of the following places:.....

The introductory portion of Section 1204(3) is amended to read as follows:

(3) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions provided in subsections (1) and (2) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, the parking enforcement operator, or an official traffic control device, in any of the following places:...

Section 4. That a new Section 167-17 be added to the Code to amend Article II, Section 102 of the Model Traffic Code, concerning definitions, to read as follows:

§ 167-17. Article II, Section 102, Definitions.

Article II, Section 102 of the Model Traffic Code is amended to include the following definition:

(50.1) "Parking Enforcement Operator" means a person under contract to the Town whose duties include, but are not limited to, enforcement of certain of the Town's laws concerning the parking of motor vehicles. The term "parking enforcement operator" includes any employee of the Town's parking enforcement operator acting within the course and scope of his or her employment.

Section 5. Savings Clause. If any part, section, subsection, sentence, clause or phrase of this ordinance or of the Model Traffic Code as adopted by the Town is for any reason held to be unconstitutional or invalid, the remainder of this ordinance and the Model Traffic Code shall continue in full force and effect, it being the legislative intent that this ordinance and the Model Traffic Code would have been adopted even if such unconstitutional or invalid matter had not been included herein.

Section 6. Effective Date. This ordinance shall take effect pursuant to the Home Rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING
ORDERED THIS _____ DAY OF _____, 2022.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE
ORDERED THIS _____ DAY OF _____, 2022

TOWN OF FRISCO, COLORADO:

Hunter Mortensen, Mayor

ATTEST:

Deborah Wohlmuth, CMC, Town Clerk