

ORDINANCE NO. 2023 - 012

**AN ORDINANCE AMENDING CHAPTERS 10.16 AND 10.20 OF THE
CASTLE ROCK MUNICIPAL CODE REGARDING LARGE VEHICLE
PARKING AND THE DEFINITION OF ABANDONED VEHICLE**

WHEREAS, Town staff recommends that Chapter 10.16 of the Castle Rock Municipal Code (the “Code”) be updated; and,

WHEREAS, the proposed changes to Chapter 10.16 will once again allow homeowners’ associations to regulate parking of large vehicles in the Town right-of-way in the aftermath of the passage of House Bill 22-1139; and

WHEREAS, Town staff further recommends that the definition of “abandoned vehicle” in Chapter 10.20 be amended to be consistent with the changes made to Chapter 10.16; and

WHEREAS, the Town Council finds and determines that it is in the best interests of the residents of the Town to amend Chapters 10.16 and 10.20 of the Code.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO, AS FOLLOWS:

Section 1. Amendment. The Title of Chapter 10.16 of the Castle Rock Municipal Code is amended to read as follows:

Chapter 10.16 - ~~Trucks and Semitrailers~~-LARGE VEHICLE PARKING

Section 2. Amendment. Section 10.16.010 of the Castle Rock Municipal Code is amended to read as follows:

10.16.010 - Parking in residential areas prohibited.

- A. SUBJECT TO THE PROVISIONS OF SECTION 10.16.020 OF THIS CODE, ~~It shall be unlawful for any person or organization to park any truck WITH A GROSS VEHICLE WEIGHT OF TEN THOUSAND (10,000) OR MORE POUNDS, TRAILER, UTILITY TRAILER, SEMITRAILER, or truck tractor, or semitrailer, or FARM tractor and semitrailer on the street~~ A PUBLIC RIGHT-OF-WAY ADJACENT TO ANY PROPERTY in any residentially-zoned area within the Town.
- B. SUBJECT TO THE PROVISIONS OF SECTION 10.16.020 OF THIS CODE, IT SHALL BE UNLAWFUL FOR ANY PERSON TO PARK ANY RECREATIONAL VEHICLE FOR A PERIOD OF TIME LONGER THAN SEVENTY-TWO (72) CONSECUTIVE HOURS IN ANY SEVEN (7)-DAY PERIOD ON A PUBLIC RIGHT-OF-WAY ADJACENT TO ANY PROPERTY IN ANY RESIDENTIALLY-ZONED AREA WITHIN THE TOWN. FOR PURPOSES OF THIS SUBSECTION B, “RECREATIONAL VEHICLE” MEANS A VEHICLE DESIGNED TO BE USED

PRIMARILY FOR RECREATIONAL, CAMPING, TRAVEL OR SEASONAL USE THAT EITHER HAS ITS OWN MOTOR POWER OR IS OR CAN BE MOUNTED ON OR TOWED BY ANOTHER VEHICLE. "RECREATIONAL VEHICLE" INCLUDES ANY MOTOR HOME, CAMPER COACH, CAMPER TRAILER, TRAILER COACH, WATERCRAFT, SNOWMOBILE, OFF-HIGHWAY VEHICLE, AND OTHER SIMILAR RECREATIONAL EQUIPMENT. A VEHICLE SHALL BE CONSIDERED IN VIOLATION OF THIS SUBSECTION IF: (I) SUCH VEHICLE HAS NOT BEEN MOVED OUTSIDE OF A ONE THOUSAND (1,000)-FOOT RADIUS FROM THE LOCATION IN WHICH IT IS PARKED DURING THE SEVENTY-TWO (72)-HOUR PERIOD OF TIME, OR (II) IF SO MOVED, SUCH VEHICLE IS AGAIN PARKED WITHIN A ONE THOUSAND (1,000)-FOOT RADIUS OF ITS ORIGINAL LOCATION WITHIN SUCH SEVENTY-TWO (72)-HOUR PERIOD OF TIME.

Section 3. Amendment. Section 10.16.020 of the Castle Rock Municipal Code is amended to read as follows:

10.16.020 - EXCEPTION FOR ~~L~~-loading and unloading AND FOR RENDERING SERVICES.

Nothing in this Chapter shall prohibit the parking of any ~~truck or trailer~~ VEHICLE IDENTIFIED IN SECTION 10.16.010 OF THIS CODE on ~~the street~~ A PUBLIC RIGHT-OF-WAY ADJACENT TO ANY PROPERTY in a residentially-zoned area for the purposes of loading and unloading the ~~truck or trailer~~ VEHICLE and during the period of SUCH loading and unloading, ~~of the truck and semitrailer~~ OR WHERE SUCH VEHICLES ARE ACTIVELY ENGAGED IN RENDERING SERVICES IN THE IMMEDIATE AREA. ~~It shall be unlawful to park a truck or semitrailer on the street for longer than one (1) hour while not actively engaged in loading and unloading.~~ FOR PURPOSES OF THIS SECTION, "RENDERING SERVICES" MEANS COMMERCIAL ACTIVITIES CARRIED ON IN CONNECTION WITH THE BUSINESS PURPOSE OF THE VEHICLE, SUCH AS MAKING DELIVERIES, SERVICE CALLS, ACCEPTING ARTICLES FOR REMOVAL OR DELIVERY, AND RELATED COMMERCIAL ACTIVITIES.

Section 4. Repeal. Sections 10.16.030 and 10.16.040 of the Castle Rock Municipal Code are repealed in their entirety.

Section 5. Amendment. The definition of "abandoned vehicle" in Section 10.20.010 of the Castle Rock Municipal Code is amended to read as follows:

10.20.010 - Definitions.

Abandoned vehicle means:

1. Any vehicle standing upon any portion of a street or highway right-of-way, or in a public parking lot for more than seventy-two (72) hours unless a dated notice has been conspicuously affixed to the vehicle by its driver or owner indicating an intention to remove the vehicle, or unless such driver or owner shall have notified the police department of his or her intention to remove the vehicle within seventy-

two hours of such notification. If the driver or the owner of the vehicle for which the notification was given does not remove the vehicle within seventy-two (72) hours of such notification, then the vehicle shall be deemed abandoned. A VEHICLE SHALL BE CONSIDERED TO BE AN "ABANDONED VEHICLE" WITHIN THE MEANING OF THIS SUBSECTION IF IT HAS NOT BEEN MOVED OUTSIDE OF A ONE THOUSAND (1,000)-FOOT RADIUS FROM THE LOCATION IN WHICH IT IS PARKED DURING THE SEVENTY-TWO (72)-HOUR PERIOD OF TIME.

2. Any vehicle left unattended on private property for more than twenty-four (24) hours without the consent of the owner or lessee of such private property or his legally authorized agent; or any vehicle parked on private property in violation of parking restrictions set by the private property owner in signs conspicuously posted on the private property and which signs contain the property owner's restrictions on parking and the name and telephone number of the towing operator by whom such vehicle will be removed; or, any vehicle left unattended on private property in such manner as to impede or obstruct access to or from the private property by the owner, lessee or authorized agent of such private property or guests and invitees of such owner, lessee or authorized agent.
3. Any vehicle placed in an impound lot at the request of its owner or the owner's agent or an officer of the police department which is not lawfully removed from the impound lot in accordance with an agreement between the Town and the owner or the owner's agent, or within seventy-two (72) hours of the time the police department notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If the police department requested the impoundment of the vehicle, the provisions of this Chapter governing the public tow of a vehicle shall apply as of the time the vehicle is deemed to have been abandoned. In all other situations, the provisions of this Chapter governing the private tow of a vehicle shall apply as of the time the vehicle is deemed to have been abandoned.

Section 6. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 7. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this ____ day of _____, 2023, by a vote of ____ for and ____ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2023, by the Town Council of the Town of Castle Rock by a vote of for and against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Jack Cauley, Chief of Police