

CITY OF WHEAT RIDGE, COLORADO  
INTRODUCED BY COUNCIL MEMBER STITES  
Council Bill No. 08  
Ordinance No. 1538

Series of 2013

**TITLE: AN ORDINANCE AMENDING THE PENALTIES FOR VIOLATING SECTIONS 1203 AND 1208 OF THE MODEL TRAFFIC CODE FOR COLORADO, AS ADOPTED BY THE CITY, CONCERNING THE PARKING OF MAJOR VEHICLES AND PARKING PRIVILEGES FOR PERSONS WITH DISABILITIES, RESPECTIVELY, AND MAKING CONFORMING AMENDMENTS TO SECTION 13-2 OF THE WHEAT RIDGE CODE OF LAWS**

**WHEREAS**, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

**WHEREAS**, pursuant to its home rule authority and C.R.S. § 31-15-702(1)(a), the City possesses the authority to regulate the use and occupation of public rights-of-way and property for vehicular travel and parking purposes; and

**WHEREAS**, pursuant to this authority, the City Council (the "Council") previously adopted the 2010 edition of the Model Traffic Code for Colorado ("MTC"), and certain amendments thereto, codified as Section 13-2 of the Wheat Ridge Municipal Code ("Code"); and

**WHEREAS**, as part of the local amendments to the 2010 MTC, the Council approved a tiered fine schedule for repeated violations of MTC sections 1203, concerning the parking of major vehicles, and 1208, concerning parking privileges for persons with disabilities; and

**WHEREAS**, after due and proper consideration of the matter, the Council now desires to eliminate said tiered fine schedule and to adopt a uniform mandatory fine for violations of MTC sections 1203 and 1208, and to amend Code Section 13-2 accordingly.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO, THAT:**

**Section 1.** MTC Subsection 1203(4), concerning the enforcement of requirements concerning the parking of major vehicles, as adopted and amended by the City under Paragraph 13-2(b)(9) of the Wheat Ridge Code of Laws, is hereby amended as follows:

- (4) Enforcement. Notwithstanding any other provisions of this Model Traffic Code or of the Wheat Ridge City Code, any major vehicle as

defined herein which is parked or stored in violation of the provisions of section 1203 of this code shall be subject to being towed and stored, at the owner's sole expense, by a towing contractor selected by the chief of police of the City of Wheat Ridge. The towing of illegally parked vehicles is necessary to ensure traffic and pedestrian safety by removing the view impediment created by the illegally parked major vehicles. In addition to the right to tow said illegally parked major vehicles, authority is granted to impose administrative charges upon the owner or operator of said illegally parked vehicle, or the owner of property allowing or permitting such illegal parking, subject to the following requirements:

(a) To defray the cost of enforcement of this provision, a charge of ONE HUNDRED FIFTY DOLLARS (\$150.00)  ~~fifty dollars (\$50.00)~~ shall be imposed for the first offense,  ~~one hundred dollars (\$100.00)~~ for the second offense,  ~~two hundred dollars (\$200.00)~~ for the third offense, and  ~~three hundred dollars (\$300.00)~~ for the fourth or subsequent offenses;

(b) Any person subjected to said administrative charges who objects thereto shall be entitled to either:

1. Request a hearing before the municipal court referee appointed pursuant to Section 14-10 of the Wheat Ridge Code of Laws, which hearing shall be held no less than seventy-two (72) hours after the making of said request; or
2. Have a summons and complaint issued directing such person to appear in the Wheat Ridge Municipal Court to answer charges of violating section 1203 of this code. If found guilty in the Wheat Ridge Municipal Court of such charges or if a guilty plea is entered, the court shall impose a fines as specified in subsection 1203(4)(a) herein.

(c) No vehicle shall be released from storage after towing unless and until all towing and storage charges have been paid, and all administrative charges specified in this section 1203 have been paid, or evidence is presented by the Wheat Ridge Police Department in the municipal court that the rights granted under section 1203(4)(b)(2) of this code have been invoked. In the event any towing is found to be improper all costs for towing and storage shall be reimbursed by the city to the owner.

**Section 2.** MTC Subsections 1208(6) and (7), establishing penalties for violations of requirements concerning parking privileges for persons with disabilities, as adopted and amended by the City under Paragraph 13-2(b)(11) of the Wheat Ridge Code of Laws, is hereby amended as follows:

- (6) (a) A person who does not have a disability and who exercises the privilege defined in subsection (2) of this section or who violates subsection (5) or (10) of this section commits a class B traffic infraction punishable by a FINE OF TWO HUNDRED TWENTY-FIVE DOLLARS (\$225.00) ~~minimum fine of three hundred fifty dollars, not to exceed one thousand dollars, for the first offense and a minimum fine of six hundred dollars, not to exceed one thousand dollars, for a second offense or subsequent offenses.~~
- (b) A person who violates this subsection (6) by parking a vehicle owned by a commercial carrier, as defined in section 42-1-102 (17), shall be subject to a fine of up to twice the penalty imposed in paragraph (a) of this subsection (6), ~~not to exceed one thousand dollars.~~
- (7) A person who does not have a disability and who uses an identifying license plate or placard in order to receive the benefits or privileges available to a person with a disability under this section commits a misdemeanor punishable by a FINE OF TWO HUNDRED TWENTY-FIVE DOLLARS (\$225.00) ~~minimum fine of three hundred fifty dollars, not to exceed one thousand dollars, for the first offense and a minimum fine of six hundred dollars, not to exceed one thousand dollars for a second offense or subsequent offenses.~~

**Section 3. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

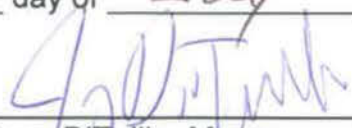
**Section 4. Severability; Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 5. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 5 to 3 on this 13<sup>TH</sup> day of May, 2013, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for June 10, 2013, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado. Adopted on second reading on June 10, 2013; vetoed by the Mayor on June 11, 2013; veto overridden by the Council on June 24, 2013 and ordinance reconsidered and amended on June 24, 2013

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading, after public hearing, by a vote of 8 to 0, this 24th day of June, 2013.

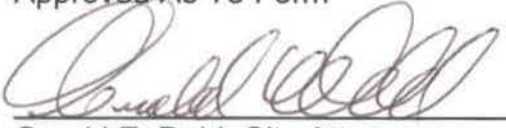
SIGNED by the Mayor on this 8<sup>th</sup> day of July, 2013.

  
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Jerry DiTullio, Mayor

ATTEST:

  
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Janelle Shaver, City Clerk



Approved As To Form  
  
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Gerald E. Dahl, City Attorney

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Wheat Ridge Transcript  
Effective Date: July 12, 2013