

ORDINANCE NO. 2023- ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 134-2(C)(4), 134-2(C)(5), 134-37(A)(20), 134-356, 134-358, AND 134-425(A)(7) OF THE CITY CODE, AND COLORADO MODEL TRAFFIC CODE SECTION 1204 AS ADOPTED BY THE CITY OF AURORA, PERTAINING TO THE REGULATION AND ENFORCEMENT OF THE PARKING OF VEHICLES IN THE CITY

WHEREAS, the City and County of Denver, Colorado (“Denver”), recently amended their municipal code to regulate and enforce the parking of vehicles, including large vehicles and vehicle junkers, in Denver’s public right-of-way; and

WHEREAS, the City of Aurora, Colorado (“Aurora”), has municipal codes that currently pertain to the regulation and enforcement of the parking of vehicles on Aurora’s public right-of-way; and

WHEREAS, some of Aurora’s current ordinances pertaining to the regulation and enforcement of the parking of vehicles in the public right-of-way are more strict and some are more lenient than Denver’s parking ordinances; and

WHEREAS, the City desires to regulate and enforce the parking of vehicles on the public right-of-way in Aurora that are at least as strict, if not more strict, than Denver’s parking ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That subsections (c)(4) and (c)(5) of section 134-2 of the City Code of the City of Aurora, Colorado, are hereby amended to read as follows:

Sec. 134-2. Definitions.

(c) Stopping, standing or parking prohibited in specified places. Section 1204 of article 1 of the **Colorado** Model Traffic Code is hereby amended as follows:

Section 1204. Stopping, standing or parking prohibited in specific places.

(4) ~~Except for camper trailers, as defined in section 134-358 of this Code, no trailer or semitrailers whether or not connected to a motor vehicle or truck, shall be kept, stored or parked on any public right-of-way within the City for more than 24 hours..~~

~~(5)~~ No unlawful vehicle shall be kept, stored or parked on any roadway **or public right-of-way** within the City.

~~(A)(a)~~ For the purposes of this subsection, an unlawful vehicle shall mean a vehicle which is legally inoperable on the streets due to the vehicle's condition **that endangers the public or property, which includes but is not limited to, a lack of equipment as required by the Colorado Model Traffic Code, improperly inflated tires, inoperable lights, inoperable brakes, broken windows or windshield, having expired or no license plates if plates are required by law, is wrecked, dismantled, partially dismantled, discarded, or severely dilapidated, or is otherwise apparently inoperable.**

Section 2. That subsection (a)(20) of section 134-37 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 134-37. Authority to impound vehicles.

(a) Members of the police department are authorized, at their discretion, to remove or have removed at their direction a vehicle from a street or any public way or place to the nearest garage or other place of safety or to a garage or other impound facility designated or maintained by the police department or by this city, under the circumstances as follows:

(20) When an unlawful vehicle, as defined in subsection 134-2(c)~~(5)~~ of the code, is kept, stored, or parked on any **public right-of-way or** roadway more than ~~48~~ **twenty-four (24)** hours after having been cited **as an unlawful vehicle.** ~~for a violation of 134-2(c)(5).~~ If an unlawful vehicle, which has been cited **as an unlawful vehicle, for a violation of 134-2(c)(5),** is found on any roadway within six months of the date of the original citation it shall be subject to immediate removal or impoundment.

Section 3. That subsections (a) and (b) of section 134-356 of the City Code of the City of Aurora, Colorado, are hereby amended to read as follows:

Sec. 134-356. Use of streets by farm tractors, trailers, trucks and commercial vehicles.

(a) It shall be unlawful for any person to operate or stop, stand or park any farm tractor, trailer, semitrailer, truck or commercial vehicle with an empty weight in excess of ~~7,000~~ **6,000** pounds **or in excess of 22 feet in length** upon any of the **public rights-of-way**, streets, or parts of streets of the City other than on those streets and during those times described in a schedule approved by resolution by City Council and on file in the clerk's office. **Trailers less than 22 feet in length are permitted to be parked on the public right-of-way, street, or parts of streets of the City for no more than twenty-four hours.**

(b) Nothing in this section shall be construed as preventing the use of trucks or other vehicles having an empty weight in excess of 7,000 **6,000** pounds **or in excess of 22 feet in length** on City streets for the purpose of carrying merchandise or providing services to or from a destination in the city which cannot otherwise be reached and for the purpose of loading or unloading such merchandise or providing such services, provided that the shortest and most direct routes in conjunction with established through truck routes are used and provided that the transportation of flammable liquids shall be governed by the provisions of article III of chapter 66.

Section 4. That section 134-358 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 134-358. Parking prohibition for recreational vehicles.

(a) (1) Recreational vehicle means a vehicle **constructed or modified to provide occupancy as a dwelling or sleeping place for one or more persons and** 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, **but is not limited to**, motor homes, camper trailers, truck campers, **campervans**, watercraft, snowmobiles, and off-highway vehicles. **For the purposes of this section, a recreational vehicle does not include a truck with a truck bed cap, shell, cover, or topper.**

~~(2) Motor home means any self-propelled vehicle with living or sleeping quarters contained therein, which is in excess of 22 feet in length or, if the vehicle itself is less than 22 feet in length, is connected to any boat, trailer, or camper trailer which, in combination, exceeds 22 feet in length.~~

~~(3) Camper trailer means any wheeled vehicle, without motive power, which contains living or sleeping quarters and which may occasionally be drawn over the public highways by a motor vehicle and may be licensed as a vehicle.~~

(b) **It shall be unlawful for any recreational vehicle to remain parked upon any public right-of-way, street, or parts of streets** ~~No recreational vehicle shall be parked for a length of time in excess of five days~~ **twenty-four (24) hours during any seven (7) day period.** ~~on a right-of-way.~~ **A violation of this subsection may cause a parking citation to be issued. If a member of the Police Department or the Public Works Department has probable cause to believe a recreational vehicle is in violation of this section, the member may conspicuously affix to the vehicle a parking citation describing the violation or personally serve the driver or registered owner with the citation. The time period shall commence upon the marking of the vehicle by a member of the police department or the director of public works or designee. At the time of the marking, a notice describing this section shall be affixed to the windshield of the vehicle or personally presented to the owner. It shall be unlawful for any recreational vehicle to remain parked upon any right-of-way after the expiration of the five-day period. If the vehicle has not**

~~been removed from the public right-of-way within the five-day period after it was marked, a summons and complaint may be issued. If the ticketed~~ **cited recreational** vehicle has not been removed from the public right-of-way within 24 hours after ~~the ticketing~~ **being cited for violating this section, the a member of the Aurora Police Department is empowered to have the recreational vehicle towed or removed. The or the Director of Public Works or designee shall be empowered to coordinate with the Police Department for the Police Department to tow or remove the recreational vehicle.** The City and the owner shall possess those rights and obligations found in section 134-38 pertaining to impoundment.

(c) It shall not be a defense to this section that the recreational vehicle has been moved to a different location within the public right-of-way. To be in compliance, the recreational vehicle must be removed from the public right-of-way for **no less than 72 consecutive** hours.

Section 5. That subsection (a)(7) of section 134-425 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 134-425. Impoundment and immobilization.

(a) *Impoundment.* The Director of Public Works is authorized to **coordinate with the Aurora Police Department to impound, remove, or have removed a vehicle from a street or any public right-of-way or place to the nearest a garage or other place of safety, or to a garage or other an** impound facility designated or maintained by the city under only the following circumstances:

(7) When an unlawful vehicle, as defined in subsection 134-2(c)(~~5~~) of the Code, is kept, stored, or parked on any **public right-of-way or roadway for more than 48 twenty-four (24) hours** after having been cited ~~for a violation of as an unlawful vehicle. subsection 134-2(c)(5).~~ If an unlawful vehicle, which has been cited **as an unlawful vehicle as defined in** ~~for a violation of~~ subsection 134-2(c)(~~5~~), is found on any roadway within six months of the date of the original citation, it shall be subject to immediate removal or impoundment. **It shall not be a defense to this section that the unlawful vehicle has been moved to a different location on the public right-of-way. To be in compliance with this section, the unlawful vehicle must be removed from the public right-of-way for no less than 72 consecutive hours.**

Section 6. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 7. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 8. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this ____ day of _____, 2023.

PASSED AND ORDERED PUBLISHED this ____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:



TIM JOYCE, Assistant City Attorney