

ORDINANCE NO. 1303

AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO, AMENDING THE CHAPTER 17 OF THE BERTHOUD MUNICIPAL CODE WITH RESPECT TO PARKING ON PUBLIC PROPERTY

WHEREAS, the Town of Berthoud is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

WHEREAS, the Board of Trustees of the Town of Berthoud (the "Board") has authority pursuant to C.R.S. §§ 31-15-103, 31-15-702 and 31-23-301 to promulgate regulations governing zoning, land use, and public streets, alleys, and sidewalks and to promote the health, welfare, and safety of the inhabitants of the Town; and

WHEREAS, pursuant to C.R.S. § 42-4-111(1)(a), local authorities have the power to regulate or prohibit the stopping, standing, or parking of vehicles as consistent with the provisions of Article 4 of Title 42; and

WHEREAS, the Municipal Code amendment has been submitted to the Board of Trustees in writing and the Board of Trustees has determined that the amendment should be adopted as herein set forth.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE
TOWN OF BERTHOUD, COLORADO THAT THE FOLLOWING CHANGES ARE
HEREBY INCORPORATED INTO THE MUNICIPAL CODE:**

Section 1. Chapter 17, Section 17.14-6 is hereby repealed in its entirety.

Section 2. Chapter 17, Section 17.20-2 of the Town of Berthoud Municipal Code is hereby repealed and reenacted to read as follows:

17.20-2 Parking of Motor Vehicles and Trailers on Public Property

- A. It shall be unlawful for an owner or operator to store, park, place, or to permit to be stored, parked or placed, any unlicensed motor vehicle or inoperable motor vehicle, on a public roadway, street, alley, or other public property within the Town of Berthoud.
- B. It shall be unlawful for an owner or operator to store, park, place, or to permit to be stored, parked or placed, any earth moving machinery, semi-trailer, truck trailer, trailer with three or more axles, detached trailer, or truck tractor, on a public roadway, street, alley, or other public property within the Town of Berthoud, unless one or more of the following exceptions apply:
 - 1. The vehicle, excluding detached trailers, is legally parked in a properly zoned area, or
 - 2. The vehicle or equipment is temporarily being used on a validly permitted construction site. Construction equipment, earth moving machinery, motor vehicles

and trailers as described above which are not located on a validly permitted construction site; or, within 100 feet thereof on a public roadway or easement shall be presumed to be in violation of this Section unless the vehicle or equipment was used for the purposes for which it was manufactured on that permitted construction site within 72 hours prior to the issuance of the citation.

- C. No boat, trailer coach, mobile home, motor home, trailer, semi-trailer, truck, or truck-tractor, all as defined in the *Model Traffic Code*, or any part of any such vehicle, shall be parked or stored upon the streets of the Town, except:
 - 1. Trailers attached to an operable vehicle not exceeding twenty (20) feet in overall length.
 - 2. Motor homes, trailer coaches not exceeding twenty-two (22) feet in overall length. As used in this Section, *motor home and trailer coach* mean a vehicle which is designed to provide temporary living quarters and which is built into, as an integral part of, or a permanent attachment to, a motor vehicle, chassis, or van.
 - 3. Trucks or truck-tractors currently licensed by the Colorado Department of Revenue, Motor Vehicle Division, which are on business or delivery calls not exceeding eight (8) hours in length.
 - 4. Moving vans or similar vehicles being used for loading or unloading personal household goods for a period not exceeding twenty-four (24) hours in length.
 - 5. Trailers, semi-trailers and trucks or truck-tractors being used expeditiously to provide services, including but not limited to construction activities, or for special events as authorized by the Police Department.
 - 6. Motor homes exceeding twenty-two (22) feet in overall length, boats, trailer coaches and trailers, when engaged in loading, unloading or related activities for a time not exceeding forty-eight (48) hours, each 48-hour period separated by a minimum of 48 hours, with a maximum of two (2) such 48-hour periods in any calendar month.
- D. No boat, trailer coach, mobile home, motor home, trailer, semi-trailer, truck, or truck-tractor, all as defined in the *Model Traffic Code*, shall be parked, or stored upon any lot in the Town closer than the parameters established by Chapter 30 of this Code concerning visibility at intersections. In accordance therewith, the parking of such vehicle shall be prohibited at street intersections within a triangular area described as follows: "beginning at the point of intersection of the edges of the driving surface, then to points forty (40) feet along both intersecting edges and then along a transverse line connecting those points.
- E. A trailer shall be considered to be detached unless it is properly connected to a self-propelled vehicle in such a manner that is consistent with the *Model Traffic Code* as adopted by Section 19.1 of the Berthoud Municipal Code.
- F. Any vehicle stored, parked, placed, on a public roadway, street, alley, or other public property within the Town of Berthoud shall be subject to parking regulations in the Model Traffic Code as adopted in accordance with Section 19 of the Berthoud Municipal Code as well as the penalties provided in Section 17.1-1 of the Berthoud Municipal Code.

Any person duly authorized by the Town Administrator, their designee, a code compliance officer, or any peace officer is authorized to enforce the regulations in this Chapter and parking regulations in the Model Traffic Code as adopted.

Section 3. Chapter 17 of the Town of Berthoud Municipal Code is hereby amended with the addition of a new Section 17.20-2.5 to read as follows:

17.20-2.5 - Parking of Commercial Vehicles on Public Property

No commercial vehicle shall be parked on any street or right-of-way in any zone district of the town for more than sixty (60) minutes between 8 p.m. and 7 a.m. except in C1, C2, M1, M2 zone districts.

As used in this section, commercial vehicle means:

- (I) A self-propelled or towed vehicle:
 - (A) Bearing an apportioned plate; and
 - (B) Having a manufacturer's gross vehicle weight rating or gross combination rating of at least sixteen thousand one pounds and used in commerce on public highways; or
 - (C) Having a manufacturer's gross vehicle weight rating or gross combination rating of at least sixteen thousand one pounds and used to transport sixteen or more passengers, including the driver, unless the vehicle is a school bus regulated in accordance with section 42-4-1904, C.R.S., or a vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as the school district does not receive remuneration, other than reimbursement of the school district's costs, for the use of the vehicle.
- (I) Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting, when such motor vehicle is used in commerce on the public highways of this state; or
- (II) A motor vehicle that is used on the public highways and transports materials determined by the secretary of transportation to be hazardous under 49 U.S.C. sec. 5103 in such quantities as to require placarding under 49 CFR parts 172 and 173.

Section 4. Chapter 17, Section 17.20-3 of the Town of Berthoud Municipal Code is hereby amended to read as follows:

17.20-3 Parking of Trailer Coaches, trailers, and Vehicles Prohibited on Public Streets

- A. It shall be unlawful to park or permit to stand any trailer coach or other vehicle which is constructed or designed for dwelling or sleeping purposes upon any public roadway, street, or alley for a period longer than four days or portions thereof during any 30 consecutive days.

B. It shall be unlawful for an owner or operator to store, park, place, or to permit to be stored, parked, or placed, any trailer coach or other vehicle that is greater than eight (8) feet wide at its widest spot including wheels and/or fenders on a street that is under twenty-five (25) feet wide measured from curb to curb.

Section 5. Severability. Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

Section 6. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 7. Effective Date. Except as otherwise expressly provided herein, the provisions enacted by this Ordinance shall become effective at 12:01 a.m. on April 23rd, 2022.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL on this 22nd day of March, 2022.

TOWN OF BERTHOUD

By:

William Karspeck
William Karspeck, Mayor

ATTEST:

By:

Christian Samora
Christian Samora, Town Clerk

