

ORDINANCE NO. 27

Series 1998

AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE TRAFFIC CODE CONCERNING PARKING PRIVILEGES FOR PERSONS WITH DISABILITIES AND ENHANCED PENALTIES FOR PERSONS CONVICTED OF MOVING VIOLATIONS OCCURRING IN POSTED SCHOOL ZONES

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

Section 1. Section 7-1-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

**7-1-2: ADDITIONS OR MODIFICATIONS:** The following additions or modifications are hereby made to the December 1997 Edition of the Town of Breckenridge Traffic Code:

A. Section 12-8 of the Town of Breckenridge Traffic Code is hereby amended so as to read in its entirety as follows:

**1208. Parking Privileges for Persons With Disabilities.**

(a) As used in this Section, "person with a disability" has the meaning provided for such term in Section 42-3-121(1), C.R.S., or any successor statute, and includes any person who has qualified for and obtained disabled veteran special license plates with the identifying feature for a person with a physical impairment affecting mobility under Section 42-3-115.5(5)(a)(II), C.R.S.

(b) A vehicle with lawfully issued distinguishing license plates, an identifying placard, or disabled veteran special license plates with the identifying feature for a person with a physical impairment affecting mobility under Section 42-3-115.5(5)(a)(II), C.R.S., may be parked in public parking areas along public streets within the Town, subject, however, to any time limitation imposed upon parking in such area; except that such privilege shall not apply to zones in which:

- (1) Stopping, standing, or parking of all vehicles is prohibited;
- (2) Only special vehicles may be parked; or
- (3) Parking is not allowed during specified periods of the day in order to accommodate heavy traffic.

(c) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities whether on public property or private property available for public use. A placard or license plate lawfully issued to a person with a disability or disabled veteran special license plates with the identifying feature for a person with a physical impairment affecting mobility under Section 42-3-115.5(5)(a)(II), C.R.S. shall be displayed on the vehicle while parked in such space.

(d) The owner of private property available for public use may request from the Director of the Department of Public Works the installation of official signs identifying parking spaces reserved for use by persons with disabilities. Such a request shall be a waiver of any objection the owner may assert concerning enforcement of this Section by peace officers of the Town, and such officers are hereby authorized and empowered to so enforce this Section, provisions of law to the contrary notwithstanding.

(e) Each parking space reserved for use by persons with disabilities whether on public property or private property shall be marked with an official upright sign, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

(f) Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities within the Town so long as such persons have valid license plates or placards from their home state, including special license plates issued to disabled veterans containing the identifying feature under Section 42-3-115.5(5)(a)(II), C.R.S.

(g) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property within the Town which is clearly identified by an official sign as being reserved for use by persons with disabilities, unless such person is parking the vehicle for the benefit of a person with a disability.

(h) It shall be unlawful for any person who is not a person with a disability to use a license plate or placard issued to a person with a disability pursuant to Section 42-3-121(2), C.R.S., or any successor statute, or to use a disabled veteran special license plate issued pursuant to Section 42-3-115.5(5)(a)(II), C.R.S., in order to receive the benefits or privileges available to a person with a disability under this Section.

(i) Any law enforcement officer or authorized parking enforcement official may check the identification of any person using a license plate or placard for persons with disabilities in order to determine whether such use is authorized.

(j) A person convicted of violating Subparagraphs (g) or (h) of this Section shall be punished by a fine of \$100.00. No portion of such fine may be suspended by the Municipal Judge.

B. There is hereby added to the Town of Breckenridge Traffic Code a new Section 1721, to be entitled "School Zones--Increase In Penalties For Moving Traffic Violations", which shall read in its entirety as follows:

**Section 1721. School Zones--Increase In Penalties For Moving Traffic Violations**

A. Any person who commits a moving traffic violation in a school zone shall be subject to a doubled fine and surcharge. The Municipal Judge shall amend his penalty assessment schedule to reflect such doubled fine and surcharge.

B. For purposes of this Section, "school zone" means an area that is designated as a school zone and has appropriate signs posted indicating that the penalties and surcharges will be doubled.

C. Town Authorities shall designate when an area within the Town shall be deemed to be a school zone for purposes of this Section. In making such designation, the Town Authorities shall consider when increased penalties are necessary to protect the safety of school children.

Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

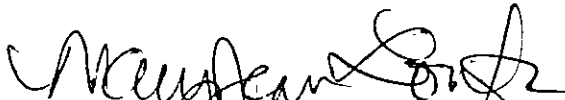
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 5. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 8<sup>th</sup> day of September, 1998. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 22<sup>nd</sup> day of September, 1998, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
Stephen C. West, Mayor

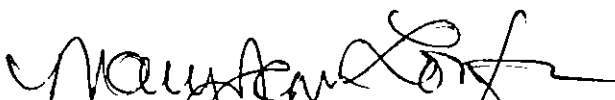
This Ordinance was published in full in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on September 17, 1998.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 22<sup>nd</sup> day of September, 1997.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.

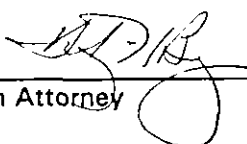
ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
Stephen C. West, Mayor

APPROVED IN FORM:

  
Town Attorney

9/22/98  
Date

This Ordinance was published by title in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on October 2, 1998.