



TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 797
(SERIES 2013)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
REVISING CHAPTER 17 AND 18 OF THE TOWN CODE
REGARDING SNOW ROUTE PROHIBITIONS AND DELEGATING
AUTHORITY TO THE TOWN MANAGER TO PLACE TRAFFIC
CONTROL DEVICES**

WHEREAS, the Town of Pagosa Springs ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012; and

WHEREAS, Chapter 17 of the Town of Pagosa Springs Municipal Code ("Code") relates to streets, sidewalks, and public places; and Chapter 18 of the Town of Pagosa Springs Municipal Code ("Code") relates to Traffic;

WHEREAS, the Town has adopted the 2003 edition of the Model Traffic Code for Colorado Municipalities ("MTC"); and

WHEREAS, Section 603 of the MTC requires that traffic control devices conform to the Manual on Uniform Traffic Control Devices (the "Manual"); and

WHEREAS, Section 1A.08 of the Manual, "Placement of Traffic Control Devices" specifies that traffic control devices, "shall be placed only as authorized by a public authority or the official having jurisdiction;" and

WHEREAS, the Town Council wishes to designate the Town Manager as the individual with authority to place traffic control devices, including but not limited to, stop signs, no parking signs, and designating streets as snow routes; and

WHEREAS, Article 5 of Chapter 17 of the Code relates to snow and ice; and

WHEREAS, Section 17.5.4 of the Code permits the Town to declare parking restrictions in effect when it is predicted that weather conditions could impede vehicular traffic in the Town; and

WHEREAS, the Town Council hereby finds and determines that the majority of snowfall in the Town occurs between the dates of October 15th and April 15th; and

WHEREAS, parking, stopping and standing of vehicles on designated snow routes impedes the Town's ability to clear snow from streets and poses a danger to the public; and

WHEREAS, the Town Council hereby finds and determines that it is appropriate and necessary to the function and operation of the Town to revise Section 17.5.4 of the Code to prohibit parking of vehicles on designated snow routes between the dates of October 15th and April 15th when more than two inches of snowfall is forecasted or occurs, without further notice, and to prohibit parking on snow routes at other times of inclement weather with notice.



NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

I. Adoption of a new Section 17.1.10 of the Code. A new Section 17.1.10 of the Code is hereby adopted as follows:

Section 17.1.10 Traffic Control Devices and Snow Routes.

(1) Traffic Control Devices. The Town Manager, or his/her designee, shall have authority to place all traffic control devices, as defined in the Manual on Uniform Traffic Control Devices, on all public streets, highways, bikeways, and private roads open to public traffic. The use of a particular device at a particular location may be made on the basis of an engineering study, the application of engineering judgment, or upon consultation with and the advice of the Town Planning Department.

(2) Snow Routes. The Town Manager, or his/her designee, shall have authority to designate public streets, highways and private roads open to public traffic as snow routes. A list of designated snow routes shall be maintained by the Town Clerk and posted on the Town's website.

II. Repeal of Section 17.5.4 of the Code. Section 17.5.4 of the Code is hereby repealed in its entirety.

III. Adoption of Section 18.2.2 of the Code. Section 18.2.2 of the Code is hereby adopted in its entirety as follows:

Section 18.2.2 Parking During Inclement Weather.

(1) The Town of Pagosa Springs hereby prohibits parking, immobilization for any reason, or the stopping other than as required by law, of vehicles on designated snow routes, as defined in Section 17.1.10(2) of the Town Code, when the National Weather Service forecasts, or there is an actual accumulation of, snow, sleet, or freezing rain totaling two (2) inches or more. Such parking prohibitions are automatically in effect without any further notice requirements from October 15th through April 15th, and upon notice by the Town during any other time of the year when existing or forecasted storm weather conditions could impede vehicular traffic in the Town. Notice may be given via posting on the Town's official website, radio, electronic media, postings, or other available means; however no such notice is required between October 15th and April 15th.

(2) It shall be the sole responsibility of all persons owning, operating, or parking any vehicle on the Town streets to be aware of the forecasted weather conditions and when parking prohibitions are in effect pursuant to this Section.

(3) The absence or lack of visibility of any sign designating a street as a snow route shall not excuse the owner or operator of a vehicle from complying with the provisions of this Section.

(4) When parking is prohibited on designated snow routes pursuant to this Section, any police officer, or the Town Manager or his designee shall be authorized to issue a parking violation in accordance with Chapter 18 of the Town Code to any vehicle in violation of this Section, and/or to order the immediate removal and impoundment of any vehicle in violation of this Section if the owner or operator of such vehicle fails to immediately comply with an order to move the vehicle.

(7) The owner or operator of a vehicle removed from a snow route pursuant to this Section shall be responsible for all costs incurred as a result of the removal of the vehicle.

(8) The Town and its officers, employees, contractors, or agents shall not be held liable for any costs or damages resulting from any act or omission in any way connected with or related to the removal or impoundment of any vehicle pursuant to this Section.

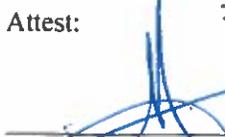
IV. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

V. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

VI. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 15th DAY OF Oct, 2013.

Attest:


April Hessman, Town Clerk



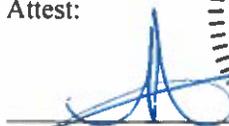
TOWN OF PAGOSA SPRINGS, COLORADO

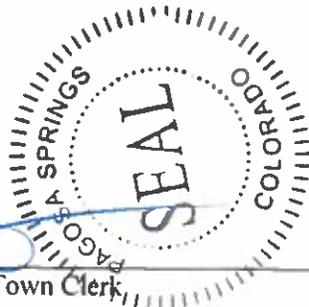
By:


Ross Aragón, Mayor

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 17 DAY OF Oct, 2013.

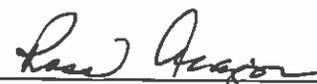
Attest:


April Hessman, Town Clerk



TOWN OF PAGOSA SPRINGS, COLORADO

By:


Ross Aragón, Mayor

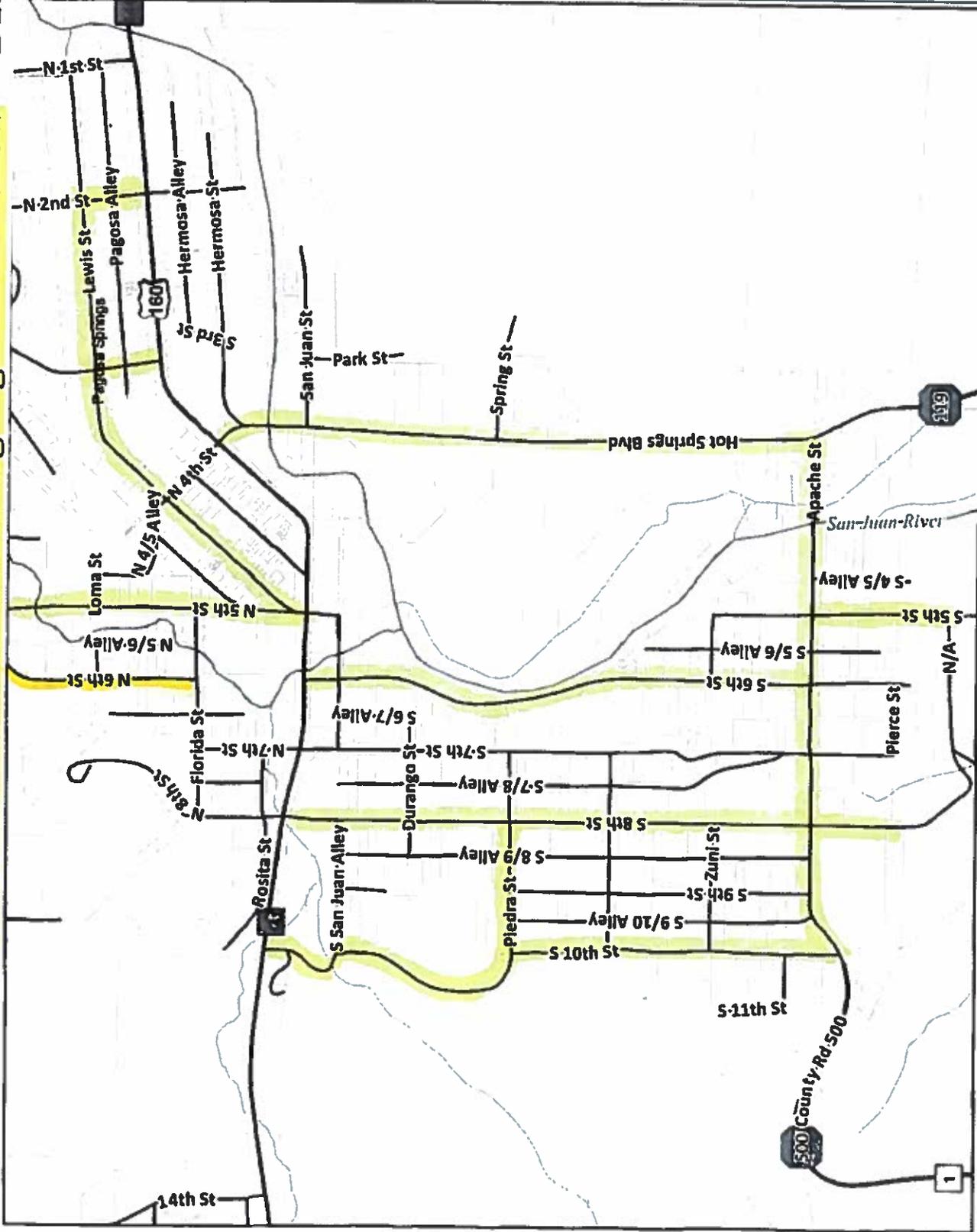
DRAFT ~ Designated Snow Routes Highlighted in Yellow ~ DRAFT

- Highways**
- Type
 - State
 - US
 - County Road
 - Roads
 - Lake s
 - Streams Named
 - Streams
 - Archuleta County Boundary
 - Places
 - Parcel
 - Townships

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10/18/2013 2:05 PM ODC RS\$31.00 D\$0.00

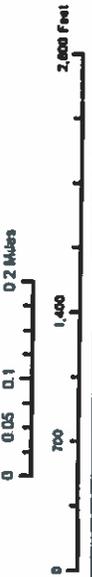
June Madrid Archuleta County



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1 in = 0.18 miles
1 inch = 975 feet



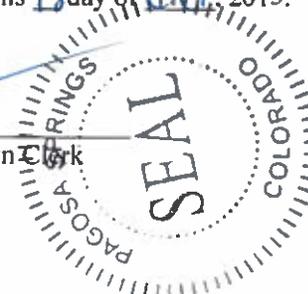


CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 797 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 1 day of Oct, 2013, and was published by title only, along with a statement indicating that a violation of the Ordinance is subject to enforcement and punishment pursuant to Article 3, Chapter 1 of the Pagosa Springs Municipal Code, and specifically Section 1.3.3 which provides for a fine not exceeding \$1,000 or incarceration for not to exceed one year, or both, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on Oct 2, 2013, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 18 day of Oct, 2013.

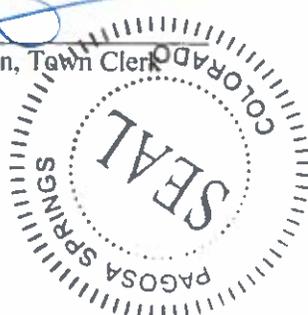


April Hessman, Town Clerk
(S E A L) 

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 797 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 17 day of Oct, 2013, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on Oct 18, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 18 day of Oct, 2013.



April Hessman, Town Clerk
(S E A L) 

**Town of Pagosa Springs
P.O. Box 1859
Pagosa Springs, CO 81147**