

ORDINANCE NO. 9-2011

AN ORDINANCE OF THE TOWN OF WELLINGTON, COLORADO AMENDING THE MUNICIPAL CODE CONCERNING PARKING RESTRICTIONS FOR EXCESS-WEIGHT VEHICLES AND RECREATIONAL VEHICLES ON PUBLIC STREETS AND PRIVATE RESIDENTIAL PROPERTY

WHEREAS, the Municipal Code of the Town of Wellington (the "Code") at § 16-3-230 as adopted by Ordinance No. 13-2008 restricts the parking of excess-weight and recreational vehicles on town streets and private residential property; and

WHEREAS, the Code Sec. 8, Article 4 restricts the parking of Semi vehicles on town streets and private property; and

WHEREAS, a restrictions on parking recreational vehicles only in back yards of private residential properties is a burden for those with no reasonable access to their back yards for recreational vehicles; and

WHEREAS, the Town of Wellington Planning Commission at the conclusion of several work sessions and a public hearing on the issues have recommended changes in the Code including the allowance of limited parking of recreational vehicles in the front yard of private residential properties by permit; and

WHEREAS, the Town Board is desirous of amending the current provisions of the Code which restrict or prohibit the parking of recreational vehicles on town streets and private property to fairly accommodate different types of residential properties in the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO:

Sections 16-2-10 and 16-3-230 of the Town Code are amended and readopted in their entirety to read as follows:

Sec. 16-2-10. Definitions.

Excess-weight vehicle means any vehicle, excepting any vehicle owned by or in the control of any governmental authority, which weighs in excess of any adopted weight limit, the weight limit within the Town shall be ten thousand (10,000) pounds. Semi vehicles shall be defined and regulated by Section 8 Article 4 of this Code and if a vehicle or trailer falls within the definition of a Semi Truck or Semi trailer as defined by section 8-4-10 the Semi vehicle shall not be regulated as an excess weight vehicle.

Sec. 16-3-230. Parking restrictions for excess-weight vehicles and recreational vehicles.

(a) Boats, boat trailers, tractors, trailers, motor homes, buses, detached/dismounted campers and excess-weight vehicles shall not be parked or kept on

private property for longer than seventy-two (72) hours within any one month period, except as herein provided.

(b) Boats, boat trailers, tractors, trailers, motor homes, buses, detached/dismounted campers and excess-weight vehicles may be parked upon a public right-of-way or roadway adjacent to the owners property, for a maximum total of forty-eight (48) hours in any one month period.

(c) All boats, boat trailers, trailers, motor homes, buses, detached/dismounted campers and excess-weight vehicles kept or stored on private residential property for longer than seventy-two (72) hours during any one month period shall be kept or stored in a rear yard or interior side yard behind the front yard setback, or within an enclosed building except as herein provided.

(d) If the Town Administrator/Clerk, on request of a residential property owner, determines it to be unfeasible, as a result of the lot configuration, for an owner to store a boat, boat trailer, trailer, motor home, bus or detached/dismounted camper on a private residential property in a side or rear yard due to lack of access, the Town Administrator may authorize an owner to park one vehicle with a length of no more than 21 (twenty one) feet in the front yard or in the case of a corner lot a side yard which off of which there is no entry to the residence. Gravel parking spaces are to be clearly delineated and kept clear of weeds and the combined driveway and parking space shall occupy no more than 40% of any front yard area. Any vehicle shall be parked at least three (3) feet from sidewalk or six (6) feet from the curb when there is no sidewalk and no closer than two (2) feet from side property lines and occupied structures or closer than three (3) feet from an exit door of an occupied structure. Any vehicle stored pursuant to this subsection shall be operable, licensed and registered, as applicable. No vehicle parked pursuant to this subsection shall be used for storage or as a business or residential premises and no storage of parts, personal items, trash or refuse shall remain or around such vehicle, or in such vehicle unless vehicle is enclosed or covered.

(e) This section shall not authorize the parking of any mobile home unless otherwise authorized by this code..

(f) Notwithstanding the forgoing provisions of this section, parking of excess weight vehicles in public areas, including streets, shall be allowed with authorization in the following areas where reinforced streets or pads have been constructed:

- (1) the west side of First Street starting north from Kennedy Avenue for two hundred (200) feet, and
- (2) on Cleveland Avenue in the following locations:
 - a. The south side of Cleveland Avenue between Sixth Street and Fifth Street.
 - b. The north side of Cleveland Avenue from Sixth Street to the access point of Lot 2B.

c. The south side of Cleveland from Fifth Street to one hundred sixty (160) feet west of Fifth Street.

Section 8, Article 4 of the Code relative to regulation of Semi Truck Parking is readopted in its entirety.

Necessity. In the opinion of the Board of Trustees of the Town of Wellington, this Ordinance is necessary for the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Wellington.

Repealer. The Board of Trustees hereby declares that should any section, paragraph, sentence, word or other portion of this Ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this Ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this Ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from of any such portion which may be declared invalid.

Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON AND ORDERED TO BECOME PUBLISHED THIS 9 TH DAY OF AUGUST, 2011 AND ORDERED TO BECOME EFFECTIVE 30 DAYS FROM THE DATE OF PUBLICATION.


Travis Vieira, Mayor

ATTEST:


Larry Lorentzen, Town Administrator/Clerk

PUBLISHED BY TITLE THE 15 DAY OF August, 2011, IN "THE COLORADGAN".


Larry Lorentzen, Town Adminietrator/Clerk