

**TOWN OF FAIRPLAY, COLORADO**

**ORDINANCE NO. 1  
(Series of 2025)**

**AN ORDINANCE OF THE TOWN OF FAIRPLAY, COLORADO REGARDING  
ADDITIONAL PARKING ENFORCEMENT MEASURES FOR TOWN STREETS**

**WHEREAS**, the Town of Fairplay, Colorado ("Town") is a statutory town, duly organized and existing under the laws of the state of Colorado; and

**WHEREAS**, pursuant to C.R.S. § 31-15-401, the Town by and through its Board of Trustees ("Board"), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

**WHEREAS**, pursuant to C.R.S. § 31-15-702(1)(a)(I) the Town is authorized to regulate the use of streets; and

**WHEREAS**, C.R.S. § 31-16-201, *et seq.*, provides that municipalities may adopt certain codes and standards by reference; and

**WHEREAS**, the Town has previously adopted by reference the "Model Traffic Code for Colorado, 2010 Edition", with modifications; and

**WHEREAS**, the Town now seeks to further modify its adoption of the "Model Traffic Code for Colorado, 2010 Edition"; and

**WHEREAS**, the Board finds and determines that this current revision of the Town's adoption of the 2010 Model Traffic Code and adoption of parking enforcement measures is in the best interest of the public health, safety and welfare of the citizens of the Town of Fairplay.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD FOR THE TOWN OF FAIRPLAY, COLORADO AS FOLLOWS:**

**SECTION 1.** Paragraph 1 of Section 8-1-20, titled "Amendments or modifications" is replaced with the following language:

(1) Section 105 is modified to read as follows:

§ 105. Local Traffic Control Devices.

(a) The Town of Fairplay may place and maintain such traffic control devices upon Town streets and/or highways under their Town's jurisdiction as they Town may deem necessary to indicate and to carry out the provisions of this Code or

local traffic ordinances to regulate, warn or guide traffic, subject in the case of state highways to the provisions of sections 42-4-110 and 43-2-135(1)(g), C.R.S. All such traffic control devices shall conform to the state manual and specifications for statewide uniformity as provided in section 42-4-104, C.R.S.

(b) Any and all references in this Code to "official sign(s)," "official signal(s)," "official traffic control device(s)," "official device(s)" or "official marking(s)" shall be construed to refer to any and all signs, signals, devices or markings that have been placed upon streets and/or highways within the Town of Fairplay by authority of the Town of Fairplay, any official of the Town of Fairplay, ~~the Parking Enforcement Operator~~, or any other proper official, whether or not the Town of Fairplay exercised such authority by means of a resolution or ordinance, and whether or not such official was authorized to exercise such authority by resolution or ordinance. It is the intent of this section that proof of a resolution or ordinance authorizing the placement of any sign, signal, device or marking not be construed to be an element of any traffic offense or other violation of this Code.

(c) Any and all references in this Code to acts of a municipality "by resolution" or "by ordinance" or any requirement within this Code that a municipality act "by resolution" or "by ordinance" shall be construed only as intended to guide the administrative procedures of the Town of Fairplay in regulating, warning, guiding or otherwise controlling vehicles or traffic. It is the intent of this section that any reference or requirement of this Code that a municipal action be "by resolution" or "by ordinance" not be construed as an element of any traffic offense or other violation of this Code.

**SECTION 3.** Chapter 8-Vehicles and Traffic is hereby amended, and the following new sections are added to Article I:

~~Sec. 8-1-80. — Office of Parking Enforcement~~

~~The office of Parking Enforcement is hereby established. Parking Enforcement Operator(s) shall be appointed by the Town Administrator and shall exercise the parking enforcement powers and duties provided by this chapter. Nothing in this chapter shall prevent the Chief of Police or the Town's police department from enforcing all applicable traffic provisions.~~

~~Sec. 8-1-90. Section 1720, Notice on Illegally Parked Vehicle; Authority of Parking Enforcement Operator to Enforce Certain Parking Laws.~~

A new Section 1720 of the Model Traffic Code adopted in this Chapter is hereby added to read as follows:

~~1720. Notice On Illegally Parked Vehicle; Authority of Parking Enforcement Operator to Enforce Certain Parking Laws.~~

1. Whenever any motor vehicle is found parked or stopped on a Town street in violation of any of the restrictions imposed by this code, the officer or other authorized individual finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user if the driver of the vehicle is not present, and shall conspicuously affix to such vehicle a penalty assessment notice directing the driver thereof to respond to and answer the charge against him at a place and at a time specified in said notice.

2. ~~The Town's parking enforcement operator shall have the power to enforce all of the restrictions imposed by Part 12 of the Town's Model Traffic Code (concerning the parking of motor vehicles) as adopted by reference and amended in this Chapter 8, except for Section 1208 of the Town's Model Traffic Code concerning parking privileges for persons with disabilities, which the Town's parking enforcement operator is not authorized to enforce.~~

Sec. 8-1-100.           Section 1204, Stopping, Standing, or Parking Prohibited in Specified Places.

Section 1204 of the Model Traffic Code adopted in this Chapter is hereby amended as follows:

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

The introductory portion of Section 1204(1) is amended to read as follows:

(1) Except as otherwise provided in subsection (4) of this section, no person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, ~~the parking enforcement operator~~, or an official traffic control device, in any of the following places: ...

The introductory portion of Section 1204(2) is amended to read as follows:

(2) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsection (1) of this section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, ~~the parking enforcement operator~~, or an official traffic control device, in any of the following places:.....

The introductory portion of Section 1204(3) is amended to read as follows:

(3) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsections (1) and (2) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, ~~the parking enforcement operator~~, or an official traffic control device, in any of the following places:...



~~Sec. 8-1-40.1 Appendix 1, Definitions.~~

~~Appendix 1 of the Model Traffic Code adopted in this Chapter is hereby amended to include the following definition:~~

~~(67.1) "Parking Enforcement Operator" means a person under contract to the Town or Town employee whose duties include, but are not limited to, enforcement of certain of the Town's laws concerning the parking of motor vehicles. The term "parking enforcement operator" includes any employee of the Town's parking enforcement operator acting within the course and scope of his or her employment.~~

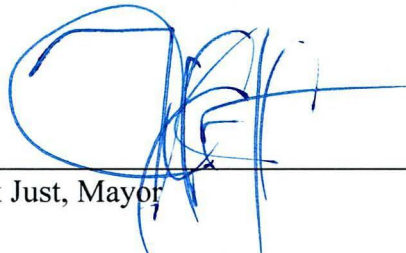
**Section 3.** Safety Clause. The Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 4.** Severability. Should any one or more sections or provisions of this Ordinance or of the Code provisions be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provisions, the intention being that the various sections and provisions are severable.

**Section 5.** This Ordinance shall become effective 30 days following publication.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the Town of Fairplay by the Board of Trustees this 3<sup>rd</sup> day of March, 2025.

**TOWN OF FAIRPLAY, COLORADO**

  
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Frank Just, Mayor

  
ATTEST

  
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Janell Sciacca, Town Clerk