

ORDINANCE NO. 2007-16

**AN ORDINANCE AMENDING CHAPTER 10.08
OF THE CASTLE ROCK MUNICIPAL CODE
REGARDING RESTRICTED PARKING; AND PROVIDING
FOR ITS EMERGENCY ADOPTION ON SECOND AND FINAL READING**

WHEREAS, the Downtown Advisory Commission has identified that on street parking in the downtown area is not designed to support the local merchants, and

WHEREAS, the Downtown Advisory Commission has developed a parking management program for the commercial area of downtown Castle Rock, and

WHEREAS, it has been determined that it is necessary to amend Chapter 10.08 of the Castle Rock Municipal Code regarding restricted parking to allow for administrative determination of the restricted parking time zones and restricted parking areas in accordance with the parking management program; and

WHEREAS, in order to implement the parking management program and facilitate the loss of parking in the downtown area due to the Douglas County administration building expansion construction, it is necessary to adopt this ordinance on an emergency basis.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. Amendment. Chapter 10.08 of the Castle Rock Municipal Code amended in its entirety to read as follows:

Chapter 10.08

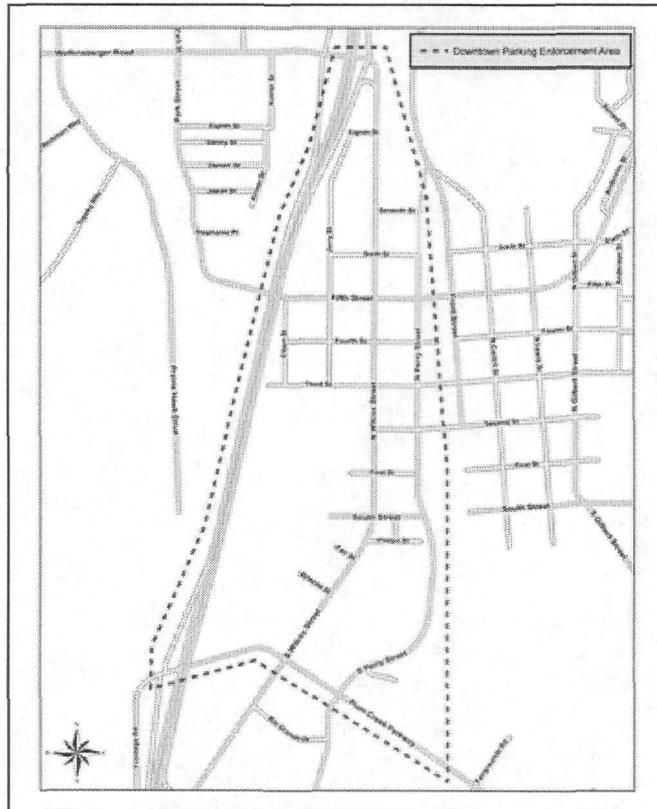
Restricted Parking

- 10.08.010 Area designated**
- 10.08.020 Authority to set parking restrictions and parking restrictions**
- 10.08.030 Repealed**
- 10.08.040 Repealed**
- 10.08.050 Special event parking restrictions**
- 10.08.060 Applicability**
- 10.08.070 Enforcement**
- 10.08.080 Violation; penalty**

10.08.010 Area designated.

The within limitation on parking within the Town shall govern all on-street parking within an area described as follows and set forth in the restricted parking map attached and incorporated below. The Town Manager or his designee shall maintain the restricted parking map and shall be responsible for any revisions, modifications, amendments, additions, deletions or other changes of any nature to the restricted parking map. The restricted parking map revisions, modifications, amendments, additions, deletions or other changes of any nature shall not take effect prior to fifteen (15) days from the date the restricted parking map is filed in the office of the Town Clerk and the map is posted at the designated public place for posting notices. The Town Clerk shall cause the parking restriction map to be published in a paper of

general circulation once before the effective date of the map. The Town Manager or his designee shall cause signs to be placed in the restricted parking areas listing the restrictions and penalties for any violation of the restricted parking provisions. For the purposes of this Chapter, to cause a vehicle to be so parked shall be the responsibility of either the registered owner as on file with the State within which the vehicle is registered, or the driver of the vehicle, and any officer issuing a citation for unlawful parking shall be permitted to issue such citation by effective description of the vehicle and leaving the citation on the windshield thereof.



10.08.020 Authority to set parking restrictions and parking restrictions.

A. The Town Manager or his designee shall determine and set the time limits, charges and days and hours of operation for parking meters, not to exceed five (5) consecutive hours and this determination shall be based upon study and investigation as a public convenience and safety requirement.

B. The Town Manager shall issue permits for parking in the public rights-of-way outside of the roadway.

C. The Town Manager or his designee has the authority to establish, regulate and enforce on street parking, specifically:

1. Establish parking restrictions, limitations, regulations or prohibitions,
2. Keep records of all streets and places with parking restrictions and posted signs,

4. Establish construction zones for special parking,
5. Designate special parking zones for taxicabs, television, press and radio cars or other special parking zones,
6. Designate location of angle parking,
7. Issue permit placement of parking restriction signs,

D. Special rules for access and time limits may be established for

1. Handicapped parking,
2. Emergency access lanes,
3. Permits for parking in truck loading zones,
4. Prohibited parking during street cleaning, etc.,
5. Restricted press or radio parking zones,
6. Street closures by contractors,
7. Special event parking restrictions and permits pursuant to Section 10.08.050.

10.08.030 Repealed.

10.08.040 Repealed.

10.08.050 Special event parking restrictions.

A. A *special event* is any event in the Town for which the Town grants a street closure for the event.

B. If the Town Manager or his designee determines that additional parking restrictions should be in place for a special event, the Town Manager or his designee shall file a restricted parking plan with the Town Clerk to address the public safety, access and the movement of traffic and pedestrians during the special event. Said Special Event Restricted Parking Plan may include limiting access for on-street parking to local businesses and patrons, barricade plans and alternate access routes. The Town Manager or his designee shall file said Special Event Restricted Parking Plan with the Town Clerk at least fifteen (15) days before the special event. The Town Clerk shall cause the Special Event Restricted Parking Plan to be published in a paper of general circulation once before the special event. The Town Manager or his designee shall cause signs to be placed in the restricted parking areas listing the restrictions and penalties for any violation of the restricted parking provisions.

C. It shall be unlawful for any person to park in violation of the Special Event Restricted Parking Plan. (Ord. 2001-11 §1, 2001)

10.08.060 Applicability.

This Chapter shall be deemed supplemental to all other regulations of the Town, including the Model Traffic Code as adopted by the Town, and statutes of the State, the same to continue in control with respect to all parking matters not addressed in this Chapter. (Ord. 2001-11 §1, 2001; Ord. 6.07 §4, 1979)

10.08.070 Enforcement.

It shall be the duty of the officers of the Police Department or any parking enforcement officer so authorized to enforce this Chapter within the corporate limits of the Town, to issue a summons and complaint, which may be a mail-in ticket as authorized by the Municipal Court, to any owner or driver of any vehicle found in violation of this Chapter. In the event no response is made to said summons and complaint within fifteen (15) days of the issuance thereof, the officers of the Police Department may inquire of the State Department of Revenue, Motor Vehicle Division, to determine the registered owner of the vehicle, and it shall be presumed that the registered owner caused the vehicle to be unlawfully parked. (Ord. 2001-11 §1, 2001; Ord. 6.09 §2, 1980; Ord. 6.07 §5, 1979)

10.08.080 Violation; penalty.

Any person found in violation of any provision of this Chapter shall, upon conviction or admission thereof, be required to pay a fine in the amount of ten dollars (\$10.00). A penalty charge of twenty dollars (\$20.00) shall be added to the fine if the summons and complaint is not answered or contested within fifteen (15) days of issuance. (Ord. 2001-11 §1, 2001; Ord. 6.09 §1, 1980; Ord. 6.07 §6, 1979)

Section 2. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. Emergency Clause. For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the preservation of the immediate public health and safety for this Ordinance to take effect upon its adoption.

Section 4. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 24th day of April, 2007 by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

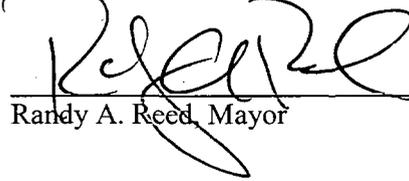
PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE ON SECOND AND FINAL READING this 8th of May, 2007, by a vote of the Town Council of the Town of Castle Rock, Colorado of 7 and 0 constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

ATTEST:



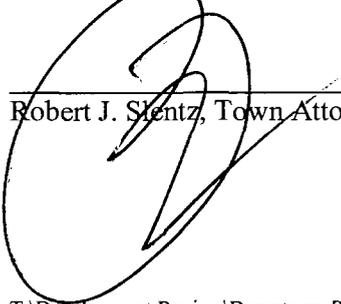
Sally A. Misare, Town Clerk

TOWN OF CASTLE ROCK



Randy A. Reed, Mayor

Approved as to form:



Robert J. Stentz, Town Attorney

Approved as to content:



Art Corsie, Director of Development Services



Item # 3

Meeting Date: May 8, 2007

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

From: Fabby Hillyard, Downtown Coordinator

Through: Art Corsie, Director of Development Services 

Title: Ordinance 2007- 16: An Ordinance Amending Chapter 10.08 of the Castle Rock Municipal Code Regarding Restricted Parking; And providing for its Emergency Adoption on Second and Final Reading.

Executive Summary

The Downtown Advisory Commission has been discussing the parking situation in the downtown area over the past several months and working with staff to devise a comprehensive parking management program. The discussion has lead to both short term and intermediate actions that need to occur in order to more effectively manage the downtown parking needs. Even though this report will touch upon the intermediate and long term strategies, the purpose of this report is to discuss in detail the immediate recommended parking management program.

The immediate, short term, plan recommended by the Downtown Advisory Commission consists of two components:

1. Modifying the parking time zones in the downtown area to provide appropriate short term and long term parking options
2. Enforcement of the established parking time zones

In order to implement the parking management program, several changes to Chapter 10 of the Town of Castle Rock Municipal Code are required. The changes are two-fold:

1. To allow for a newly hired Parking Enforcement Officer to issue parking tickets
2. To allow for parking time zones to be set administratively

Emergency Reading Request

Town Council reviewed the proposed Ordinance at their April 24, 2007 meeting. There was discussion concerning who would be the administrative authority as defined in the new ordinance. Town Manager Mark Stevens stated that, at this time, he would manage this directly. There was also discussion about the fine level and the deterrent power of a \$ 10.00 ticket. Police Chief Tony Lane was asked to explain the training and back up support that was available to the new civilian enforcement officer, to Council's satisfaction. It was recommended to monitor the effectiveness of the program, including the level of fines, number of tickets and community response and report back to Council with the results. The Ordinance passed unanimously, 6 – 0.

The Douglas County expansion project is scheduled to begin in early May. The initial phase of this project is to build a parking structure. Whereas this is a good thing for Downtown Castle Rock in the long run, in the short run, all of the employees who have been parking on the county's surface lot will be displaced during construction. The County has made arrangements for employees to park on a temporary lot at the site of the newly demolished Human Services building, across the street from the main County building. This lot will certainly help minimize the pressures that the closing of the original lot will have on Downtown Castle Rock. There is concern, however, that there will still be an increase in the demand for all day parking in the Downtown area. There is ample all day parking in the downtown area, it is simply located a few blocks from the County Building. The Parking Enforcement program, defined in this Ordinance, was developed, in part, to help manage this new parking dynamic. There has been extensive work done in the Downtown Community and with the County to alert people to this new program. Also, upon approval and before implementation, all property owners in the effected area will receive a letter from the Town describing the program and including a map of the new parking time zones.

As the schedule for closing the existing lot is early May, we are respectfully requesting that on Second and Final reading the Council provide for the emergency adoption of this Ordinance in order to implement the program immediately and avoid the 30 day referendum period.

Staff is requesting Town Council to review and act upon the proposed ordinance changes (Attachment 1) so that the parking management program for downtown can proceed. The Downtown Advisory Commission has reviewed the proposals at various meetings and recommends approval.

Discussion

Background

The Downtown Advisory Commission has been discussing the parking situation in the downtown area over the past several months and working with staff to devise a comprehensive parking management program. The discussion has lead to both short

term and intermediate actions that need to occur in order to more effectively manage the downtown parking needs. While there will be a long-term strategy developed within the planning process, this discussion has not occurred.

The Town of Castle Rock currently has a policy of non-enforcement of the parking times unless the offence is causing a public safety problem or is clearly an abandoned vehicle. Before enforcement action was taken, the Commission thought that a combination of education and warning tickets might change some of the parking behaviors. The Downtown Officer has been placing warning tickets on cars that he has clearly identified are abusing the 2-hour limit. These tickets were intended to bring awareness that there are time limits associated with the place and inform them where all day parking is available. This initial step has not changed the pattern of behavior of the routine offenders and the Downtown Advisory Commission asked the town staff to develop an enforcement program for the downtown area.

Both short-term and intermediate solutions have been discussed, although no official recommendation on intermediate solutions has been made. The short-term parking management solution consists of two strategies:

1. Modification of the parking time zones in the downtown area to provide appropriate short-term and long-term parking options.
2. Enforcement of the established parking time zones.

The intermediate solutions will be discussed later in this report.

Modification of Parking Time Zones

The current time zones within the downtown area were established in 1979 by ordinance. The downtown has significantly changed since the establishment of the parking time zones. This has resulted in all day parking being located in front of retail establishments where two-hour parking may be more appropriate. The Commission saw this as a problem and recommended reviewing and changing the parking time zones throughout the downtown area.

Staff reviewed the parking time zones and is recommending changes. The proposed changes are included as a map in Attachment 2. The changes are based upon the type of business adjacent to the parking and availability of off-street parking in the area.

On street parking located in front of street level retail or a high turnover destination (such as the police station and County buildings), parking will be restricted to two-hours. In areas where adequate off-street parking is available or there is little activity associated with the use (strip malls and storage units on North Wilcox and around the museum), parking will be all day.

The changes will result in a total of 364 spaces being available for two hour parking and 182 spaces available for all day parking. The existing space breakdown is 309 for two-hour and 237 for all day resulting in an increase of 55 of two hour spaces.

The Downtown Advisory Commission recommended approval of the proposed parking time zone changes at their February 8, 2007 meeting.

Parking Enforcement

Initial parking enforcement began with the issuance of warning tickets. As this was not enough to change the behavior of consistent abusers, the Downtown Commission recommended proceeding with enforcement of the time restrictions particularly given the upcoming construction activities associated with the Miller Building expansion. At their January 18, 2007 meeting, the Commission approved a parking enforcement plan consisting of two phases:

Phase I

- Develop a map of the parking areas and time restrictions in the downtown area
- Assess if these areas are appropriate or if there need to be some changes to the times in certain areas to better manage the parking inventory downtown
- Develop a communication plan for the implementation of enforcement in the downtown area
- Develop criteria to measure program success
- Hire and train recommended part time staff and provide necessary equipment

Significant progress has been made on Phase I of the plan. In April/May official warnings will be issued to illegally parked cars. This would be a ticket, which includes future fines for the infraction and information about parking zones downtown. Warning tickets contain all the necessary vehicle information to track specific vehicles that are routinely violating parking limitations and disregarding the law. During this time, parking issues related to public safety and abandoned vehicles would continue to be enforced. A map of the parking areas and times in downtown would be placed on each car that received a warning ticket to let the driver know where they can park for longer than 2 hours.

Phase 2

After the first phase of the program actual tickets with parking fines, \$ 10.00, will be given to cars that violate the parking limits downtown.

The enforcement program will be announced on the web site, in Rock Talk, The Douglas County News Press, and any other possible information source. After 6 months, the program will be evaluated for the following:

- Number of tickets
- Number of citizen complaints
- Response from the business owners
- Work load added to the court system and impacts on the Castle Rock Police Department
- Community support or concern
- Actual costs

Intermediate and Long-Term Solutions

The staff has been researching a number of intermediate parking strategies. These would include, but not be limited to, re-striping existing parking spaces to maximize potential number of spaces, conversion of angled parking to head-in parking, and assignment of handicapped spaces. The Downtown Advisory Commission recommended that these strategies be put on hold until the parking enforcement program has been implemented and evaluated, after 6 months, to determine the need. The consensus of the Downtown Advisory Commission and staff was to be careful not to change things for the sake of change but to understand the problem and be strategic about the solutions. Enforcement was selected as the primary tool needed to manage the on street parking resources.

Staff is also developing a scope of work for a traffic / parking consultant to recommend long term parking and traffic solutions based on the outcome of the Downtown Plan as finalized by the Downtown Advisory Commission and Town Council. The long-term strategies would include: locations and size of parking structures; and on going "on street" parking management programs. These recommendations will be based on the final build out potential, total developable square footage, number of employees, recommended uses etc., of the Downtown area as determined by the Downtown Plan. Staff will move forward to refine the long-term strategies by working with the Urban Design team, and the parking/ traffic team and in further discussions with the Downtown Advisory Commission and Town Council.

Proposed Ordinance Changes

In order to implement the short-term parking strategies, changes to the Chapter 10.08 of the Town's Municipal Code are proposed. Chapter 10.08 allows the Town to enforce and create restricted parking in the downtown area. Two primary changes are being proposed:

1. To allow for a Parking Enforcement Officer to issue parking tickets.
2. To allow for parking time zones to be set administratively.

The way the code is currently written, Section 10.08.070 only allows police officers and other law enforcement officers to enforce parking restrictions. This section is being revised to allow both police officers and civilian parking enforcement officers to write parking tickets.

To enforce parking restrictions downtown, the Town currently is in the process of hiring a parking enforcement officer. This position will be a civilian position within the Town under the supervision of the Police Department. Since the position is not a sanctioned police officer under the current code they could not write tickets for parking violations. The proposed change to Section 10.08.070 will allow this to occur.

Staff is also proposing several other wholesale changes to the parking regulations in the Downtown area. The main purpose of these changes is to allow the Town Manager or his designee the administrative authority to change parking time zones.

Under the current code, all parking time zones are detailed on a street-by-street basis. If any changes are proposed, the ordinance would have to be revised through Town Council and unless enacted on an emergency basis, would come into effect 30 days after second reading. Overall, the current process could take several months to change parking within the downtown area. Also, the current ordinance only covers a portion of downtown and not the entire area.

In order to be more responsive to the needs of downtown merchants and property owners, the proposed ordinance would grant the Town Manager or his designee the authority to determine parking time zones through an administrative process rather than action by the Town Council. This would allow flexibility to respond to requests from property owners and new development or change in business conditions. This process would also include specific notification requirements so that affected property owners, businesses, and citizens would be aware of the proposed changes.

Since the proposed changes result in a new regulatory scheme for parking downtown, many other changes are proposed to enforce the two primary reasons for changing the code as discussed above. The following is a summary of all the proposed changes:

- The area the Town can enforce parking is determined by map rather than a street-by-street description
- Town Manager or his designee has the authority to set parking time zones in addition to other types of parking management strategies including designation of angled parking, handicapped parking, special event parking, loading zones, emergency lanes, meter location, parking permits, etc
- Repeal two sections regarding two-hour and ten-minute parking (This is required since this authority to set times will vest with the Town Manager)
- Repeal oversized vehicle provisions. This provision prohibited oversized vehicles from parking on Wilcox. This has not been enforced to staff's knowledge and can be enforced by other means (obstruction of traffic lanes) if necessary
- Establishes requirements for notification of time-zone changes by publication of map in newspaper and posting at least 15 days prior to actual change

All proposed changes are redlined in the draft ordinance (Attachment 1).

Financial Impact

The short-term parking management program is being funded as a pilot program in 2007 through the Downtown Program and Police Department budgets. Evaluation for continuation of the program will be conducted in the fall of 2007 and future funding would be budgeted for in the 2008 budget cycle.

<u>Fund Name</u>	<u>Amount</u>
DAC / Downtown Program	\$15,625.00
CRPD	\$ 6,300.00

Recommendation

The proposed ordinance changes to the restricted parking code (Chapter 10.08) pertaining to downtown are necessary to implement the short-term parking strategies endorsed by the Downtown Advisory Commission. Due to the timing of the new downtown parking structure, staff and the Downtown Advisory Commission recommend approval of the ordinance on an emergency basis for second reading.

Proposed Motion

I move to approve Ordinance 2007- 16: An Ordinance Amending Chapter 10.08 of the Castle Rock Municipal Code Regarding Restricted Parking; And providing for its Emergency Adoption on Second and Final Reading.

Attachments

Attachment 1: Ordinance 2007- 16: An Ordinance Amending Chapter 10.08 of the Castle Rock Municipal Code Regarding Restricted Parking; And providing for its Emergency Adoption on Second and Final Reading.

Attachment 2: Map of proposed downtown parking time zones.

Attachment 1

Ordinance 2007- 16: An Ordinance Amending Chapter 10.08 of the Castle Rock Municipal Code Regarding Restricted Parking; And providing for its Emergency Adoption on Second and Final Reading.



Attachment 2

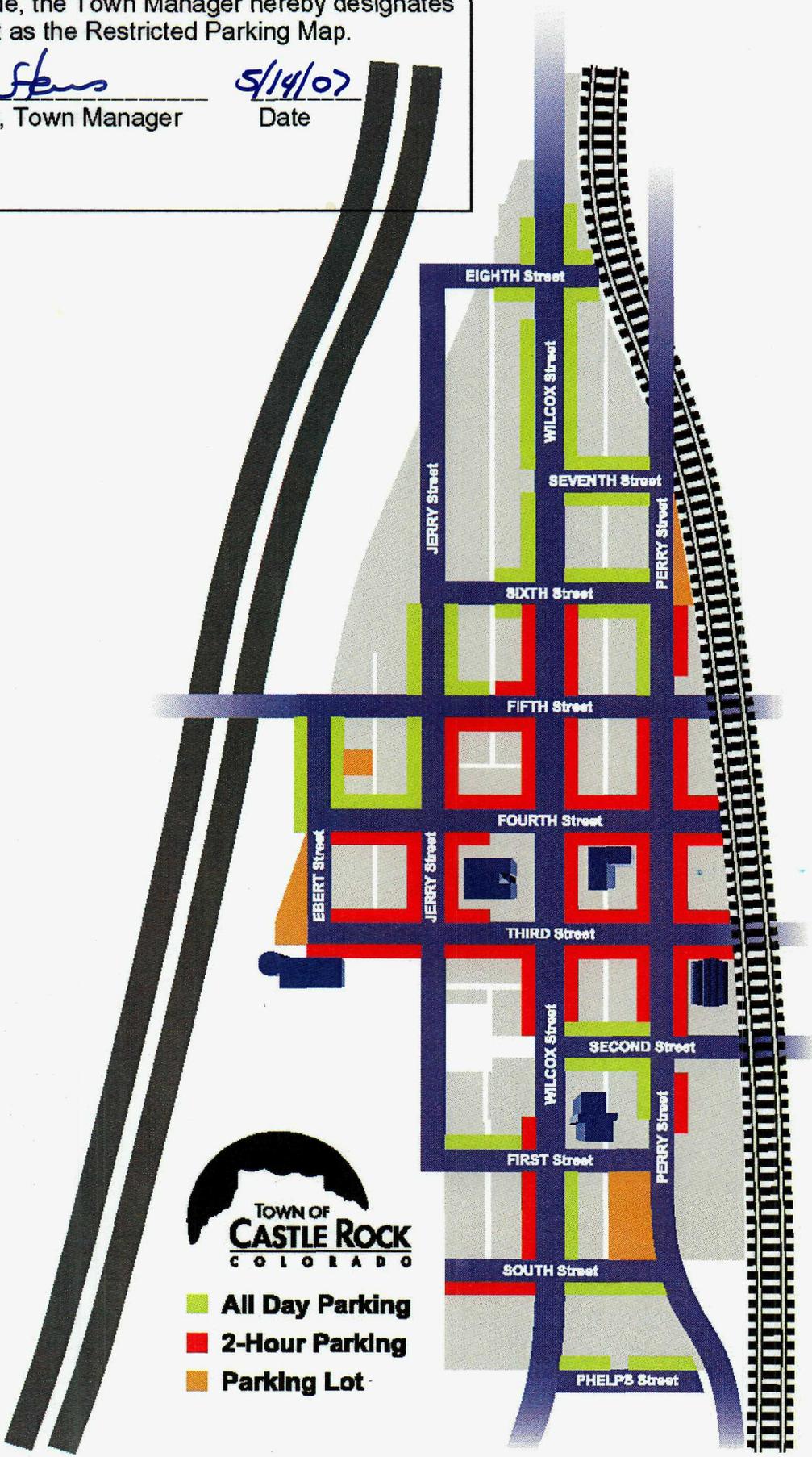
Map of proposed downtown parking time zones.



Pursuant to Chapter 10.08 of the Town of Castle Rock Municipal Code, the Town Manager hereby designates this document as the Restricted Parking Map.

Mark Stevens
Mark Stevens, Town Manager

5/14/07
Date



-  All Day Parking
-  2-Hour Parking
-  Parking Lot