

**TOWN OF SEVERANCE
ORDINANCE NO. 2025-04**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, REPEALING AND REENACTING ARTICLE 4, "VEHICLE PARKING
ENFORCEMENT," OF CHAPTER 8, "VEHICLES AND TRAFFIC," OF THE
SEVERANCE MUNICIPAL CODE TO UPDATE THE TOWN'S PARKING
ENFORCEMENT PROCEDURES**

WHEREAS, the Town of Severance has enacted parking regulations and vehicle parking enforcement procedures in Chapter 8, "Vehicles and Traffic," of the Severance Municipal Code ("Code"); and

WHEREAS, the "Vehicle Parking Enforcement" procedures in Article 4 of Chapter 8 of the Code currently provide for enforcement by a "parking magistrate"; and

WHEREAS, the Town desires to repeal and reenact Article 4, "Vehicle Parking Regulations," of Chapter 8 of the Code to repeal enforcement by a parking magistrate and implement procedures for the municipal court to try and enforce violations of the Town's parking ordinances, rules, and regulations; and

WHEREAS, this ordinance is enacted pursuant to the Town of Severance's home rule authority under Article XX, § 6 of the Constitution of the State of Colorado, and pursuant to the Town of Severance's police powers, in order to safeguard and preserve the public health, safety and welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:**

Section 1. Article 4, "Vehicle Parking Enforcement," of Chapter 8, "Vehicles and Traffic," of the Severance Municipal Code is hereby repealed in its entirety and reenacted o read as follows:

ARTICLE 4 Vehicle Parking Enforcement

Sec. 8-4-10. Definitions.

As used within this Article the following words and terms shall have the following meaning except where otherwise specified:

Charging document means the document commencing or initiating the parking violation matter, whether denoted as a complaint, summons and complaint, parking citation, penalty assessment notice, parking assessment, or other document charging the person with the commission of a parking violation or violations.

Motor vehicle or *vehicle* means any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over public highways; such term includes, as defined by Title 42 of the Colorado

Revised Statutes, as amended, neighborhood electric vehicles, but does not include motorized bicycles, wheelchairs or vehicles moved solely by human power.

Parking enforcement officer means any Town employee who is authorized by the Town Manager, the Chief of Police, or the Chief's designee to enforce any of the parking violations set forth in the Code.

Sec. 8-4-20. Parking violations – civil infractions; trial to municipal court.

- (a) Notwithstanding any provision to the contrary in this Code, all violations of the parking ordinances, rules, and regulations promulgated by the Town shall be civil matters and not criminal violations. The Colorado Municipal Court Rules shall apply to parking violations, except as provided otherwise in this Chapter.
- (b) Parking violations shall be tried only to the municipal court. The municipal court shall have the discretion to uphold, reduce, or dismiss a parking citation and waive or reduce any fines or costs based on the evidence and arguments submitted before the court.
- (c) A defendant brought to trial solely upon a parking violation or violations shall have no right to a trial by jury as contemplated by C.R.S. § 13-10-114, or Rule 223, Colorado Municipal Court Rules, and trial of parking violations shall be to the court. No defendant found liable for a parking violation shall be punished by imprisonment.

Sec. 8-4-30. Citation procedure; commencement of action.

- (a) Whenever any motor vehicle is found parked, standing, or stopped in violation of the parking ordinances or parking rules promulgated by the Town, the citing parking enforcement officer shall note the vehicle's registration number, vehicle identification number, license plate, and any other information concerning the vehicle which will identify its driver or owner. The parking enforcement officer may commence the enforcement of the provisions of this Chapter in any of the following ways:
 - (1) A parking citation may be served by leaving it under the windshield wiper or otherwise conspicuously attaching the citation to the vehicle, or handing it to the driver or owner if the driver or owner is present, or mailing it by first class or certified mail to the address of the owner of the vehicle as shown in the motor vehicle ownership records of the state of registration; or
 - (2) A summons and complaint may be served on the owner of the vehicle as provided in the Colorado Municipal Court Rules of Civil Procedure.
- (b) The parking enforcement officer shall file a copy of the charging document with the municipal court.
- (c) No more than one fine or penalty may be collected for each parking violation.

Sec. 8-4-40. Information to be included in parking citation.

- (a) The form of the parking citation or other charging document shall be determined by the Town, but shall contain in substance the following information:

- (1) A statement that a parking violation has been committed by the owner or operator of the motor vehicle and that the determination shall be final unless contested as provided in this Article;
 - (2) A statement that a parking violation may result in impoundment or immobilization of the motor vehicle for which the owner may be liable for a fine and towing, handling, and storage charges or fees;
 - (3) A statement of the specific parking violation(s) for which the citation was issued;
 - (4) A statement of the monetary fine established for the parking violation; and
 - (5) A statement directing the driver to respond to the parking citation by either paying the fine(s) or by appearing in the municipal court on a date, time, and place specified in the citation, and the procedures necessary to exercise each option.
- (b) The parking citation or charging document represents a determination that a parking violation has been committed, and such determination shall be final unless contested as provided in this Article.

Sec. 8-4-50. Responsibilities of person who receives citation; liability of vehicle owner.

- (a) *Person receiving citation.* Any person who receives a parking citation shall respond to such citation within ten (10) days of the date of the issuance of the citation by either paying the fine set forth in the citation or by appearing before the municipal court on the date and time set forth in the citation.
- (b) *Vehicle owner.* If the owner of a vehicle cited for a parking violation has not responded to or paid the fine(s) in the parking citation within ten (10) days, as provided in this Article, the owner shall be subject to the fines and fees established in accordance with this Article.
- (c) *Owner liable.* The registered owner of a vehicle at the time the violation occurred shall be liable for all unpaid fines and fees.
- (d) *Defense for theft.* It is a specific defense to the liability of the owner that the vehicle was parked or stopped by a thief at the time of the violation.

Sec. 8-4-60. Notice and procedure for parking violations.

- (1) In any prosecution regarding a violation of any provision of the Code governing the parking, stopping, or standing of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such parking ordinance or rule promulgated by the Town, together with proof that the defendant named in the complaint was at the time of the issuance of the citation the registered owner of such vehicle, shall constitute an evidentiary *prima facie* presumption that the registered owner of such vehicle was the person who parked or caused or permitted to be placed such vehicle at a location where and for the time during which such violation occurred.
- (2) Any person charged with a parking, stopping, or standing violation under this Code for which a parking citation may be issued and for which payment of a fine may be made to the Town shall have the option of paying such fine within ten (10) days of the date of the issuance of the citation at a place specified in the parking citation upon entering a plea of guilty and upon waiving appearance in court; or may have the option of

depositing any required lawful bail, and upon a plea of not guilty shall be entitled to a hearing before the municipal court.

- (a) Payment of a parking citation by the person to whom the notice is served shall constitute an acknowledgment of guilt by such person of his or her violation of the offense stated in such notice.
 - (b) Payment of the prescribed fine shall be deemed a complete satisfaction for the violation, and the Town clerk of the municipal court or their designee, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.
- (3) If the person charged with a violation of any parking, stopping, or standing provision of the Code fails to respond to a parking citation affixed to such vehicle, or served or mailed to him or her, by payment or plea of not guilty in accordance with subsection (2) of this section, the Town clerk of the municipal court or their designee shall send a notice by mail to the registered owner of the vehicle to which the original parking citation was affixed, warning him or her that a default judgment may enter and, in addition, in the event such notice is disregarded for a period of twenty (20) days from the date of mailing, the vehicle is subject to impoundment or immobilization and the procedures in this Chapter.

Sec. 8-4-70. Establishment of fines and fees; late fee.

- (a) *Amount of fines and fees.* The Town Council shall by resolution establish the amount of all fines and fees prescribed in this Article.
- (b) *Late fee.* Whenever enforcement is initiated by issuance of a parking citation or other charging document, and payment of the fine(s) and fee(s) is not received by the municipal court or the owner or driver does not appear in the municipal court to set a hearing on the citation on the date and time set forth in the citation, the penalty shall be increased by a late fee in an amount to be established by resolution of the Town Council.

Section 2. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

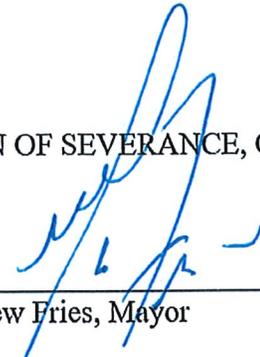
Section 4. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

Section 5. In accordance with Section 6.03(6) of the Town of Severance Home Rule Charter, this ordinance shall be effective thirty (30) days after publication.

Section 6. Violations of this ordinance shall be punishable in accordance with Section 1-4-20 of the Severance Municipal Code.

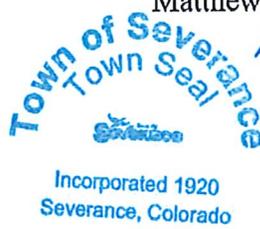
INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 11 day of February, 2025.

TOWN OF SEVERANCE, COLORADO

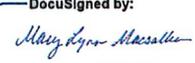

Matthew Fries, Mayor

ATTEST:


Sarah Jacobsen, Town Clerk



APPROVED AS TO FORM:

DocuSigned by:

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Hayashi & Macsalka, LLC, Town Attorney

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF WELD)

I, Sarah Jacobsen, Town Clerk for the Town of Severance, do solemnly swear and affirm that I published in full a true and correct copy of Ordinance No. 2025- 04, enacted by the Town Council on February 11, 2025, on the Town of Severance's website, <https://www.townofseverance.org/255/Ordinances>, on February 18, 2025.

Witness my hand and seal this 18 day of February, 2025.



Sarah Jacobsen
Town Clerk

