

**Town of Basalt  
Ordinance No. 30  
Series of 2019**

**AN ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, AMENDING  
THE TOWN'S LOCAL AMENDMENTS TO THE MODEL TRAFFIC CODE, TITLE 8,  
VEHICLES AND TRAFFIC, OF THE BASALT TOWN CODE FOR THE REGULATION  
OF PARKING WITHIN THE TOWN OF BASALT**

**RECITALS**

A. The Town of Basalt ("Town"), acting by and through its Town Council ("Town Council"), has the power to amend the Municipal Code of the Town of Basalt ("Town Code") pursuant to the Home Rule Charter for the Town of Basalt and Section 1-58, Town Code, and all such amendments shall become a part of the Town Code.

B. The Town adopted the 2010 Model Traffic Code for Colorado and provides for local amendment in Chapter 8, Article I, Section 2 of the Town Code.

C. The Town has determined that the existing code can result in ambiguity regarding liability for parking violation penalty assessment notices.

D. The Town Council further concludes that it is in the best interests of the citizens of the Town of Basalt for the Town to adopt the amendment to the Model Traffic Code as provided herein for the purpose of clarifying liability for parking violation penalty assessment notices and preserving and protecting the health, safety, welfare and quality of life for the citizens of the Town of Basalt.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Basalt, Colorado as follows:

1. Recitals. The foregoing recitals are incorporated herein as findings of Town Council.
2. Model Traffic Code Amendment.

Section 8-2 – Model Traffic Code, is hereby amended to read as follows:

**8-2: Amendments.**

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(9) Section 1214 of the Model Traffic Code as adopted by the Town is hereby added as follows:

- (1) The owner and operator of a vehicle shall be jointly and severally liable for the fines or penalties imposed for parking violations within the Town of Basalt.
- (2) For the purposes of this section and other parking restrictions maintained by the Town, the following definitions shall apply:

*Owner* means any person, corporation, partnership, firm, agency, association, lessor, or organization who at the time of the issuance of a notice of violation of parking in the Town:

- (1) is the beneficial or equitable owner of such vehicle;
- (2) has legal title to such vehicle;
- (3) is the registrant or co-registrant of such vehicle which is registered with the department of motor vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or
- (4) uses such vehicle in its vehicle renting and/or leasing business.

*Operator* means any person, corporation, firm, partnership, agency, association, organization or lessee that uses or operates a vehicle with or without the permission of the owner, and an owner who operates his own vehicle.

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### 3. Severability.

If any section, part, subpart, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each section, part, subpart, sentence, clause or phrase thereof regardless of the fact that any one or more sections, parts, subparts, sentences, clauses or phrases be declared invalid.

4. Effective Date. This Ordinance shall be effective fourteen (14) days after final publication.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON December 10, 2019, by a vote of 6 to 0.

READ AND ADOPTED by a vote of 6 to 6 on December 10, 2019

TOWN OF BASALT

By: \_\_\_\_\_

Jacque R. Whitsitt, Mayor

ATTEST:

  
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Pamela Schilling, Town Clerk



First Publication: Thursday, November 28, 2019  
Final Publication: Thursday, December 19, 2019  
Effective date: Thursday, January 2, 2020