

PROOF OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF EAGLE)

I, Stephanie Bibbens, Deputy Town of Vail Town Clerk, do solemnly swear and affirm that I published in full a true and correct copy of Ordinance No. 15, Series of 2022, second Reading, on the Town of Vail's web site, www.vailgov.com, on the 17th day of August 2022.

Witness my hand and seal this 17th day of August 2022.



Stephanie Bibbens
Deputy Town Clerk

**ORDINANCE NO. 15
SERIES 2022**

**AN ORDINANCE AMENDING TITLE 7 OF THE VAIL TOWN CODE BY
THE ADDITION OF NEW REGULATIONS FOR PEDESTRIAN MALL
AREAS IN THE TOWN**

WHEREAS, the Town desires to increase the safety of pedestrian traffic, improve the guest experience, reduce environmental impacts, and provide for the delivery of goods in Vail Village and Lionshead;

WHEREAS, the Town desires to reduce pollution, congestion, and the related health concerns created through the delivery of commercial goods, especially when concentrated in a particular area;

WHEREAS, the Town wishes to provide a higher-quality experience for all businesses and customers located in the Village Core; and

WHEREAS, the Town finds that a coordinated delivery system will address such concerns and provide for the coordinated and efficient delivery of commercial goods in pedestrian mall areas.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF VAIL, COLORADO, THAT:**

Section 1. Section 7-4-4(C) of the Vail Town Code is hereby amended as follows:

7-4-4: EPAMDS:

* * *

C. *Prohibited Areas:* EPAMDs are prohibited in or on the following:

1. Vail Nature Center;
2. Betty Ford Alpine Garden;
3. Village Streamwalk;
4. Children's playgrounds;
5. Turf areas or soft-surface trails;
6. Natural/unimproved areas; and
7. Streets and highways that are parts of the State highway system;
8. Bridge Street; and
9. Gore Creek Drive.

Section 2. Ordinance No. 14, Series 1978, is hereby repealed in its entirety.

Section 3. Title 7 of the Vail Town Code is hereby amended by the addition of a new Chapter 11, to read as follows:

**CHAPTER 11
VEHICULAR TRAFFIC IN PEDESTRIAN MALL AREAS**

7-11-1: PURPOSE:

The purpose of this Chapter is to increase the safety of pedestrian traffic in pedestrian mall areas, improve the guest experience, and reduce environmental impacts caused by vehicular traffic in pedestrian mall areas.

7-11-2: PEDESTRIAN MALL AREAS:

Pedestrian mall areas shall be those areas designated as a pedestrian mall on the Vail Village Pedestrian Mall Map and Lionshead Pedestrian Mall Map, both on file with the Town Clerk.

7-11-3: VEHICULAR TRAFFIC:

A. Unless expressly permitted by this Chapter, all vehicular traffic is prohibited from accessing or using a pedestrian mall area.

B. All vehicular traffic permitted by Section 7-11-4 shall comply with Chapter 12 of this Title and the requirements of following Vail Village Loading and Delivery Map and Lionshead Loading and Delivery Map, both on file with the Town Clerk.

7-11-4: EXCEPTIONS:

In all pedestrian mall areas, the following vehicular traffic is permitted:

- A. Public transportation vehicles operated by the Town;
- B. Emergency vehicles;
- C. Vehicles authorized by the Town, as specified in a valid Town-issued permit;
- D. Town-approved contractors delivering commercial goods in accordance with Chapter 12 of this Title;
- E. Armored money vehicles;
- F. Waste and recycling collection vehicles;
- G. Vehicles entering or exiting a parking structure to access a business or residence when there is no other means of vehicular access;
- H. Property owners and their guests actively loading or unloading when there is no other means of vehicular access;
- I. Guests checking in or out of any accommodation establishment located within a pedestrian mall area; and

J. High-volume commercial carriers as defined in Section 7-12-2 of this Title.

Section 4. Title 7 of the Vail Town Code is hereby amended by the addition of a new Chapter 12 to read as follows:

**CHAPTER 12
LOADING AND DELIVERY IN PEDESTRIAN MALL AREAS**

7-12-1: PURPOSE:

The purpose of this Chapter is to increase the safety of pedestrian traffic, improve the guest experience, reduce environmental impacts, and provide for a coordinated process for the delivery of goods in pedestrian mall areas.

7-12-2: DEFINITIONS:

The definitions in Section 4-1-2 of this Code shall apply to this Chapter. In addition, for purposes of this Chapter, the following terms shall have the following meanings:

COMMERCIAL GOODS: Goods that are sold for the generation of income or any other commercial purpose, including food and beverage and retail and wholesale goods.

HIGH-VOLUME COMMERCIAL CARRIER: A commercial carrier that, on more than five (5) days per week, delivers a high volume and variety of commercial goods, excluding food and beverage, to multiple recipients in the Town.

LOADING DOCK: The area of a building designated for the loading and unloading of commercial goods to and from delivery vehicles, in compliance with this Code and all other applicable regulations.

PEDESTRIAN MALL AREA: Any area designated as a pedestrian mall area by Chapter 11 of Title 7 this Code.

TOWN-APPROVED CONTRACTOR: A contractor selected by the Town to transport and deliver commercial goods in any pedestrian mall area.

VILLAGE CORE: The area designated as the Village Core on the Village Core Map, on file with the Town Clerk

7-12-3: RESTRICTED AREAS:

No person shall transport or deliver commercial goods in a pedestrian mall area except:

1. A Town-approved contractor;
2. A high-volume commercial carrier; or
3. Vehicles owned by businesses that own loading docks within a pedestrian mall area if the vehicles are clearly marked to show the ownership of the vehicle.

7-12-4: SELECTION OF TOWN-APPROVED CONTRACTORS:

The Town shall select one or more Town-approved contractors following advertisement and a request for proposals. In the selection process, the Town Council shall consider cost, responsibility, professionalism, prior experience and any other factors deemed relevant by the Town Council. The selection of a Town-approved contractor shall be memorialized in a written agreement in a form approved by the Town.

7-12-5: LOADING DOCK PERMIT REQUIRED:

A. Any person or business delivering commercial goods to a loading dock serving a pedestrian mall area shall obtain a loading dock permit from the Town.

B. An application for a loading dock permit shall be submitted to the Vail Police Department, on forms provided by the Vail Police Department. Permits shall only be issued upon receipt of payment of the applicable permit fee as established by this Chapter. Permit fees are calculated on an annual basis beginning in October of each year and shall be prorated on a monthly basis.

C. The Vail Police Department shall issue a loading dock permit if the application meets all of the requirements of this Code and other applicable law.

D. Issuance of a loading dock permit authorizes a Town-approved contractor to deliver the permittee's commercial goods from the applicable loading dock to the designated delivery location.

7-12-6: LOADING DOCK PERMIT FEE:

A. The applicable permit fee shall be calculated based on peak season intensity, when deliveries are generally at their highest frequency for the particular business. Each application for a permit shall include the applicant's truthful and accurate estimate of peak season intensity. At any time, should the Town determine that the estimate contained in the application is inaccurate, the Town reserves the right to adjust the permit fee accordingly.

B. The Town shall use the estimate to calculate the total number of points assessed to the applicant, as follows:

| Activity | Intensity | Points Assessed |
|---|------------------------|-----------------|
| Total number of delivery days per week | 1 day | 1 |
| | 2 – 3 days | 2 |
| | More than 3 days | 3 |
| Total number of delivery locations within the pedestrian mall area per week | 1 – 12 locations | 1 |
| | More than 12 locations | 2 |
| | Less than 30 minutes | 1 |

| | | |
|---|------------------------------|---|
| Total time using loading docks per week | 30 minutes or more | 2 |
| Type of delivery vehicle(s) | Van | 1 |
| | Truck with less than 3 axles | 2 |
| | Truck with 3 or more axles | 3 |

C. The total points assessed per person or entity shall be the basis for the calculation of the permit fee, as follows:

| Tier | Points Assessed | Monthly Permit Fee |
|------|-----------------|--------------------|
| 1 | Less than 6 | \$250 |
| 2 | 6-7 | \$1,000 |
| 3 | 8-9 | \$1,500 |
| 4 | 10 or more | \$2,250 |

7-12-7: VIOLATION; PENALTY:

A. *Violation:* It is unlawful to violate any provision of this Chapter. Violations of this Chapter shall be civil infractions. Each day of violation shall be deemed a separate offense.

B. *Civil Enforcement:*

1. If the Town chooses civil enforcement, a citation may be served by posting on the front door of the business in violation, or by personal service on the alleged violator, or by mailing first-class U.S. Mail to the last known address of the alleged violator.

2. Civil violations shall be subject to the following fines and penalties:

First violation in any twelve (12) month period: \$500

Second violation in any twelve (12) month period: \$1,500

Third and subsequent violations in any twelve (12) month period: \$2,500

3. All penalties shall be paid within fourteen (14) days of the date of the citation. If the civil violation is paid, there shall be no opportunity to challenge or otherwise appeal the violation. If the violator disputes the violation, a written protest shall be filed with the Town within fourteen (14) days of the date of the citation.

4. If the citation is protested, the Town shall cancel the citation and proceed to criminal enforcement.

D. *Criminal Enforcement:* If the Town chooses criminal enforcement or a protest is filed and the civil citation is canceled, a summons and complaint may be served as provided in the Colorado Municipal Court Rules of Civil Procedure. The penalties shall be as set forth in Section 1-4-1 of this Code.

E. *Other Remedies:* In addition to the penalties described above, the Town shall have any and all remedies provided by law and in equity for a violation of this Chapter, including without limitation: damages; specific performance; and injunctive relief.

Section 5. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance; and the Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 6. The Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 7. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 8. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 2nd day of August, 2022 and a public hearing for second reading of this Ordinance set for the 16th day of August, 2022, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Kim Langmaid, Mayor

ATTEST:

Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED
this 16th day of August, 2022.

Kim Langmaid, Mayor

ATTEST:

Tammy Nagel, Town Clerk