

## ORDINANCE NO. 11

Series of 2024

### AN ORDINANCE AMENDING CHAPTER 10 OF TITLE 7 OF THE VAIL TOWN CODE REGARDING COMMERCIAL TRANSPORTATION

WHEREAS, the Town desires to clarify various provisions regarding commercial transportation permits in the Town.

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

Section 1. The definition of "Bus Operators" and "Loading and Unloading Areas" in Section 7-10-2 of the Vail Town Code are hereby amended as follows:

**BUS OPERATORS.** Commercial operators engaged in the business of providing passenger transportation in motor vehicles having a capacity of 26 or more persons, or as otherwise defined by the Colorado Public Utilities Commission, except for vehicles operated by the Town and commercial operators regulated by the federal government, ~~such as Greyhound.~~

**LOADING AND UNLOADING AREAS.** Those areas authorized for passenger loading and unloading as shown on the Loading and Unloading Areas map on the Town website. ~~on file with the Town Manager and available for inspection during regular business hours.~~

Section 2. Section 7-10-2 of the Vail Town Code is hereby amended by the deletion of the following definitions: "Infrequent User" and "Oversized Vehicle".

Section 3. Section 7-10-3(A) of the Vail Town Code is hereby repealed in its entirety and reenacted as follows:

#### **7-10-3 PERMIT REQUIRED.**

(A) Every commercial operator shall register with the Town and obtain a permit for each vehicle in the commercial operator's fleet at least 30 days prior to each transportation year. The Town shall issue a permit to the vehicles of any commercial operator who agrees to continuously satisfy the terms and conditions of this Chapter.

(B) A permit fee, in an amount set annually by the Town Manager, shall be required with every application.

(C) The permit shall be permanently affixed to the vehicle front windshield on the lower passenger's side window for each permit and visible to the public.

(D) If a permit is damaged, a new permit will be issued only when the remains of the damaged permit are returned to the Town.

Section 4. Section 7-10-7 of the Vail Town Code is hereby amended as follows:

**§ 7-10-7 CONDUCT.**

Commercial operators shall abide by the following rules of conduct.

\* \* \*

(H) ~~Oversized vehicles~~ Commercial Operator. To ensure efficient traffic movement and protect pedestrian safety, the Town may restrict ~~oversized vehicles~~ Commercial Operators from certain areas of the Town as detailed on the Loading and Unloading Areas map on the Town Website., ~~and such restrictions shall be indicated by appropriate signage.~~

(I) Identification. Commercial Operators shall conspicuously display the name of the company to which the permit applies on each vehicle.

Section 5. Section 7-10-9 of the Vail Town Code is hereby repealed in its entirety and replaced as follows:

**§ 7-10-9 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:

- (a) First violation in any twelve (12) month period: \$500 fine.
- (b) Second violation in any twelve (12) month period: \$750 fine.
- (c) Third violation in any twelve (12) month period: \$1,000 fine.
- (d) Fourth violation in any twelve (12) month period: \$1,000 fine and permit revocation for one (1) year from the date of the violation.

(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 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 herein, 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 6. 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 Town 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 7. The Town 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 8. The amendment of any provision of the Vail 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 9. 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 3<sup>rd</sup> day of September, 2024 and a public hearing for second reading of this Ordinance set for the 17<sup>th</sup> day of September, 2024, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

*Travis Cogg*

Travis Cogg, Mayor

ATTEST:

*Stephanie Kauffman*  
Stephanie Kauffman, Town Clerk



READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED  
this 17<sup>th</sup> day of September, 2024.

*Travis Cogg*

Travis Cogg, Mayor

ATTEST:

*Stephanie Kauffman*  
Stephanie Kauffman, Town Clerk

