

ORDINANCE NO. 5.06.44, Series of 2020

**TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 7.04.010, 7.04.020 AND 7.04.030 OF THE PARKER MUNICIPAL CODE CONCERNING ABANDONED VEHICLES**

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

**Section 1.** Section 7.04.010 of the Parker Municipal Code is amended to read as follows:

**7.04.010 Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Abandoned on private property* means any vehicle that is not in operating condition for a period exceeding fifteen (15) days on private property; or any vehicle clearly not belonging to a resident or guest of a resident; or any vehicle determined to be lost, stolen or unclaimed on private property.

**Abandoned on a public parking lot means, any vehicle that is parked in a public parking lot for a period of time longer than forty-eight (48) consecutive hours. With respect to any vehicles located on other public property, or right-of-way, the provisions of the Model Traffic Code, as adopted herein, shall apply.**

*Appropriate places* means a car pound authorized by the Town, licensed auto repair shops, licensed service stations with repair facilities, licensed junkyards, licensed new and used car sales dealers with inside repair facilities and used by the businesses mentioned in this Paragraph which are properly zoned for this use, and those buildings designed for the storage of vehicles such as residential or commercial garages.

*Hobby* means the repairing, reconditioning or rebuilding of all vehicles which is done for personal enjoyment or entertainment only, with no profits, compensation or reimbursements of any kind involved.

*Operating condition* means a vehicle which is safe to operate, displaying a safety inspection sticker where required by state law, and duly tagged with the proper license plates where required by the State Motor Vehicle Division. Any dismantled, partially dismantled, discarded, junked or wrecked vehicle shall not be deemed to be in operating condition.

*Property* means any real property within the Town which is not a street or highway, or public property.

*Vehicle* means a machine, propelled or pulled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and used to transport airplanes, trucks, trailers, motorcycles, motor scooters, tractors, buggies and wagons, either in the singular or plural definition. The term *vehicle* shall not include antique vehicles.

**Section 2.** Section 7.04.020 of the Parker Municipal Code is amended to read as follows:

**7.04.020 Prohibited acts.**

(a) No person shall abandon any vehicle within the Town and no person shall leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle to appear to have been abandoned.

(b) It is unlawful for any person to leave any abandoned vehicle or any vehicle not in operating condition on any street or highway within the Town.

**(c) It is unlawful for any person to park or allow to be parked a vehicle in any public parking lot for a time period longer than forty-eight (48) consecutive hours, or to leave any abandoned vehicle or any vehicle not in operating condition in any public parking lot for a period of time longer than forty-eight (48) consecutive hours, except where such vehicles are actively engaged in rendering services in the immediate area, have been issued a permit to remain longer than forty-eight (48) consecutive hours, or the Chief of Police or designee has made a determination that a major weather-related event has created a temporary exception to the provisions of this Chapter.**

**(d) It is unlawful for any person to relocate or otherwise move a vehicle described in this Section to a new location from the vehicle's original parked location in an attempt to circumvent or evade the provisions of this Section.**

~~(e)~~**(e)** It is unlawful for any person who is the owner of any vehicle or any person who is in charge or control of any vehicle, or for any person who owns property, is in charge or control of property, or any tenant, lessee, occupant or renter, to permit or allow any abandoned vehicle or a vehicle not in operating condition to remain on such property.

**Section 3.** Section 7.04.030 of the Parker Municipal Code is amended to read as follows:

**7.04.030 Investigations, notices, impoundments, costs.**

(a) The Chief of Police and/or officer of the Police Department are authorized to investigate any vehicle left at any place within the Town which reasonably

appears to be in violation of the provisions of this Chapter. **The Chief of Police or designee is authorized to make a determination that a major weather-related event has created a temporary exception to a violation of the provisions of this Chapter and, upon such determination, no investigations will be conducted for violations of this Chapter until a minimum of forty-eight (48) hours after the major weather-related event has concluded.**

(b) If, after an investigation, there is probable cause for believing a violation of this Chapter exists, the officer making the investigation shall immediately **place upon the vehicle a notice of violation or, if known, immediately** issue a notice of violation to the owner of the vehicle or any person in charge or control of the vehicle, or if the notice of violation is being issued pursuant to 7.04.020(e) it may be issued to the property owner, manager, tenant, lessee, renter or occupant of the premises on which such vehicle is located. Such notice of violation shall state the date issued, the name of the person to whom the notice is issued, the violation involved and the time limit of ~~fifteen (15) days~~ **twenty-four (24) hours** being given to remove or correct the cause of such violation, and signed by the issuing officer.

(c) If, after ~~fifteen (15) days~~ **twenty-four (24) hours** from date of issuance of the notice of violations provided for in this Chapter, the cause of such violation has not been removed from within the boundaries of the Town, or corrected, the Chief of Police **and/or officer of the Police Department** shall **either** issue a summons and complaint to the person named on the notice of violation **or have the vehicle towed at the owner's expense.** If **a summons and complaint is issued, and if** the **person named on the notice of violation** ~~owner of the vehicle, or the owner, manager, tenant, lessee, renter or occupant of the premises on which such vehicle is located,~~ cannot be located in order to serve such notice of violation, then a summons and complaint shall **may** immediately be issued against the vehicle, describing the vehicle by make, year and model.

(d) The Chief of Police or officer issuing the summons and complaint shall be authorized to order the towing away and removal of any vehicle found in violation of this division to an appropriate place authorized by the Town Council, and there held until lawfully disposed of, or claimed.

(e) All expenses incurred in the impoundment of any vehicle under the provisions of this Chapter shall be assessed against the property from which such vehicle was removed or against the owner of the vehicle if he or she should be located.

**Section 4.** **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this

Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

**Section 5. 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 application to other persons or circumstances.

**Section 6.** This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

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James S. Maloney, Town Attorney