

## Abandoned Vehicles

**"Section 1206(6) Parking of Certain Vehicles for More than Two Hours; Seventy-two Consecutive Hours Adjacent to Dwelling; Parking Permit for Storage of Construction Vehicles.** (Numbers 1, and 3 through 5 reserved for future use)

"(6) (a) Parking of Certain Vehicles.

"(1) Definitions.

"a. Certain Vehicles. Any 'bus,' 'commercial vehicle,' 'road machinery,' 'trailer,' 'trailer coach' or 'mobile home,' 'truck tractor,' 'semitrailer,' as defined by the Model Traffic Code.

"b. The term 'construction equipment' shall mean, 'trailers regardless of design which are used primarily for construction; excavation equipment, backhoes, dump trucks, bulldozers, graders, front-end loaders, trackhoes, asphalt kettles and dumpsters.'

"c. Park. The standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

"(2) Prohibition. It shall be unlawful for any person to park certain vehicles, any trailer having an empty weight of more than 250 pounds which is capable of carrying recreational vehicles such as ski-mobiles or motorcycles, and trucks exceeding six thousand (6,000) pounds empty weight, or a self-contained motor home with its own motive power exceeding twenty-two feet overall length for an aggregate period of time longer than two (2) hours during any given twenty-four-hour period upon any street, alley, municipal parking lot, parkland or other public place.

"(b) Exception - Parking Adjacent to Dwelling. A person may park on a public street, alley or other public place, certain vehicles, any trailer having an empty weight of more than 250 pounds which is capable of carrying recreational vehicles such as ski-mobiles or motorcycles, hand trucks exceeding six thousand (6,000) pounds empty weight, or a self-contained motorhome with its own motive power, exceeding twenty-two (22) feet in overall length, adjacent to a dwelling occupied by the owner of the noncommercial recreational vehicle or his/her invitee, for a period not to exceed seventy-two (72) consecutive hours during any thirty-consecutive-day period.

"(c) Safety Hazard. If a determination is made by the traffic engineer, upon receipt of a written complaint, that the parking of the types of vehicle as set forth in this section obstructs the flow of traffic, or is a safety hazard for whatever reason, it shall be unlawful to park such vehicles upon any street, alley, municipal parking lot, parkland or other public place. The traffic engineer shall post notice on said vehicle and by certified letter to the registered owner of such vehicle, giving such owner three (3) calendar days from the date of such notice to move said vehicle. In the event said vehicle is not moved, the Police Department shall have the authority to issue a ticket for violation of this section and have said vehicle towed at the owner's expense.

"(d) Parking of Construction Equipment.

"1. Prohibition. It shall be unlawful to park construction equipment on any public street, alley, municipal parking lot, parkland or other public place.

"2. Exception - Permit. A person may park construction equipment on a public street, alley, municipal parking lot, parkland or other public place if such person has obtained a parking permit, at the time of issuance of a building permit, which shall state that identified construction equipment shall be allowed to be parked on the street directly adjacent to the address on the building permit during the period of active construction.

"3. Safety Hazard. If it is the determination of the traffic engineer, upon receipt of a written complaint, that construction equipment parked pursuant to permit conflicts with other traffic or creates a safety hazard for whatever reason, it shall be unlawful to park such

construction equipment upon any street, alley, municipal parking lot, parkland or other public place, and any parking permit issued for said location shall be deemed revoked. The traffic engineer and police department shall follow the procedures set forth in (c)."

(Ad 5-96, §2)

(8) Article 1, Part 12, of the Model Traffic Code is amended by the addition of Section 1210 to read as follows:

"Section 1801. Authority to Impound Vehicles:

"Whenever any police officer finds a motor vehicle, vehicle, cargo or debris, attended or unattended, standing upon any portion of a street or highway right-of-way in such a manner as to constitute an obstruction to traffic or proper street or highway maintenance, such officer is authorized to cause the motor vehicle, vehicle, cargo or debris to be moved to eliminate any such obstruction; and neither the officer, nor anyone acting under the direction of such officer, shall be liable for any damage to such motor vehicle, vehicle, cargo or debris occasioned by such removal. The removal process is intended to clear the obstruction, but such activity should create as little damage as possible to the vehicle or cargo or both.

"Any police officer who finds a motor vehicle, which officer has reasonable grounds to believe has been abandoned upon any portion of a street or highway right-of-way within the municipality in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance, or left unattended and presumed to be abandoned shall require such motor vehicle to be removed or cause the same to be removed and placed in any impound lot designated or maintained by the City of Glenwood Springs.

(A 12-97 §4)

"A motor vehicle shall be considered to be abandoned under the following conditions:

"(a) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, within the limits of any incorporated town or city for a period longer than any limit prescribed by any local ordinance concerning the abandonment of motor vehicles or, if there is no such ordinance, for a period of seventy-two hours or longer;

"(b) Any motor vehicle stored in an impound lot at the request of its owner or the owner's agent or a law enforcement agency and not removed from the impound lot according to the agreement with the owner or agent or within seventy-two hours of the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees.

"Section 1802. Impoundment of Vehicles.

"(a) Notice. Whenever a police officer orders the towing of a vehicle pursuant to C.R.S. 42-4-1803, the Police Department shall follow the procedures for determination and notification of the owner as set forth in C.R.S. 42-4-1804. Notification of the owner shall be made upon forms supplied by the Colorado Department of Motor Vehicles pursuant to C.R.S. 42-4-1804(5), and shall include the following statement:

"A Police Officer has ordered the towing of your vehicle. If you feel that the impoundment of your vehicle is improper, you have ten (10) days from the date of this notice to file a written request with the Glenwood Springs Municipal Court located at 823 Blake Avenue, for a hearing regarding the propriety of this impoundment. Such hearing shall be scheduled within three (3) days, excluding Saturday, Sunday and City holidays, of the date your written request is received by the Glenwood Springs Municipal Court. The Court shall be empowered to waive the towing and storage fees if it is found that the impoundment was improper. The retrieval of your vehicle from impoundment does not waive your right to a subsequent hearing and reimbursement. In conjunction with a

request for a hearing, you are encouraged to also contact the Police Department of the City of Glenwood Springs for purposes of resolving a dispute concerning the impoundment of your vehicle without the necessity of having a formal hearing.

"(b) Hearing. A hearing shall be conducted before the Glenwood Springs Municipal Court within three (3) days of receipt of a written demand therefor from the person seeking the hearing, unless such person waives the right to a speedy hearing in writing. Saturdays, Sundays and City holidays are to be excluded from the calculation of the three-day period. The sole issue before the Court shall be whether there was probable cause to impound the vehicle in question.

"Probable cause to impound' shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of law to grant legal authority for the removal of the vehicle.

"The Court shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The City shall carry the burden of establishing that there was probable cause to impound the vehicle in question. The burden of proof shall be by a preponderance of the evidence. Failure of the registered or legal owner or their agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

"(c) Reimbursement for Improper Towing. Upon a determination by the court that the subject vehicle was improperly towed, the City shall either fully reimburse the owner of the impounded vehicle for all towing and storage fees paid by the owner or directly pay the towing and storage company for accrued fees.

"(d) Applicability. The hearing and reimbursement provisions contained in this Section shall only be applicable to vehicles which have been impounded by order of a police officer.

"(e) Compliance with Time Requirements. The requirements contained within this Section relating to compliance with time periods are directory in nature. Failure of the City to strictly comply with said time periods shall not cause an automatic forfeiture of the City's rights pursuant to this Section.

"(f) Disposal of Abandoned Vehicles. Vehicles removed from streets or highways and other public property within this municipality and placed in storage as provided in Section 1802(a) shall be disposed of in accordance with one or more of the following methods:

"(1) By Sealed Bid. The City Manager or his/her designee may sell abandoned vehicles after first advertising them for sale in the official newspaper of the City.

"All bids shall be sealed and shall be opened in public at a designated time and place. The City Manager or his/her designee may reject all bids and advertise and give notice again. If sold, a vehicle shall be sold for cash, money order or cashier's check to the highest responsible bidder.

"(2) By Auction. After giving notice as described in paragraph 1802(f)(1), the City Manager or his/her designee may conduct a public auction for the sale of abandoned vehicles. Each vehicle, if sold, shall be for cash, money order or cashier's check to the highest bidder."

(Ad 5-96 §2; Ad 12-97 §3)