

CHAPTER 8

Vehicles and Traffic

Article 1 Model Traffic Code

- Sec. 8-1-10 Adoption
- Sec. 8-1-20 Copy on file
- Sec. 8-1-30 Amendments
- Sec. 8-1-40 Application
- Sec. 8-1-50 Violations

Article 2 Parking and Vehicle Regulations

- Sec. 8-2-10 City parks, open spaces and recreation areas
- Sec. 8-2-20 Residential on-street parking permits and fees
- Sec. 8-2-30 Motorized vehicle operation on certain public property restricted
- Sec. 8-2-40 Solicitors on roadways

Article 3 Abandoned Vehicles

- Sec. 8-3-10 Definitions
- Sec. 8-3-20 Abandonment prohibited; authority to impound; public tow
- Sec. 8-3-30 Report; opportunity to request hearing
- Sec. 8-3-40 Conduct of hearing
- Sec. 8-3-50 Abandonment of motor vehicles; private tow
- Sec. 8-3-60 Appraisal and sale of impounded vehicles
- Sec. 8-3-70 Proceeds of vehicle sale
- Sec. 8-3-80 Immobilization of vehicle
- Sec. 8-3-90 Impoundment and storage fees; impound lot maintained by City

ARTICLE 1

Model Traffic Code

Sec. 8-1-10. Adoption.

Pursuant to Title 31, Article 16, Parts 1 and 2, and Title 30, Article 15, Part 4, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the *Model Traffic Code for Colorado* promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the Nation. (Prior code 12-16; Ord. 12-08 §1, 2008)

Sec. 8-1-20. Copy on file.

One (1) copy of the Model Traffic Code adopted herein is now filed in the office of the City Clerk and may be inspected during regular business hours. (Prior code 12-16; Ord. 12-08 §1, 2008)

Sec. 8-1-30. Amendments.

The following additions, amendments or deletions are made to Article I of the Model Traffic Code:

- (1) Section 115, Traffic emergency regulations, is added to read as follows:

"115. Traffic emergency regulations.

"(1) The Mayor or traffic engineer may designate or change emergency routes within the City, based upon the judgment of the traffic engineer as to which streets or highways should be free of parked, stopped, or stalled vehicles when a snowstorm condition or severe snowstorm condition has been declared in accordance with this Section, in order to expedite motor vehicle traffic or to facilitate snow removal.

"(2) Along each street or highway designated as a snow emergency route pursuant to this Section, the traffic engineer shall cause to be posted at reasonable intervals traffic signs indicating by the appropriate wording that the street or highway has been designated as a snow emergency route and that parking prohibitions shall apply during a snowstorm condition or severe snowstorm condition. The lack of visibility of any such sign when a parking restriction is in effect pursuant to this Section shall not excuse the owner or operator of any vehicle from complying with this Section.

"(3) Upon learning of a forecast of or the existence of accumulations of snow or drifting snow, or learning of a forecast of or the existence of sleet or freezing rain, the Mayor or his or her designee may declare a snowstorm alert to be in effect. When a snowstorm alert has been declared, the Mayor or his or her designee shall provide an announcement in the manner provided in this Section.

"(4) The Mayor or his or her designee may further declare a severe snowstorm alert to be in effect. This declaration may be made when the Mayor or his or her designee shall provide an announcement in the manner provided in this Section, requesting that persons not engage in vehicular travel except for the purposes of meeting essential needs or providing necessary public services and that vehicles used for such purposes be limited to four-wheel drive vehicles equipped with adequate snow tires or chains.

"(5) With respect to emergencies, snowstorm alerts and severe snowstorm alerts, the following restrictions shall apply and it is unlawful to violate the same:

"a. When a snowstorm alert or severe snowstorm alert has been declared, it is unlawful for any person to stand or park any vehicle on any portion of a snow route or leave, abandon or permit to remain stalled any vehicle which is stalled on any portion of a snow route. Such person shall take immediate actions to cause the vehicle to be moved to a lawful parking place on a street which is not a snow emergency route or to some other place where the vehicle may be parked lawfully. This Section shall not be applicable to an official emergency vehicle, including an ambulance, fire or police vehicle, during the course of immediate and ongoing services.

"b. When a snowstorm alert or severe snowstorm alert has been declared, no vehicle shall be operated on a snow emergency route without having first been equipped with effective skid chains or snow tires, except that this restriction shall not be applicable to an official emergency vehicle or vehicles with dual wheels.

"c. Whenever a official traffic control device has been placed on any street or highway to declare or make known any temporary regulations, as authorized for emergencies or special conditions, no driver shall disobey the instructions thereof.

"d. It shall be an affirmative defense in any prosecution for a violation of subsection (a) of this Section that the owner or operator of a stalled vehicle was at the time of the issuance of the citation attempting to secure assistance to move the stalled vehicle. The availability of such affirmative defense shall not affect the validity of any action taken pursuant to this Section or the imposition of responsibility for any costs incurred pursuant to this Section.

"e. Nothing in this Section shall be construed to permit parking, stopping or standing in violation of any other regulation concerning the parking, stopping or standing of vehicles.

"(6) Any law enforcement officer of the City may issue a penalty assessment notice for a violation of subsection (5). If the owner or operator of the vehicle is present when the violation is discovered, no notice shall be issued until the owner or operator has been ordered to cause the vehicle to be removed immediately from the snow emergency route and such owner or operator has failed or refused to comply with such order. Any law enforcement officer of the City may order the removal of any vehicle which is in violation of subsection (5). The vehicle shall be removed to the nearest place where, in the judgment of the law enforcement officer, the vehicle will not obstruct a snow emergency route. The owner or operator of a vehicle removed from a snow route pursuant to this Section shall be responsible for all costs incurred as a result of such removal.

"(7) Whenever in the judgment of the Mayor or his or her designee the restrictions in effect pursuant to this Section are no longer required to be in effect in all or part of the City, the Mayor or his or her designee may declare the restrictions completely or partially terminated. The Mayor or his or her designee shall provide information relating to the termination of the restrictions and relating to the location to which vehicles have been removed pursuant to and in the manner provided by this Section.

"(8) The announcements provided for in this Section shall be provided to area radio and television stations that have expressed a desire to cooperate with the City. Such announcement shall also be conspicuously posted in the public lobby of the Edgewater City Hall, 2401 Sheridan Boulevard, Edgewater, Colorado. The failure of any announcement to be disseminated by such radio and television stations, or the failure to receive actual notice pursuant to such dissemination or otherwise, shall not excuse the owner or operator of any vehicle from complying with the provisions of this Section.

"(9) The City or any officer, employee or agent of the City shall not be liable for any damages resulting from any act or omission in any way connected with the removal of a vehicle or any encumbrance pursuant to this Section."

(2) Section 116, Office of traffic engineer; duties and powers, is added to read as follows:

"116. Office of traffic engineer, duties and powers.

"(1) The office of traffic engineer is hereby established. The traffic engineer shall be the Chief of Police or the chiefs authorized representative and shall exercise the power and duties provided in this Code. The Chief of Police shall be directly responsible to the Mayor for the performance of the duties and responsibilities of the traffic engineer.

"(2) In the absence of such appointment or at such times as the traffic engineer may be absent from the municipality or unable to perform his or her duties, the said duties shall be vested in a member of the Police Department or other municipal employee as may be designated by the Mayor.

"(3) It shall be the general duty of the traffic engineer or other official vested with the responsibility for traffic as provided herein to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigation of traffic conditions, to plan the operation of traffic on the streets and highways of this municipality, to cooperate with other municipal officials in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as are imposed by this Code.

"(4) By way of example, but not by way of limitation, the traffic engineer or other official vested with the office as provided herein is hereby empowered and authorized, consistent with the provisions of this Code, to act as follows:

"a. Install, maintain, and remove traffic control devices;

"b. Designate and mark medians and traffic islands;

- "c. Conduct speed zoning studies and post speed limits as permitted by law, this Code and any ordinance;
- "d. Designate maximum speed limits throughout the City and post such limits as provided in this Code;
- "e. Designate minimum speed as provided by law and this Code;
- "f. Regulate speed and traffic movement by traffic signals and provide for the synchronization of such signals wherever practicable;
- "g. Designate one-way streets and roadways;
- "h. Designate through streets or roadways and control entrances thereto;
- "i. Designate stop or yield intersections and erect stop or yield signs at those locations;
- "j. Designate special parking zones for taxicabs, press, television, radio cars, and the like;
- "k. Establish tow-away zones;
- "l. Designate upon what streets, if any, angle parking shall be permitted;
- "m. Designate and sign intersections at which drivers shall not make a right or left turn, a U turn, or any turn at all times or during certain times;
- "n. Designate and sign intersections where multiple turns shall be allowed;
- "o. Mark centerlines and lane lines and place other pavement markings necessary for the regulation and control of traffic;
- "p. Install and maintain crosswalks at intersections or other places where there is particular danger to pedestrians crossing the roadway;
- "q. Establish safety zones at such places where necessary for pedestrian protection;
- "r. Install pedestrian-control signals and designate those crossings where angle crossing by pedestrians shall be permitted;
- "s. Establish play streets;
- "t. Establish truck routes and truck loading zones; establish bus stops and taxicab stands;
- "u. Designate and sign those streets and roadways where pedestrians, bicyclists or other nonmotorized traffic, or persons operating a motor-driven cycle shall be excluded as provided by law;

"v. Designate and post those streets upon which vehicles or loads of a certain weight shall be prohibited;

"w. Provide for temporary street or alley closures by the erection of barricades;

"x. Issue special permits for curb loading operations, for the movement of vehicles having excess size or weight, for parades and processions, etc.;

"y. Perform such other duties as may be assigned to the traffic engineer by the Mayor consistent with the provisions of this Code; and

"z. Designate parking spaces being reserved for use by a person with a disability. Any such spaces designated prior to October 22, 1987 are hereby approved and established."

(3) Section 227, Windows unobstructed - certain materials prohibited - windshield wiper requirements, Subsection (3)(b) is amended to read as follows:

"(b) No person shall install, cover, or treat a windshield or window so that the windshield or window does not meet the requirements of paragraph (a) of subsection (1) of this Section."

(4) Section 236, Child restraint systems required - definitions - exemptions, Subsection (5) is amended to read as follows:

"(5) The fine shall be waived if the driver presents the court with satisfactory evidence of the acquisition, purchase or rental of an approved child restraint system by the time of the court appearance."

(5) Section 237, Safety belt systems - mandatory use - exemptions - penalty, Subsection (5) is amended to read as follows:

"(5) No driver or passenger in a motor vehicle shall be cited for a violation of subsection (2) of this Section unless the driver was stopped by a law enforcement officer for an alleged violation of the traffic laws of this municipality or the traffic laws of this state, other than a violation of this Section."

(6) Section 616, Barricades, is added to read as follows:

"616. Barricades.

"Whenever barricades are erected to close off part or all of a street or highway, as authorized in section 116, no person shall drive around, through, or between such barricades or into a barricaded area, except as directed or permitted by official signs or in compliance with the directions of a police officer or other authorized person."

(7) Section 702, Vehicle turning left, is amended to read as follows:

"Unless there is an official traffic control arrow signal regulating a left turn, the driver of a vehicle intending to turn left into any intersection or into an alley, private road, or driveway

shall yield the right-of-way to any vehicle approaching from the opposite direction or to any pedestrian which is so close thereto as to constitute an immediate hazard."

(8) Section 703, Entering through highway stop or yield intersection, Subsections (3) and (4) are amended to read as follows:

"(3) Except when directed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering same. After having stopped, the driver shall yield the right-of-way to any vehicle approaching on another roadway, or to any pedestrian so close as to constitute an immediate hazard. If the driver is involved in a collision with a vehicle or a pedestrian after driving past a stop sign, such collision shall be deemed prima facie evidence of his or her failure to yield the right-of-way.

"(4) The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering same. After slowing or stopping, the driver shall yield the right-of way to any vehicle approaching on another roadway or to any pedestrian so close as to constitute an immediate hazard. If a driver is involved in a collision with a vehicle or a pedestrian after driving past a yield sign, such collision shall be deemed prima facie evidence of his or her failure to yield the right-of-way."

(9) Section 704, Vehicle entering roadway, is amended to read as follows:

"The driver of a vehicle about to enter or cross a roadway from any place other than a roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed or to any pedestrian so close as to constitute an immediate hazard."

(10) Sections 706, 707 and 708 are deleted.

(11) Section 903, Turning movements and required signals, Subsection (2) is amended to read as follows:

"(2) A signal of intention to turn right or left when required shall be given continuously during at least the last one hundred (100) feet traveled by the vehicle before turning, except that such signal shall be given continuously for at least two hundred (200) feet on all highways where the speed limit is more than forty (40) miles per hour. Such signal shall be given regardless of existing weather conditions."

(12) Section 1001, Drive on right side - exceptions, Subsection (1)(b) is amended to read as follows:

"(b) When an obstruction exists making it necessary to drive to the left of the center of the street or highway; but any person so doing shall yield the right of way to all vehicles traveling

in the proper direction upon the unobstructed portion of the street or highway and to all pedestrians within such distance as to constitute an immediate hazard."

(13) Section 1008, Following too closely, is amended by the addition of a new Subsection (4) to read as follows:

"(4) If the driver of any vehicle following another collides in any way with the vehicle in front, such evidence shall be deemed prima facie evidence that the driver of the second vehicle has committed a violation of this Section."

(14) Sections 1101, Speed limits, Subsections (4), (7) and (8)(f) are deleted, and Subsections (1), (2), (3) and (5) are amended to read as follows:

"(1) No person shall drive a vehicle on a traveled roadway, street or highway within this municipality at a speed greater than the posted limit and in no event greater than fifty-five (55) miles per hour.

"(2) Except when a special hazard exists that requires lower speed, and except as otherwise provided herein, the following speeds shall be lawful:

"a. Twenty-five (25) miles per hour in any business district, as defined in Section 42-1-102, C.R.S.;

"b. Twenty-five (25) miles per hour in any residence district, as defined in Section 42-1-102(80), C.R.S.;

"c. Fifteen (15) miles per hour in alleys; (d) Any speed not in excess of a posted speed limit as established pursuant to the provisions of section 1102.

"(3) No driver of a vehicle shall fail to decrease the speed of the vehicle from an otherwise lawful speed to a reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance, or object on or entering the street in compliance with legal requirements and the duty of all persons to use due care; except, however, that if the driver is involved in a collision with a vehicle, pedestrian or other object, or loses control to where the vehicle completely leaves the driver's lane of traffic, such evidence shall be deemed prima facie evidence of the driver's driving in violation of this Section.

"(5) In every charge of violation relating to speed limits, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven, also the speed applicable within the district or at the location within this municipality. If the evidence at trial fails to establish guilt as to the speed alleged, but the evidence does establish a lesser speed or a minimum speed at which the driver was going, which is lesser than the alleged speed limit and which exceeds the lawful speed limit, the defendant shall be found guilty of the lesser speed or the minimum speed."

(15) Section 1102, Altering of speed limits when, Subsection (4) is amended to read as follows:

"(4) Whenever local authorities determine upon the basis of a traffic investigation or survey that a reduced speed limit is warranted in a school area or other place during certain hours or periods of the day when special or temporary hazards exist, local authorities may erect or display official signs of a type prescribed in the state traffic control manual giving notice of the appropriate speed limit for such conditions and stating the time or period the regulation is effective. When such signs are erected or displayed, the lawful speed limit at the particular time and place shall be that which is then indicated upon such signs; except no such speed limit shall be less than twenty (20) miles per hour on a state highway or other arterial street as defined in subsection (2) of this Section nor less than fifteen (15) miles per hour on any other road or street, nor shall any such reduced speed limit be made applicable at times when the special conditions for which it is imposed cease to exist. Any person who commits a speeding violation in a school zone or other zone designated under this Section is subject to increased penalties and surcharges. Such reduced speed limits on streets which are state highways shall be subject to the written approval of the department of transportation before becoming effective."

(16) Section 1201, Starting parked vehicle, is retitled and amended to read as follows:

"1201. Moving parked vehicle.

"No person shall move a vehicle which is stopped, standing, or parked anywhere in the City unless and until such movement can be made without interfering with any moving vehicle which is close enough to constitute an immediate hazard."

(17) Section 1204, Stopping, standing, or parking prohibited in specific places, Subsection (1)(h) is deleted, and the section is amended by the addition of new Subsections (1)(l), (1)(m), (2)(g), (3)(c), (3)(d), (6) and (7) to read as follows:

"(1)(l) At any place within the City where official signs are posted or other clearly marked designations are present identifying such place as reserved for use by persons with disabilities, except that this restriction shall not apply to a vehicle with distinguishing license plates or an identifying placard indicating that the occupant or operator of the vehicle is a person with a disability, as defined in section 42-3-121(1), C.R.S.;

"(1)(m) Within an alley in such a position as to block the driveway entrance to any abutting property.

"(3)(c) Within an alley except during the necessary and expeditious loading and unloading of merchandise or freight;

"(3)(d) Within two (2) feet of another vehicle when parked.

"(6) In addition to the restrictions specified in subsections (1), (2) and (3) of this Section, no person shall park, stop, stand a vehicle on, or otherwise obstruct any fire apparatus access road or fire lane contrary to any posted sign designating the same, except in compliance with

the directions of a police officer or a firefighter. *Fire apparatus access road* and *fire lane* shall have the meaning provided in section 10.207(a) of the Uniform Fire Code, as adopted by the City.

"(7) No person shall stop, stand, or park a vehicle on private property, or upon any area or property within the City developed or used as an off-street parking facility, without the consent of the owner, lessee, or person in charge of any such property; provided, however, that notice of such prohibition shall be posted on or near such property."

(18) Section 1212, Parking, storage, or use of trucks and recreational equipment, is added to read as follows:

"1212. Parking, storage, or use of trucks and recreational equipment.

"(1) No driver, owner, or operator of any truck, truck-trailer, tractor, or tractor-trailer combination with a manufacturer's rated capacity in excess of two thousand (2,000) pounds or exceeding twenty (20) feet in length shall park or cause to be parked any such vehicle for longer than two (2) hours at any one (1) time on a street within a district zoned residential; except that an operator may park such vehicle for a longer period while actually and continuously engaged in loading or unloading, or for a period no greater than three (3) days listed on a temporary permit which may be obtained from the Chief of Police upon a showing of exceptional need for such parking.

"(2) Except for a travel trailer or tent trailer that is parked pursuant to a permit issued under subsection (7) below, no recreational equipment shall be parked or stored on any street, highway or roadway within the City for a period in excess of thirty-six (36) hours within any five-day period unless such vehicle has been issued a temporary permit for no more than three (3) additional days by the Chief of Police or his or her designee, based on a showing of exceptional need.

"(3) Except for travel trailers, tent trailers and motor homes (as that term is defined in subsection (5) of this Section) that are parked pursuant to a permit issued under subsection (7) below, no recreational equipment or any other vehicle shall be used for living, sleeping or housekeeping while parked on the streets, public ways, or public property of this City.

"(4) No detached nonmotorized equipment shall be parked on any street, public way, or public property of this City for longer than two (2) hours.

"(5) For purposes of this Section, recreational equipment shall be defined to mean boats, boat trailers, travel trailers, tent trailers, recreational trailers, snowmobiles, and snowmobile trailers, but not including 'motor homes,' as defined by Section 42-1-102(57), C.R.S., as amended. Detached nonmotorized equipment shall mean any equipment other than that defined as recreational which is not attached to and a part of a motor vehicle as the latter is defined in Article II of this Code.

"(6) In addition to all other parking restrictions of the City, no person shall:

"a. park or permit to be parked any motor home (as that term is defined by subsection (5) of this Section) on any street, highway or roadway within the City within thirty (30) feet of the nearest point of any intersection of roadways; or

"b. continuously park or permit to be continuously parked, for a period of more than 21 days, any motor home (as that term is defined by subsection (5) of this Section) on any street, highway or roadway within the City. For purposes of this section, 'continuously parked for a period of more than 21 days' means parked, for any period of time between 10:00 p.m. of one day and 6:00 a.m. of the next subsequent day, and at any place or aggregate of places on any street, highway or roadway within the City, for a period of twenty-two (22) consecutive days.

"(7) The owner or legal occupant of any residentially zoned property within the City may obtain a permit to park, and reside therein, for a period not to exceed seven consecutive days, a travel trailer, tent trailer or motor home (as that term is defined in subsection (5) of this Section) on a street, highway or roadway within the City provided that:

"a. the permit is issued by the Chief of Police or his or her designee;

"b. the permit states with particularity the location at which the travel trailer, tent trailer or motor home may be parked, which location shall be: (1) along the front lot line of the property owned by the owner, or occupied by the legal occupant, making the application for permit; and (2) between the side lot lines of such property extended as if those lines went across the subject right-of-way; and (3) not within thirty (30) feet of the nearest point of any intersection of roadways; and

"c. not more than three such permits have been previously issued to the owner or legal occupant of, or in connection with, any single residentially zoned property within the calendar year in which the application for permit is made."

(19) Section 1213, Standing or stopping for loading or unloading only, is added to read as follows:

"1213. Standing or stopping for loading or unloading only.

"(1) No person shall stand a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers in any place officially marked as a passenger loading zone during hours when the regulations applicable to such loading zone are effective and then only for a period not to exceed three (3) minutes.

"(2) No person shall stand a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place officially marked as a freight loading zone during the hours when the provisions applicable to such zones are in effect, but in no case shall the standing for loading or unloading materials exceed thirty (30) minutes.

"(3) Whenever special permits are issued as authorized in section 116 to establish or control the use of loading zones or to allow the backing of a vehicle for the purpose of loading

or unloading merchandise or materials subject to certain conditions, no permittee or other person shall violate any of the terms of the special permit.

"(4) The operator of a bus:

"a. Shall not stand or park such vehicle upon any street at any place other than a bus stop so designated as authorized by section 116;

"b. Shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated as authorized by section 116 except in case of an emergency; and

"c. Shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

"(5) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as authorized by section 116. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other parking, standing or stopping regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

"(6) No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose specified on official signs marking such restricted zone and during the period of time the restriction is effective, except that the driver of a passenger vehicle may stop momentarily therein for the purpose of and while actually engaged in loading or unloading passengers when such standing or stopping does not interfere with the kind of traffic for which the zone is reserved."

(20) Section 1402(2) is deleted.

(21) Section 1416, Funeral processions, is added to read as follows:

"1416. Funeral processions.

"(1) A funeral procession shall be identified by the display upon the outside of each vehicle of a pennant or other identifying insignia or such other method as may be required by the traffic or police authority of the City.

"(2) Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

"(3) No driver of a vehicle shall drive between the vehicles comprising a funeral procession while said vehicles are in motion and when said vehicles are conspicuously designated as required in this Code. This provision shall not apply at intersections where traffic is controlled by signals or police officers."

(22) Section 1705, Person arrested to be taken before proper court, Subsections (1) and (2) are amended to read as follows:

"(1) Whenever a person is arrested for any violation of this Code, the arrested person, unless admitted to bail, shall be taken without unnecessary delay before the Municipal Judge in any of the following cases:

"a. When the person is arrested and demands appearance without unnecessary delay before a judge;

"b. When the person is arrested and charged with an offense under this Code causing or contributing to an accident resulting in injury or death to any person;

"c. When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries or property damage.

"(2) Whenever any person is arrested by a police officer for any violation of this Code and is not required to be taken before the Municipal Judge as provided in subsection (1) of this Section, the arrested person shall, in the discretion of the officer, either be given written notice or summons to appear in court as provided in section 1707 and admitted to bail or released upon personal recognizance, or be taken without unnecessary delay before the Municipal Judge when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will not appear in court as directed by a summons. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds."

(23) Section 1708, Burden of proof - appeals, Subsection (1) is amended to read as follows:

"(1) For violations of this Code which are criminal offenses, the burden of proof shall be upon the people, and the court shall enter judgment in favor of the defendant unless the people prove the liability of the defendant beyond a reasonable doubt."

(24) Section 1709, Penalty assessment notice for traffic offenses - violations of provisions by officer - driver's license, Subsection (4) is deleted, and Subsection (1) is amended to read as follows:

"(1) Whenever a penalty assessment notice for a traffic offense is issued pursuant to section 1701 or 1702, the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain: the name and address of the defendant; the license number of the vehicle involved, if any; the number of the defendant's driver's license, if any; a citation of the statute alleged to have been violated; a brief description of the traffic offense; the date and approximate location thereof; the amount of the penalty prescribed for such traffic infraction; the amount of the surcharge thereon; the number of points, if any, prescribed for such traffic infraction pursuant to section 422-127, C.R.S.; and the date the penalty assessment notice is served on the defendant. The penalty assessment notice also shall direct the defendant to appear in the Municipal Court at a specified time and place in the event such penalty and surcharge thereon is not paid, shall be signed by the peace officer and shall contain a place for the defendant to elect to execute a signed acknowledgment of liability and an agreement to pay

the penalty prescribed and surcharge thereon within twenty days, as well as such other information as may be required by law to constitute such penalty assessment notice to be a summons and complaint, should the prescribed penalty and surcharge thereon not be paid within the time allowed set by ordinance or court order."

(25) Section 1710, Failure to pay penalty for traffic offenses - procedures, Subsections (2), (3) and (4) are deleted.

(26) Section 1717, Conviction - attendance at driver improvement school is amended to read as follows:

"1717. Conviction - attendance at driver improvement school.

"Whenever a person has been convicted of violating any provision of this Article regulating the operation of vehicles on highways, the Municipal Court, in addition to the penalty provided for the violation or as a condition of either probation, a deferred sentence, or the suspension of all or any portion of any fine or sentence of imprisonment for a violation, may require the defendant, at the defendant's own expense, if any, to attend and satisfactorily complete a course of instruction at any designated driver improvement school providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. Unless otherwise provided by law, such school shall be approved by the court."

(27) Section 1903, School buses - stops - signs - passing, Subsection (6)(b) is deleted.

(28) Article II, section 102, Definitions, is amended by the addition of a new Subsection (81.5) reading as follows:

"(81.5) *Traffic offense* includes any violation of any provision of this Code, including traffic infractions and criminal offenses as specified in Section 8-1-50."

(Prior code 12-17; Ord. 12-05 §5, 2005; Ord. 29-08 §§1—5, 2008)

Sec. 8-1-40. Application.

This Article shall apply to every street, alley, sidewalk area, driveway, park, parkway, traveled way and every other public way or public place or public parking area, either within or outside the corporate limits of the City, the use of which this City has jurisdiction and authority to regulate. The provisions of sections 606, 1201, 1211, 1401, 1402, 1409 and 1413 of the adopted Model Traffic Code respectively concerning display of unauthorized signs or devices, starting parked vehicles, limitations on backing, reckless driving, careless driving, compulsory insurance, eluding or attempting to elude a police officer shall apply not only to public places and ways but also throughout the City. (Prior code 12-18; Ord. 12-08 §1, 2008)

Sec. 8-1-50. Violations.

(a) It is unlawful for any person to violate any of the provisions of this Article for which no specific penalty has been provided or for which the sole penalty provided is a fine, which violations

are hereby deemed traffic infractions. A traffic infraction shall be a civil matter for which punishment by imprisonment shall not be available, and for which a penalty assessment notice shall be issued. Every person who is convicted of a traffic infraction, or against whom a judgment is entered for a traffic infraction, is subject to a penalty of at least ten dollars (\$10.00), but not more than one hundred fifty dollars (\$150.00) for a first offense within any twenty-four-month period, exclusive of any court costs and surcharges.

(b) For any violation of any provision of this Article which is a traffic infraction, no trial by jury shall be available, no arrest warrant shall be issued for failure to appear or to pay, no privilege against self-incrimination shall apply, the standard of proof shall be a preponderance of the evidence, and the conduct of all proceedings applicable to such a violation shall otherwise be in conformity with those generally applicable to civil matters.

(c) For any violation of any provision of this Article which is a traffic infraction, the Municipal Court may enter a judgment of liability by default against the defendant for failure to appear or to pay, and may assess such penalty, together with such court costs and surcharges, as are established by law. The Municipal Court may establish, by written order, rules and regulations for the administration of any violation of this Article which is a traffic infraction, including but not limited to schedules establishing the amount of penalties payable without a court appearance, and schedules establishing discounts from those amounts for early payment of penalties. Such early payment discounts shall apply only to penalties paid within twenty (20) days of issuance of the penalty assessment notice for the infraction.

(d) The City Attorney may establish a City Attorney's plea bargain procedure, which shall be printed on the penalty assessment form and which, in conjunction with any early payment discount, shall provide for the automatic reduction of points assessed for a traffic infraction as follows:

- (1) A four-point or three-point violation may be reduced to a two-point violation; and
- (2) A two-point violation may be reduced to a one-point violation.

(e) It is unlawful for any person to violate any of the following provisions of this Chapter, which violations are hereby deemed criminal offenses. Every person convicted of a violation of the following provisions of this Chapter shall be punished by a fine not exceeding nine hundred ninety nine dollars (\$999.00), exclusive of any court costs and surcharges, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment:

- (1) Section 1101 of the Model Traffic Code, where the speed as driven is twenty (20) miles per hour or more over the lawful speed.
- (2) Section 1105 of the Model Traffic Code, speed contest.
- (3) Section 1401 of the Model Traffic Code, reckless driving.
- (4) Section 1402 of the Model Traffic Code, careless driving.
- (5) Section 1409 of this Chapter, no insurance.

(6) Section 1413 of the Model Traffic Code, eluding or attempting to elude a police officer.

(7) Section 1903 of the Model Traffic Code, stopping for school buses. (Prior code 12-1; Ord. 12-08 §1, 2008)

ARTICLE 2

Parking and Vehicle Regulations

Sec. 8-2-10. City parks, open spaces and recreation areas.

(a) It is unlawful for any person other than authorized personnel to park or drive on lawns, fields or any other place other than upon roadways and parking areas clearly constructed and established for such purposes within the parks, parkways or other recreation facilities of the City. Laws pertaining to streets and highways pertain also to park roads and parking areas, except that pedestrians shall have the right-of-way over vehicles in park areas.

(b) Parking shall not be permitted during regular closed hours or in any area closed by the Parks and Recreation Director. Vehicles may be parked in park and recreation areas only if the occupants are engaged in activities associated with the area.

(c) Washing or servicing of vehicles in any park, open space or recreation area in the City is prohibited.

(d) All bicycle riders shall obey traffic signs and laws regulating the operation, stopping or parking of vehicles. Bicycle riding is prohibited on playgrounds, tennis courts and game courts, in pavilions or in any area where other activities are in progress. It is unlawful to ride bicycles in any other areas of the parks, open spaces or recreation areas of the City. Bicycles shall be ridden only upon designated roadways or pathways within parks, open spaces or recreation areas. (Prior code 12-2; Ord. 12-05 §1, 2005; Ord. 12-08 §1, 2008)

Sec. 8-2-20. Residential on-street parking permits and fees.

(a) The Traffic Engineer may determine that the parking of motor vehicles in the residential areas described in Subsection (f) below for the purpose of accessing destinations in nearby commercial, industrial or institutional areas could:

(1) Cause hazardous traffic conditions in the residential areas;

(2) Produce mobile auto emissions, noise, trash and refuse; and

(3) Unreasonably burden residents of the area in gaining access to their residences or property owners in gaining access to their properties; or

(4) Damage the character of those areas as residential districts and diminish the value of property in those areas.

(b) Upon such determination, the Traffic Engineer may post signs to limit the duration of parking; and, upon application, the Traffic Engineer shall issue permits to any resident or property owner of such an area who owns or operates a motor vehicle.

(c) Such permits shall allow the vehicle to be parked in the block on which the owner of the vehicle resides or owns property as though the time limitations established pursuant to Subsection (b) above were not in effect, but shall not otherwise authorize parking in violation of this Code.

(d) The permit of a resident or property owner shall be affixed to the lower left-hand corner of the rear window of the vehicle, or in another location approved by the Traffic Engineer.

(e) No permit shall be issued unless proof of residence or property ownership in the appropriate block is established based on a current state motor vehicle registration for the vehicle, or based on other means that are satisfactory to the City Traffic Engineer.

(f) This Section shall apply only to the area bounded by Sheridan Boulevard, 20th Avenue, Benton Street and 24th Avenue.

(g) Upon the application for permits as provided for in Subsection (b) above, the Traffic Engineer shall issue five (5) temporary permits to any resident or property owner of such area. Such temporary permits shall allow vehicles not owned or operated by the resident or property owner to be parked on the block where the resident or property owner resides or owns property as though the time limitations established pursuant to Subsection (b) were not in effect, but shall not otherwise authorize parking in violation of any provisions of this Code.

(h) Notwithstanding the provisions of this Section, service vehicles making service calls to any residence in an area in which permit parking has been established by the Traffic Engineer may park on the block in which the residence is located, and permits shall not be required for such service vehicles. (Prior code 12-9; Ord. 12-05 §4, 2005; Ord. 09-06 §1, 2006)

Sec. 8-2-30. Motorized vehicle operation on certain public property restricted.

(a) Definitions. The following definitions shall apply in the interpretation and enforcement of this Section:

Motor vehicle means any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways.

Recreational vehicle means a self-propelled wheeled or tracked vehicle primarily designed to be operated for recreational purposes on land, or on land and water, other than roads or highways. This definition shall include, but is not limited to, motorcycles, motorbikes, motor scooters, mopeds, motor bicycles, trail bikes, dune buggies, go-carts, snowmobiles and all-terrain vehicles.

(b) Motorized vehicles restricted. It is unlawful for any person to operate any motor vehicle or recreational vehicle in any of the following places:

(1) On any public property, excluding improved public roadways or parking lots, within the corporate limits of the City, unless such operation is specifically authorized by the City.

(2) On any property located within the City and owned or maintained by a school district or any other public school grounds or campus, except upon improved roadways and parking lots specifically designated for the operation of motor vehicles, unless such operation is specifically permitted by written order of the district superintendent of schools or his or her designated representative. This provision shall not apply to authorized school vehicles.

(3) On any publicly owned parks, ball fields, recreational areas, bike trails, horse trails, lake areas, easements, sidewalks or other areas dedicated to or commonly used for pedestrian or bicycle traffic.

(c) Exceptions.

(1) Motorized apparatus or vehicles used for maintenance of, construction on or patrol of the properties delineated in Subsection (b) above shall not be prohibited or regulated by the provisions of this Section.

(2) Operation of motorized wheelchairs and similar ambulatory devices by the handicapped, infirm or disabled shall not be prohibited or regulated by the provisions of this Section.

(3) Nothing in this Section is intended to prevent the lawful operation of any motor vehicle or recreational vehicle on any improved public street, highway or alley in accordance with other applicable ordinances of the City or state statutes. (Prior code 12-7)

Sec. 8-2-40. Solicitors on roadways.

(a) The purpose of this Section is to prevent traffic-related dangers to persons and property, to prevent traffic-related delays and to avoid interference with the flow of traffic. When persons stand on center medians, near intersections or near traffic signals, for the purpose of contacting drivers or passengers in cars that are driving through or are stopped temporarily to comply with a traffic signal, dangers are created both to such persons and to traffic, and interferences occur with the smooth and orderly flow of traffic.

(b) For purposes of this Section, *traveled portion* means the entire width between the boundary lines of every publicly maintained street, road or highway in the City, which is or any portion of which is open to the use of the public for the purpose of vehicular traffic.

(c) It is unlawful for any person to solicit employment, business, contributions, gifts or sales of any kind, or collect or seek to collect monies for the same, from the occupant of any vehicle traveling upon any street, road or highway in the City, when such solicitation or collection causes or results in:

(1) Such person being located in the traveled portion of such street, road or highway, or in or upon any median area which separates traffic lanes for vehicular travel in opposite directions;

(2) Any delay in or impedance of vehicular traffic on the street, road or highway; or

(3) Any vehicle being unable to move into a lawful parking area to safely conduct the transaction.

(d) Nothing herein shall be construed to prohibit any police officer, firefighter or emergency medical service provider from performing any activity within the scope of such person's authorized responsibilities in any portion of a street, road, or highway. (Prior code 12-8)

ARTICLE 3

Abandoned Vehicles

Sec. 8-3-10. Definitions.

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

Abandoned motor vehicle means:

a. Any motor vehicle left unattended on private property for a period of twenty-four (24) hours or longer without the consent of the owner, occupant or tenant of such property or his or her legally authorized agent.

b. Any motor vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the limits of the City for a period of twenty-four (24) hours or longer, unless the owner or driver has conspicuously affixed thereto a dated notice indicating an intention to return or has otherwise notified the Police Department of his or her intention to remove the same within seventy-two (72) hours, or the vehicle is parked on a public street within fifty (50) feet of the property of the owner and such vehicle is not an abandoned vehicle as defined in Section 7-3-10 or otherwise subject to impoundment as provided in this Article.

c. Any motor vehicle stored in an impound lot at the request of its owner or the owner's agent or the Police Department and not removed from the impound lot according to the agreement with the owner or agent or within seventy-two (72) hours of the time the Police Department notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If the Police Department requested the storage, the provisions of this Article governing public tows apply as of the time of abandonment, and the Police Department shall be deemed the responsible law enforcement agency. Otherwise, the private tow provisions of this Article shall apply as of the time of abandonment.

d. Any motor vehicle which is immobilized pursuant to Section 8-3-80 and remains so immobilized for longer than seventy-two (72) hours without a release having been obtained pursuant to Section 8-3-80.

Appraisal means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in the State or by any employee of the Colorado State Patrol, the County Sheriff's Department or the Police Department whose appointment for such purpose has been reported by

the head of the appointing agency to the Executive Director of the Colorado Department of Revenue.

Department means the Colorado Department of Revenue acting directly or through its duly authorized officers and agents.

Disabled motor vehicle means any motor vehicle which is stopped or parked, either attended or unattended, upon a street, highway or right-of-way generally open to the use of the public and which is, due to any mechanical failure or any inoperability because of a collision, a fire or any other such injury, temporarily inoperable under its own power.

Impound lot means a parcel of real property which is owned or leased by a government or an operator at which motor vehicles are stored under appropriate protection.

Operator means a person or firm licensed by the Public Utilities Commission as a towing carrier.

Private property means any real property which is not public property.

Private tow means any tow of an abandoned motor vehicle not requested by the Police Department.

Public property means any real property having its title, ownership, use or possession held by the federal government, the State or any county, municipality or other governmental entity of the State, including any portion of a street, highway or right-of-way open to the general use of the public.

Public tow means any tow of an abandoned motor vehicle as defined in this Section requested by the Police Department. (Prior code 12-31)

Sec. 8-3-20. Abandonment prohibited; authority to impound; public tow.

(a) No person shall abandon any motor vehicle upon public property in the City. Any police officer who finds a motor vehicle which he or she has reasonable grounds to believe has been abandoned shall require such motor vehicle to be removed or cause the same to be removed and placed in storage in any impound lot designated or maintained by the City.

(b) Police officers or other employees of the City acting in their official capacities are hereby authorized to remove, or have removed, any vehicle from any street, highway, sidewalk or other public way or place, or from any restricted or prohibited parking area, and placed in storage in any impound lot designated or maintained by the City, or to any other place of safety, under any of the circumstances hereinafter described:

(1) When a vehicle upon a street is so disabled as to constitute an obstruction to traffic, or the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody and removal.

(2) When a vehicle is being driven upon the streets and is not in a safe condition as reasonably determined by the enforcement personnel to drive.

(3) When any vehicle is left unattended upon a street and is parked so illegally as to constitute a hazard or obstruction to the normal or safe movement of traffic.

(4) When the driver of such vehicle is taken into custody by the Police Department and such vehicle would thereby be left unattended upon a street.

(5) When the driver of any vehicle or the vehicle which he or she is driving is reasonably suspected of having been involved in a hit and run accident.

(6) When any vehicle is reasonably suspected of being a stolen vehicle or parts thereof to be stolen.

(7) When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor, or the vehicle is suspected of containing stolen goods or other contraband.

(8) When the driver of such vehicle is not licensed to operate the same, including but not limited to circumstances in which a driver has not been issued a valid driver's license, permit or restricted driving permit or such license or permit is suspended, cancelled or revoked for any reason.

(9) When the driver of such vehicle is unable to present evidence of a complying insurance policy or certificate of self-insurance in full force and effect as required by Section 1409 of the Model Traffic Code for Colorado, as adopted and amended by the City from time to time.

(c) Upon the towing of any vehicle as authorized by this Section, the Police Department shall provide notice of the opportunity to request a hearing in accordance with this Subsection.

(1) Except as otherwise provided below, notice shall be given to the registered owner of the vehicle and to the driver of the vehicle. The notice shall be personally delivered to the driver of the vehicle contemporaneously with the tow and shall be sent by certified mail to the registered owner of the vehicle, if not the same party as the driver, within three (3) working days of the tow. When a suspected stolen vehicle is towed, notice to the driver of the vehicle is not required.

(2) The notice shall contain the following:

a. The date, time and location from which the vehicle was towed and the legal justification for the tow;

b. A statement that the owner of the vehicle may request a hearing concerning the legality of the towing of his or her vehicle pursuant to Section 8-3-40 below; and

c. A statement that the owner must contact the Edgewater Police Department, 5901 W. 25th Avenue, Edgewater, CO 80214, in writing, to request a hearing within ten (10) days of the date of the notice or forfeit his or her right to such hearing. The time period for requesting a hearing shall be ten (10) days from the date of the latest notice provided.

(3) A hearing requested pursuant to this Subsection shall be conducted in accordance with Section 8-3-40 below. (Prior code 12-32; Ord. 12-08 §1, 2008; Ord. 14-09 §§1, 2, 2009)

Sec. 8-3-30. Report; opportunity to request hearing.

(a) Upon having an abandoned motor vehicle towed, the Police Department shall ascertain, if possible, whether the motor vehicle has been reported stolen, and, if so reported, the Police Department shall recover and secure the motor vehicle, notify its rightful owner and terminate the abandonment proceedings under this Article. The Police Department shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.

(b) As soon as possible, but in no event later than three (3) working days after having an abandoned motor vehicle towed, the Police Department shall report the same to the Department of Revenue by first class or certified mail or personal delivery, which report shall be on a form prescribed and supplied by the Department of Revenue. The report shall contain the following information:

(1) The fact of possession, including the date possession was taken, the location of storage of the abandoned motor vehicle and the location from which it was towed, the business address, telephone number and name and signature of a representative from the Police Department;

(2) If applicable, the identity of the operator possessing the abandoned motor vehicle, together with his or her business address and telephone number and the carrier number assigned by the Public Utilities Commission; and

(3) A description of the abandoned motor vehicle, including the make, model, color and year of such vehicle; the license number, issuing state and expiration date of the license plate; the vehicle identification number; and a list of the names and addresses of any known owners.

(c) The Police Department, upon receiving the Department of Revenue's report required by Section 42-4-1804(2), C.R.S., shall determine, from all available information and after reasonable inquiry, whether or not the abandoned motor vehicle has been reported stolen and, if so reported, shall recover and secure the motor vehicle, notify its rightful owner and terminate the abandonment proceedings under this Article. The Police Department shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.

(d) The Police Department, within five (5) working days of the receipt of the report from the Department of Revenue required by Section 42-4-1804(2), C.R.S., shall notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and the claim, if any, of a lien under Section 42-4-1807, C.R.S., and shall send a copy of such notice to the operator. The notice shall contain information that the identified motor vehicle has been reported abandoned to the Department of Revenue, the location of the motor vehicle and the location from which it was towed, and that, unless claimed within thirty (30) calendar days from the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale.

(e) Such notice shall also inform the owner of record of his or her opportunity to request a hearing concerning the legality of the towing of his or her abandoned motor vehicle, pursuant to Section 8-3-40, and the fact that the owner must contact the Police Department to request a hearing, and that such request must be made in writing to the Police Department within ten (10) days of the postmarked date of sending such notice. (Prior code 12-33)

Sec. 8-3-40. Conduct of hearing.

(a) Any hearing requested under this Article shall be conducted before the Municipal Judge or a hearing officer appointed by the Municipal Judge, within seventy-two (72) hours (excluding Saturdays, Sundays and City holidays) of receipt of a written demand for such hearing, unless the person requesting the hearing waives the right to a speedy hearing. The sole issue before the Municipal Judge or hearing officer shall be whether there was probable cause to impound the vehicle in question. In this Section, *probable cause to impound* means such a state of facts as would leave a person of ordinary care and prudence to believe that there was a sufficient breach of municipal, state or federal law to grant legal authority for the removal of the vehicle.

(b) The hearing shall be conducted in an informal manner and shall not be governed 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 Police Department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. The Municipal Judge or hearing officer shall only determine that, as to the vehicle in question, either there was probable cause to impound the vehicle or there was not such probable cause to impound the vehicle. The decision of the Municipal Judge or hearing officer shall be a final judgment.

(c) Upon a finding of no probable cause, towing and storage fees shall be paid by the City in accordance with arrangements made between the City and the operator. If the possessor of the vehicle fails to claim the vehicle from the operator within twenty-four (24) hours of a finding of no probable cause, excluding hours when the operator is not open for business, the possessor shall assume liability for all subsequent storage charges. It shall be the responsibility of the Police Department to notify the operator in writing of a finding of no probable cause immediately after such finding is made.

(d) Failure of the owner of the vehicle in question to request a hearing in writing to the Police Department within ten (10) days, as required by Subparagraph 8-3-20(c)(2)c. or Subsection 8-3-30(e) above or to attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing. (Prior code 12-34; Ord. 14-09 §3, 2009)

Sec. 8-3-50. Abandonment of motor vehicles; private tow.

(a) No person shall abandon any motor vehicle upon private property other than his or her own. Any owner or lessee, or his or her agent authorized in writing, may have an abandoned motor vehicle removed from his or her property by having it towed and impounded by an operator.

(b) Any operator having in his or her possession any abandoned motor vehicle from a private tow shall immediately notify the Police Department as to the name of the operator, the location of the impound lot where the vehicle is located and a description of the abandoned motor vehicle, including the make, model, color and year of such vehicle; the license number, issuing state and expiration date of the license plate; the vehicle identification number. Upon such notification, the Police Department shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, shall recover and secure the motor vehicle, notify its rightful owner and terminate the abandonment proceedings under this Article. The Police Department shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle. (Prior code 12-35)

Sec. 8-3-60. Appraisal and sale of impounded vehicles.

(a) Public tow abandoned motor vehicles or motor vehicles abandoned in an impound lot subsequent to a public tow shall be appraised and sold by the Police Department at a public or private sale held not less than thirty (30) nor more than sixty (60) days after the date the notice required by Section 8-3-30(d) was mailed.

(b) If the appraised value of an abandoned motor vehicle sold pursuant to this Section is two hundred dollars (\$200.00) or less, the sale shall be made only for the purpose of junking, scrapping or dismantling such motor vehicle, and the purchaser thereof shall not, under any circumstances, be entitled to a state certificate of title. The Police Department shall cause to be executed and delivered a bill of sale, together with a copy of the report described in Section 42-4-1804, C.R.S., to the person purchasing such motor vehicle. The bill of sale shall state that the purchaser acquires no right to a certificate of title for such vehicle. The Police Department shall promptly submit a report of sale, with a copy of the bill of sale, to the Department of Revenue and shall deliver a copy of such report of sale to the purchaser of the motor vehicle.

(c) If the appraised value of an abandoned motor vehicle sold pursuant to this Section is more than two hundred dollars (\$200.00), the sale may be made for any intended use by the purchaser thereof. The Police Department shall cause to be executed and delivered a bill of sale, together with a copy of the report described in Section 42-4-1804, C.R.S., and an application for a Colorado certificate of title signed by a legally authorized representative of the Police Department. (Prior code 12-36)

Sec. 8-3-70. Proceeds of vehicle sale.

(a) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of this Article produces an amount less than or equal to the sum of all charges of the operator who has perfected a lien pursuant to Section 42-4-1807, C.R.S., then the operator shall have a valid claim against the owner of record for the full amount of such charges, less the amount received upon the sale of such motor vehicle. Such charges shall be assessed in the manner provided for in Paragraph (b)(1)below.

(b) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of this Article produces an amount greater than the sum of all charges of the operator who has perfected his or her lien pursuant to Section 42-4-1807, C.R.S.:

(1) The proceeds shall first satisfy the operator's charges as follows:

a. The cost of towing the abandoned motor vehicle with a maximum charge of fifty dollars (\$50.00); the mileage for tows of greater than twenty-five (25) miles one-way, to be computed at the rate of one dollar (\$1.00) per mile for each mile in excess of twenty-five (25) miles one-way.

b. The storage of the abandoned motor vehicle shall be charged at the rate of four dollars (\$4.00) per day for a maximum of sixty (60) days.

c. In the case of an abandoned motor vehicle weighing in excess of ten thousand (10,000) pounds, the provisions of this Paragraph shall not apply and the operator's charges shall be determined by negotiated agreement between the operator and the Police Department.

(2) Any balance then remaining shall be paid to the City to satisfy the cost of mailing notices, having an appraisal made, advertising and selling the motor vehicle and any other costs, taxes, fines and penalties due.

(3) From any balance then remaining, the Police Department shall submit to the Department of Revenue for disbursement, pursuant to Section 42-4-1809, C.R.S., the amount due any lienholder of record and any person showing a legal interest in the motor vehicle; provided however, that any remaining balance, or any payment not requested as provided in Section 42-4-1809, C.R.S., shall be retained by or paid to the City.

(c) Notwithstanding the provisions of Subsection (b) hereof, if the City has entered into a towing contract which provides for different charges by the operator, the operator's charges shall first be satisfied as set forth in the contract. Any balance then remaining, if any, shall be paid to the City to satisfy the cost of mailing notices, having an appraisal made, advertising and selling the motor vehicle and any other costs, taxes, fines and penalties due. (Prior code 12-37; Ord. 12-05 §6, 2005)

Sec. 8-3-80. Immobilization of vehicle.

(a) Whenever any owner of a motor vehicle has failed to respond to a notice of illegal parking issued pursuant to this Chapter, a police officer is authorized to cause such vehicle to be temporarily immobilized, while it is parked or left standing on any public property in the City, in the manner provided in this Section.

(b) Before immobilizing any vehicle pursuant to this Section, a second copy of such notice of illegal parking shall be mailed by first class mail to the owner at the address shown upon the registration records for the vehicle. The copy shall be accompanied by a statement that the vehicle will be immobilized unless the owner pays, within fourteen (14) days after the date of mailing of the notice, all unpaid parking fines and other applicable costs. No vehicle shall be immobilized pursuant to this Section until the lapse of at least fourteen (14) days from the date of mailing of such notice. The failure of the owner to receive a notice that was mailed in the manner provided in this Subsection shall not preclude the immobilization of the vehicle.

(c) The vehicle shall be immobilized by a police officer, or by another person at the direction of such officer, by the installation or attachment of a device designed to restrict the normal movement of the vehicle.

(d) Upon immobilization, the police officer or other person shall conspicuously affix to the vehicle a notice providing the following information, and such other information as deemed necessary by the Chief of Police:

(1) That the vehicle has been immobilized by the City for violation of one (1) or more of the parking restrictions of this Chapter, stating the date and time of the immobilization;

(2) That release from such immobilization may be obtained at a designated place;

(3) The total amount of fines, immobilization fees and other costs that must be paid prior to release;

(4) That, unless arrangements for such release are completed within seventy-two (72) hours of the time of immobilization, the vehicle will be subject to towing and impoundment, and all costs connected with such towing and impoundment must be paid; and

(5) That removing or attempting to remove the vehicle before an authorized release is obtained is unlawful.

(e) No vehicle shall be released from immobilization by the City until the full amount of all unpaid parking fines and other costs have been paid and an additional immobilization fee of one hundred dollars (\$100.00) has also been paid.

(f) Whenever a vehicle which has been immobilized pursuant to this Section remains so immobilized for seventy-two (72) hours or longer, and no authorized release has been obtained for the vehicle, the vehicle shall be subject to towing and impoundment in the manner provided in this Chapter. Such a vehicle shall not be released to the owner until all amounts due pursuant to Subsection (e) hereof have been paid, as well as all costs incurred in connection with towing and impoundment. During such seventy-two-hour period, the vehicle shall not be subject to any other notices of illegal parking.

(g) It is unlawful for any person to remove or to attempt to remove from a vehicle an immobilization device affixed by the City pursuant to this Section without authorization therefor from the City, or to move or to attempt to move such vehicle before an authorized release is obtained. (Prior code 12-38; Ord. 12-08 §1, 2008)

Sec. 8-3-90. Impoundment and storage fees; impound lot maintained by City.

(a) Any motor vehicle stored at a City-owned impound lot at the request of the Police Department for evidentiary purposes, and not removed from the impound lot within seventy-two (72) hours of the time the Police Department notifies the owner or agent that the motor vehicle is available for release, shall be subject to an impound and storage fee chargeable against the owner of record. Impound and storage fees shall accrue beginning seventy-two (72) hours after the time of notice.

(b) The impound and storage fees shall consist of the following:

(1) The actual cost incurred to tow the motor vehicle;

(2) The cost incurred for storage of the motor vehicle, at the rate of ten dollars (\$10.00) per day; and

(3) Other actual costs incurred by the City in connection with the impound and storage of the vehicle. (Prior code 12-39)