

PART 18 - TOWING AND STORAGE

1801. Authority to impound and immobilize.

- (1) Definitions. As used in this Section:
 - (a) *Abandoned vehicle* means:
 - I. Any vehicle left unattended on private property for a period of twenty-four (24) hours or longer without the consent of the owner or lessee of such property or owner's or lessee's legally authorized agent;
 - II. Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the City for a period of forty-eight (48) hours or longer;
 - III. Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the City that is not registered or does not have a license plate with a current registration sticker attached thereto in violation of Sections 42-3-121 and 42-3-114, C.R.S., except as provided for in Section 42-3-103, C.R.S.;
 - IV. Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the City that is in an inoperable condition. A vehicle shall be deemed to be in an *inoperable condition* if it is junked, wrecked, wholly or partially dismantled, missing essential parts or unable to perform the functions or purposes for which it was originally manufactured; or
 - V. A motor vehicle fitted with an immobilization device that is on public property and deemed to be abandoned pursuant to Section 42-4-1105(7)(c), C.R.S.
- (2) No person shall abandon any vehicle upon public property or upon private property other than his or her own. Abandoned vehicles may be towed and impounded in accordance with the provisions of Title 42, Article 4, Part 18 and Part 21, C.R.S.
- (3) Whenever any police officer, community service officer or parking service personnel finds a vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within the City in such a manner as to constitute a violation of this Traffic Code, such officer is authorized to cause the vehicle to be moved to eliminate any such obstruction or to tow and impound the vehicle in accordance with the provisions of Title 42, Article 4, Part 18 and Part 21, C.R.S.

- (4) If the owner of a motor vehicle does not respond to a notice sent to him or her by the Clerk of the Court, Municipal Court Clerk's Office or Parking Services pursuant to this Traffic Code and any Parking Services personnel, code enforcement officer, community service officer or police officer finds such vehicle standing upon any portion of a street or highway right-of-way or other public property within the City, then such employee is authorized to immobilize such vehicle by installing on or attaching to such vehicle a device designed to restrict the normal movement of the vehicle. In such event, the employee shall attach to the vehicle a notice advising the owner, driver or person in charge of the vehicle that the vehicle was immobilized due to the failure to respond to a previous notice regarding alleged violation(s) of the Traffic Code. Said notice shall also include information regarding the procedure for releasing the vehicle from such immobilization or impoundment, which may be obtained by contacting the Office of Parking Services. Arrangements for release must be made within seventy-two (72) hours of immobilization. If no arrangements are made within that time period, an immobilized vehicle may be impounded. Before a vehicle may be released from immobilization or impoundment, all fines, fees and other penalties applicable to such vehicle, including fees established for immobilizing and impounding the vehicle, must be paid in full.
- (5) The owner of a motor vehicle may request an administrative hearing to contest whether, at the time the vehicle was immobilized or impounded, reasonable grounds existed to immobilize or impound the vehicle by:
 - (a) Paying the total amount of the fines, fees and penalties, including fees for immobilization and impoundment, to Parking Services within seventy-two (72) hours of immobilization; and
 - (b) Filing a motion with the Municipal Court Parking Referee to contest the reasonable grounds within forty-eight (48) hours after payment, on a form approved by the Court.

Failure to timely pay said fines, fees and penalties and file the motion required under this provision will constitute a waiver of the administrative hearing.

- (6) The Municipal Court Parking Referee shall hold an administrative hearing only on the following questions:
 - (a) Whether the Municipal Court Parking Referee has jurisdiction;
 - (b) Whether the claimant is the owner of the motor vehicle, or presently entitled to possession; and
 - (c) Whether probable cause existed to immobilize or impound the vehicle.

The Municipal Court Parking Referee shall not enter orders or findings on any other issue of fact or law, including but not limited to, the validity of the charges, the amount charged or the constitutionality of ordinances or statutes.

- (7) No vehicle which has been immobilized pursuant to this Section shall be moved by any person without first obtaining a release from such immobilization from Parking Services, nor shall any person deface, injure, tamper with or open, or willfully break, destroy or impair the usefulness of any immobilization device attached to a vehicle pursuant to this Section or remove or attempt to remove said device from such vehicle.
- (8) Any person who violates Subsection (7) of this Section is guilty of a misdemeanor punishable under Section 1-15(a) of the City Code.
- (9) Subsection (7) and (8) of this Section shall not apply to City employees acting in the performance of their official duties. (Ord. 016, 2003 §1; Ord. 139, 2005 §4; Ord. 109, 2006 §14; Ord. 119, 2011, §17)

1802. Storage and disposal of abandoned and illegally parked vehicles.

Vehicles removed from public or private property within the City and placed in storage as provided in this Traffic Code shall be stored and disposed of in accordance with the provisions of Sections 42-4- 1801 et seq., and 42-4-2100 et seq., C.R.S. (Ord. 016, 2003 §1)