

Chapter 177 - WRECKERS AND TOWING

Footnotes:

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Editor's note— Ord. No. 86-09, adopted October 7, 1986, amended Ch. 177 in its entirety to read as herein set out. Former Ch. 177 pertained to Wreckers and Towers, and derived from Ord. No. 73-7, adopted November 5, 1973.

Cross reference— Nuisances, Ch. 124.

§ 177-1. - Definitions.

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

Abandoned vehicle means:

- A. Any vehicle left unattended on private property for a period of 24 hours or longer, without the consent of the owner or lessee of such property or his legally authorized agent.
- B. Any vehicle left unattended on public property, including any portion of highway, within the limits of the town, for a period longer than 24 hours.
- C. Any 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 owners or agent within 72 hours after the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees.

Highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

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

Probable cause to impound means a state of facts which would lead a person of ordinary care and prudence to believe that there was a sufficient breach of local, state or federal law to grant legal authority for the removal of a vehicle.

Public property means any residential property having its title, ownership, use or possession held by the federal government, the State of Colorado, Summit County, the town or any other governmental entity of the State of Colorado.

Vehicle means any device which is capable of moving itself, or being moved, from place to place upon wheels or endless tracks.

Vehicle obstructing traffic or maintenance means any vehicle which is stopped or parked, either attended or unattended, upon any portion of a highway in such a manner as to constitute an obstruction to traffic or proper highway maintenance.

(Ord. No. 86-09, 10-7-86; Ord. No. 90-09, 6-19-90)

§ 177-2. - Hearing officer.

The Town Council shall designate one or more hearing officers to conduct any hearing C.R.S. § 42-4-1604(4). The hearing officer shall be someone other than the person who directed the removal, impounding and storage of the vehicle. Hearings before the hearing officer shall be conducted in an informal manner, and the hearing officer shall not be bound by technical rules of evidence. The hearing officer shall only determine that, as to the vehicle in issue, either there was probable cause to impound the vehicle or there was no probable cause. The hearing officer shall have all powers reasonable and necessary for the exercise of his functions under this chapter. Decisions and reports of the hearing officer shall be official records of the town under the custody and control of the Chief of Police.

(Ord. No. 86-09, 10-7-86; Ord. No. 90-09, 6-19-90)

§ 177-3. - Designation of impound lots.

The Town Council shall designate one or more impound lots to be used for the storage of vehicles towed at the direction of the town under this chapter and may from time to time add to or remove such designated impound lots. The Town Council may authorize a contract or contracts with one or more impound lots to effectuate the provisions of C.R.S. § 42-4-1601, et seq. and this chapter.

(Ord. No. 86-09, 10-7-86; Ord. No. 90-09, 6-19-90)

§ 177-4. - Conditions for storing abandoned vehicles.

No person shall park, store or impound any abandoned vehicle within the town for more than 48 hours except within a building, within a fenced enclosure six feet in height, or on the premises of a business enterprise when the keeping of such vehicle is related to the operation of such business enterprise.

(Ord. No. 86-09, 10-7-86; Ord. No. 90-09, 6-19-90; Ord. No. 90-12, 9-18-90)

§ 177-5. - Towing of abandoned vehicles.

No person shall abandon any vehicle upon public property within the town. Any police officer or other agent of the town who finds a vehicle which he has probable cause to believe is abandoned may require the vehicle to be removed or cause the vehicle to be removed and placed in storage in an impound lot.

(Ord. No. 86-09, 10-7-86; Ord. No. 90-09, 6-19-90)

§ 177-6. - Towing of vehicles obstructing traffic or maintenance.

Towing of vehicles obstructing traffic or maintenance. No person shall obstruct traffic or road maintenance within the town with any vehicle, attended or unattended. Any police officer or other agent of the town who finds a vehicle attended or unattended, obstructing traffic or road maintenance within the town is authorized to cause the vehicle to be moved or cause the vehicle to be removed and placed in storage in an impound lot to eliminate any such obstruction.

(Ord. No. 86-09, 10-7-86; Ord. No. 90-09, 6-19-90)

§ 177-7. - Violations and penalties.

Any person convicted of violating any provision of this chapter shall be guilty of a misdemeanor and shall be punishable as provided in Chapter 1, General Provisions, Article 1.

(Ord. No. 94-05, 7-21-94)

§ 177-8. - Severability.

If any part of the ordinance codified in this chapter shall be held unconstitutional or invalid, the remainder of the ordinance shall continue in full force and effect, it being the legislative intent that the ordinance would have been adopted even if such unconstitutional or invalid matter had not been included herein.

(Ord. No. 94-05, 7-21-94)