1	ORDINANCE O-2017-				
2	A BILL FOR AN ORDINANCE AMENDING CHAPTERS 11.12 AND 11.16 OF THE				
3	LONGMONT MUNICIPAL CODE RELATING TO IMPOUNDMENT AND				
4	ABANDONED, PUBLICLY KEPT, OR JUNKED VEHICLES				
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6	THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:				
7	Section 1				
8	In this ordinance, ellipses indicate material not reproduced as the Council intends to leave				
9	that material in effect as it now reads.				
10	Section 2				
11	The Council amends Chapter 11.12 of the Longmont Municipal Code, by adding italicized				
12	material and deleting stricken material, to read as follows:				
13	CHAPTER 11.12 IMPOUNDMENT AND ABANDONED, PUBLICLY KEPT,				
14	OR JUNKED VEHICLES				
15	I REMOVAL OF VEHICLES GENERALLY				
16	11.12.010 Authorized when.				
17	A. Members of the police department are authorized to remove or have				
18	removed a vehicle to the nearest place of safety, or to a garage designated or				
19	maintained by the police department, or by this municipality, under the				
20	circumstances listed here:				
21	1. When any vehicle is left unattended upon any bridge, causeway or viaduct,				
22	or in any subway or underpass, where the vehicle is an obstruction to traffic;				
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1	4. When a vehicle is left <del>unattended</del> on a street and is parked illegally so as to
2	be a hazard or obstruction to the normal movement of traffic, or proper street or
3	highway maintenance, or the collection of trash or other items by any city sanitation
4	or recycling collection vehicle;
5	•••
6	D. The chief of police or designee shall require the owner of any abandoned,
7	publicly kept, or junk vehicle removed under the authority of this section to pay a
8	fee of \$50.00 as an offset of costs incurred by the police department associated with
9	such removal before authorizing release of the vehicle.
10	•••
11	II VEHICLES ABANDONED, KEPT ON PUBLIC PROPERTY, OR JUNKED
12	VEHICLES
13	11.12.030 Definitions.
14	As used in this articlechapter:
15	Abandoned <i>or publicly kept</i> vehicle means:
16	1. Any vehicle left <del>unattended</del> on private property for <del>72</del> 48 hours without the
17	consent of the owner or lessee of such property or his or her legally authorized
18	agent;
19	2. Any vehicle left unattended on private property without the consent of the
20	owner or lessee of the property or his or her legally authorized agent when such
21	private property has been posted to give notice that any vehicles left on the private
22	property without permission may be towed at the owner's expense. Such notice
23	shall be posted with signs visible to ordinarily observant persons on the property;

3. Any vehicle, *other than a sleeper vehicle or trailer*, left unattended—on public property, including any portion of a highway, street, alley or other right-of-way for 24-48 hours or longer-unless the owner or driver has conspicuously affixed a dated notice stating his or her intention to return or has otherwise notified the police department of his or her intention to remove it within 72 hours.; *or* 

- 4. Any sleeper vehicle or trailer parked on public property, including any portion of a highway, street, alley or other right-of-way, without being relocated within 48 hours away from a proximate frontage, except as follows:
- a. Vehicles validly permitted under section 11.12.045 may remain on a public way under the terms of that section and the permit.
- b. Trailers owned by bona fide contractors for the purpose of storing or moving materials, tools, or equipment necessary to make repairs or alterations on private property may be left for a limited time, not to exceed 180 days, on the block face and the block face on the opposite side of the street of a particular parcel of private property where such repairs or alterations are actively occurring, if the owner of such trailer or trailers posts a conspicuous dated notice, including the address of the job site and contact information, on the street side of each such trailer.

Camper coach means an item or mounted equipment, weighing more than five hundred pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations.

1 Camper trailer means a wheeled vehicle having an overall length of less than 2 twenty-six feet, without motive power, which is designed to be drawn by a motor 3 vehicle over the public highways and which is generally and commonly used for 4 temporary living or sleeping accommodations. 5 Motor home means a vehicle designed to provide temporary living quarters and 6 7 which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van. 8 9 Multipurpose trailer means a wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle over the public highways. A "multipurpose 10 trailer" is generally and commonly used for temporary living or sleeping 11 12 accommodation and transporting property wholly upon its own structure and is 13 registered as a vehicle. 14 Proximate frontage means the location at which a vehicle is parked or any location 15 on public property, including any portion of a highway, street, alley or other right-16 of-way, within 600 feet as measured along a route of direct vehicular access. 17 Sleeper vehicle means a camper coach, camper trailer, motor home, multipurpose trailer, or trailer coach. 18 Trailer coach means a wheeled vehicle having an overall length, excluding towing 19 20 gear and bumpers, of not less than twenty-six feet, without motive power, that is 21 designed and generally and commonly used for occupancy by persons for 22 residential purposes, in temporary locations, and that may occasionally be drawn 23 over the public highways by a motor vehicle and is licensed as a vehicle.

1 Trailer means any wheeled vehicle, without motive power, which is designed to be 2 drawn by a motor vehicle to carry its cargo load wholly upon its own structure and 3 that is generally and commonly used to carry and transport property over the public 4 highways. 5 11.12.040. - Abandonment and public keeping prohibited. It is unlawful to abandon *or publicly keep* any vehicle in the city. 6 A. 7 *B*. This chapter shall not render lawful any act or omission prohibited under section 11.32.030 or any other section of the Municipal Code or 8 9 any other applicable law. 10 *C*. Exceptions. This prohibition shall not apply to vehicles placed by on-duty public safety personnel in performance of their official duties; or by state or city 11 12 staff or contractors, or utility company staff or contractors, performing 13 construction or maintenance activities under state or city authorization. 14 11.12.045. – Temporary sleeper vehicle parking permit. 15 A. Any person may apply to the Planning and Development Services Department for a permit to park upon a public highway or street a sleeper vehicle 16 owned by the applicant or the applicant's guest. 17 18 The Director of the Planning and Development Services Department, or B. designee, shall issue such a permit under any rules adopted by the Director to 19 20 ensure an orderly permitting system.

which the permit is requested. The permit shall not exceed seven days' duration.

*The application shall specify the street frontage of the highway or street for* 

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*C*.

1	D. The sleeper vehicle must have motive power or remain connected to a				
2	vehicle with motive power for the duration of the permit.				
3	E. Upon the expiration of the permit, the sleeper vehicle shall not be parked				
4	on any proximate frontage at any time during the following seven days, and no				
5	permit may be issued for that sleeper vehicle on any proximate frontage for that				
6	period.				
7	F. The permitted sleeper vehicle shall adhere to all federal, state, and local				
8	laws, including all applicable parking regulations.				
9	G. Display. To be valid, a permit must be displayed conspicuously on the street				
10	side of the permitted sleeper vehicle.				
11	H. No transfer. No permittee may transfer, sell, rent, or lease a permit or allow				
12	the permit to be used by any person but the permittee or the permittee's guest. A				
13	permit applies only to one sleeper vehicle and may not be transferred to another				
14	vehicle, even if owned by the permittee or the permittee's guest.				
15	I. Fee. The application fee for a permit shall be \$40.				
16	J. Violations. Any violation of this section or of a permit shall be punishable				
17	under section 11.12.070, and any vehicle parked in violation of any condition of an				
18	applicable permit or in violation of any provision of this section shall be deemed				
19	an abandoned or publicly kept vehicle in violation of section 11.12.040.				
20	K. Transition. No permit shall be available until the Director of the Planning				
21	and Development Services Department determines that an orderly permitting				
22	system has been established.				

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11.12.070. - Violation — Penalty.

In addition to any other penalty, any vehicle found in violation of this chapter is a public nuisance, and the city attorney may bring a civil action before any court of competent jurisdiction for abatement. The court shall assess all costs incurred by the city in securing the abatement, including storage expenses, and reasonable attorney's fees, against the person or persons owning the vehicle and otherwise having occupancy of the private property affected or custody of the junked or abandoned *or publicly kept* vehicle involved.

11.12.080. - Owner's opportunity to request hearing — Public tow.

A. When any vehicle is towed or removed pursuant to this chapter, the police department shall, in addition to other notification requirements applicable to motor vehicles under the laws of the state, within five regular business days after receipt of the report from the Colorado Department of Revenue, or ascertainment of ownership of vehicles not subject to the Colorado reporting procedures, notify by certified mail or personal service the owner of record, if ascertained, of the owner's opportunity to request a hearing concerning the legality of the towing or removal of the abandoned, *publicly kept*, or junked vehicle, and that the request for hearing shall be submitted to the Longmont Municipal Court. Such request shall be made in writing within 20 days of the mailing of such notice.

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C. If it is determined at the hearing that the vehicle was illegally towed or removed following the direction and authority of the police department in disregard of the standards for junked and abandoned *or publicly kept* vehicles stated in this

1	chapter, all towing and removal charges and storage fees assessed against the				
2	vehicles shall be forgiven or paid by the city; however, nothing shall relieve the				
3	owner of the obligation to mitigate the costs involved by prompt retrieval or				
4	disposal of the property.				
5					
6	Section 3				
7	The Council amends section 11.16.030 of the Longmont Municipal Code, by adding				
8	italicized material and deleting stricken material, to read as follows:				
9	11.16.030 Fines.				
10	All violations listed in this section are civil parking infractions. The following				
11	penalties apply:				
12					
13	D. The fine for each of the following Model Traffic Code violations is \$50.00:				
14	1. Parking of junked vehicles as stated in Section 1204(3)(a)(2)(B);				
15	2. Abandonment or public keeping of vehicles in violation of section 11.12.040				
16	of the Municipal Code; and				
17	23. Parking in a fire apparatus access road or fire lane as stated in Section				
18	1204(2)(h).				
19	•••				
20	Section 4				
21	To the extent only that they conflict with this ordinance, the Council repeals any conflicting				
22	ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of				
23	any part shall not affect the validity or effectiveness of the rest of this ordinance.				

Introduced this	day of		, 2017.
Passed and adopted this	sday of	,	, 2017.
		MAYOR	
ATTEST:			
CITY CLERK			
CITT CLERK			
NOTICE: THE COUNCIL W	TLL HOLD A PUBI	IC HEARING ON THIS	ORDINANCE AT
7:00 P.M. ON THE	DAY OF	,	2017, IN THE
LONGMONT COUNCIL CHA	AMBERS.		
ADDDOVED ACTO FORM.			
APPROVED AS TO FORM:			
ASSISTANT CITY ATTORN	EY	DATE	
PROOFREAD		DATE	
ROOFREAD		DATE	
APPROVED AS TO FORM A	AND SUBSTANCE:		
		- ·	
ORIGINATING DEPARTME	NT	DATE	
CA File: 10360			