

1 4. When a vehicle is left ~~unattended~~ 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 ~~article~~*chapter*:

15 Abandoned *or publicly kept* vehicle means:

16 1. Any vehicle left ~~unattended~~ on private property for ~~72~~*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;

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

6 4. Any *sleeper vehicle or trailer parked on public property, including any*
7 *portion of a highway, street, alley or other right-of-way, without being relocated*
8 *within 48 hours away from a proximate frontage, except as follows:*

9 a. *Vehicles validly permitted under section 11.12.045 may remain on a public*
10 *way under the terms of that section and the permit.*

11 b. *Trailers owned by bona fide contractors for the purpose of storing or*
12 *moving materials, tools, or equipment necessary to make repairs or alterations on*
13 *private property may be left for a limited time, not to exceed 180 days, on the block*
14 *face and the block face on the opposite side of the street of a particular parcel of*
15 *private property where such repairs or alterations are actively occurring, if the*
16 *owner of such trailer or trailers posts a conspicuous dated notice, including the*
17 *address of the job site and contact information, on the street side of each such*
18 *trailer.*

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

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.

6 A. It is unlawful to abandon *or publicly keep* any vehicle in the city.

7 B. *Savings. This chapter shall not render lawful any act or omission*
8 *prohibited under section 11.32.030 or any other section of the Municipal Code or*
9 *any other applicable law.*

10 C. *Exceptions. This prohibition shall not apply to vehicles placed by on-duty*
11 *public safety personnel in performance of their official duties; or by state or city*
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
16 Department for a permit to park upon a public highway or street a sleeper vehicle
17 owned by the applicant or the applicant's guest.

18 B. The Director of the Planning and Development Services Department, or
19 designee, shall issue such a permit under any rules adopted by the Director to
20 ensure an orderly permitting system.

21 C. The application shall specify the street frontage of the highway or street for
22 which the permit is requested. The permit shall not exceed seven days' duration.

1 11.12.070. - Violation — Penalty.

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

9 11.12.080. - Owner's opportunity to request hearing — Public tow.

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

20 . . .

21 C. If it is determined at the hearing that the vehicle was illegally towed or
22 removed following the direction and authority of the police department in disregard
23 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.

1 Introduced this _____ day of _____, 2017.

2
3 Passed and adopted this _____ day of _____, 2017.

4
5
6
7
8 _____
MAYOR

9
10 ATTEST:
11
12
13 _____
14 CITY CLERK

15
16
17 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
18 7:00 P.M. ON THE _____ DAY OF _____, 2017, IN THE
19 LONGMONT COUNCIL CHAMBERS.

20
21
22 APPROVED AS TO FORM:
23
24
25 _____
26 ASSISTANT CITY ATTORNEY DATE

27
28
29 _____
30 PROOFREAD DATE

31
32
33 APPROVED AS TO FORM AND SUBSTANCE:
34
35
36 _____
37 ORIGINATING DEPARTMENT DATE

38
39 CA File: 10360