

ORDINANCE NO. 2318

INTRODUCED BY: ALLEN-THOMAS, FRANK, GRIMES, GUARDIOLA, HURST,
HUSEMAN, MADERA, NOBLE, SMITH

AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE TO REGULATE THE PARKING AND ABANDONMENT OF LARGE VEHICLES, RECREATIONAL VEHICLES AND UTILITY TRAILERS AND TO ESTABLISH MINIMUM FINES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. The City Council finds and determines that the passage of this ordinance is necessary for the preservation of the public health, safety, and welfare in the City of Commerce City.

SECTION 2. Section 11-41 of the Commerce City Revised Municipal Code is amended and a new Section 11-2105 to be entitled “Parking of large vehicles, recreational vehicles and utility trailers.” is created in the Commerce City Revised Municipal Code, as shown in Exhibit A.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 1ST DAY OF FEBRUARY, 2021

PASSED ON SECOND AND FILING READING AND PUBLIC NOTICE ORDERED
THIS 1ST DAY OF MARCH, 2021

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Additions in blue, underlined text; deletions in red, strikethrough text.

Sec. 11-2106. – Parking of large vehicles, recreational vehicles and utility trailers.

- (a) Definitions. Terms used to describe vehicles and trailers in this section shall have the meanings provided in the Model Traffic Code as adopted and amended by this Code, except as follows.
 - (1) Large vehicle means a trailer, a truck tractor or semitrailer (laden or unladen and regardless of size), a vehicle having a manufacturer's gross vehicle weight rating of eight thousand one pounds or more (except for a pick-up truck or sports utility vehicle with a manufacturer's gross vehicle weight rating of fourteen thousand pounds or less), a food truck or trailer, a tow truck or vehicle equipped to provide towing services, a bus, a farm tractor, construction equipment, or any other vehicle exceeding twenty-five (25) feet in length (including any attached gear, bumpers, racks, or similar items).
 - (2) Recreational vehicle means a camper trailer, camper coach, motor home, recreational vehicle, or trailer coach as each term is defined in the Model Traffic Code as adopted and amended by this Code; any recreational vehicle or recreational park trailer as defined in C.R.S. § 24-32-902; and watercraft (on or off trailers).
- (b) Recreational vehicles and utility trailers. It shall be unlawful to park a large vehicle, recreational vehicle, or utility trailer on any public street within a residentially zoned area or on any part of a public street immediately adjacent to a lot upon which there is a residence in any zoned district.
- (c) Exemptions. This section shall not apply to any of the following:
 - (1) Recreational vehicles or utility trailers when parked for less than a forty-eight (48) hour period during a seven (7) day period for the purposes of loading and unloading, provided such vehicle or trailer shall not be occupied by any person while parked, after which time the recreational vehicle or utility trailer must be removed from the public right-of-way in the city for at least 72 hours.
 - (2) Vehicles and trailers owned or used by governmental entities parked for governmental purposes;
 - (3) Between the hours of 6:30 a.m. and the later of 6:00 p.m. or sunset, a large vehicle or utility trailer while the vehicle is being used in conjunction with construction adjacent to the location of such vehicle;
 - (4) A large vehicle, recreational vehicle, or utility trailer is stopped for emergency repairs;

- (5) A large vehicle or utility trailer being utilized as an on-call response vehicle by a public utility or for construction, operation, removal or repair of utility or public utility property or facilities or public streets and rights-of-way;
- (6) A large vehicle or utility trailer being actively loaded or unloaded;
- (7) A large vehicle or utility trailer for which the city has issued a license or permit for parking in such location under any other provision of this code; and
- (8) A food truck or trailer operating pursuant to an outdoor vendor license issued under chapter 9.
- (d) No effect on private covenants. Nothing in this section shall be construed to limit the private enforcement of any private covenant within any residential district as between parties to such private covenant.
- (e) Minimum fine. Any person convicted, including without limitation a plea of guilty or no contest, of a violation of any provision of subsection (b) shall be subject to a fine of one-hundred dollars (\$100.00) for each offense, which shall be increased to two-hundred dollars (\$200.00) if not paid within thirty (30) days, in addition to any other applicable penalty, fee, or cost imposed pursuant to this Code.

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Sec. 11-41. - Purpose and definitions.

The purpose of this article is to provide for a procedure relative to towing and storage of abandoned and/or illegally parked motor vehicles in the city and for recovery by the city of the costs incurred as a result of such towing and storage.

As used in this article, the following words and phrases shall have the meanings respectively ascribed to them, unless the context otherwise requires.

(a) *Abandoned vehicle or trailer* means any of the following:

- (1) Any vehicle or trailer left unattended on private property, including parking areas that are open to public use or on public property other than a public right-of-way, without the consent of the owner or lessee of such property or his or her legally authorized agent.
- (2) Any vehicle or trailer left unattended within any portion of a public right-of-way within the limits of the city that lacks currently valid license plates or other legally recognized identifying marks, or a vehicle or trailer that has flat tires or has deteriorated or been damaged so extensively that it has value only for junk or salvage, or the vehicle or trailer is inoperable or not usable in its existing condition.
- (3) Any vehicle or trailer left unattended within any portion of a public right-of-way within the limits of the city for a period of seventy-two (72) consecutive hours or more, provided to avoid being considered an abandoned vehicle or trailer under this section, any such vehicle or trailer marked or noted as having been left unattended within any portion of a public right-of-way within the limits of the city must be moved either onto private property with approval of the owner or lessee of such private property or must be moved to a point

on a public right-of-way at least one hundred (100) feet from the place where such vehicle or trailer had been originally left unattended and once moved, the vehicle or trailer may not be returned for at least twenty-four (24) consecutive hours to the location where it had been originally left unattended.

Notwithstanding the foregoing, in the case of a motor vehicle (excluding any large vehicle, recreational vehicle or trailer), ~~or trailer not exceeding thirty (30) feet in length,~~ that has a current registration~~license~~ and is capable of legal operation on a public right-of-way, such motor vehicle ~~or trailer~~ may be allowed to remain parked in the public right-of-way adjacent to the property owned and/or occupied by the owner of such motor vehicle ~~or trailer~~ provided no trash, leaves or other debris is allowed to accumulate under or around such motor vehicle or trailer. Any motor vehicle or trailer so parked must be within the prolongation of the property lines of the property owned or occupied by the registered owner of the vehicle. ~~In the case of a trailer, no person may occupy said trailer while parked.~~

- (4) Any motor 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 owner or agent of the owner within seventy-two (72) hours of the time the law enforcement agency notifies the owner or agent of the owner that the vehicle is available for release upon payment of any applicable charges or fees. If a law enforcement agency requested the storage, the provisions of this article governing public tows apply as to the time of abandonment, and such law enforcement agency shall be deemed the responsible law enforcement agency. Otherwise, the private tow provisions of this article apply as to the time of abandonment.
- (5) Any recreational vehicle or utility trailer parked, whether or not attended, for a period of forty-eight (48) consecutive hours or more within any portion of a public right-of-way, after which time such recreational vehicle or utility trailer must be removed from the public right-of-way in the city for at least 72 hours.
- (b) *Appraisal* means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in this state or by any employee of the responsible law enforcement agency whose appointment for such purpose has been reported by the head of the appointing agency to the executive director of the department of revenue.
- (c) *Department of revenue* means the Department of Revenue of the State of Colorado.
- (d) *Disabled motor vehicle* means any motor vehicle which is stopped or parked, either attended or unattended, upon a public right-of-way 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.
- (e) *Impound lot* means a parcel of real property which is owned or leased by a government or operator at which motor vehicles are stored under appropriate protection.
- (f) Large vehicle means a trailer, a truck tractor or semitrailer (laden or unladen and regardless of size), a vehicle having a manufacturer's gross vehicle weight rating of eight thousand one pounds or more (except for a pick-up truck or sports utility vehicle with a manufacturer's gross vehicle weight rating of fourteen thousand pounds or less), a food truck or trailer, a tow truck

or vehicle equipped to provide towing services, a bus, a farm tractor, construction equipment, or any other vehicle exceeding twenty-five (25) feet in length (including any attached gear, bumpers, racks, or similar items), but will not include a pick-up truck or sport utility vehicle having a manufacturer's gross vehicle weight rating of fourteen thousand pounds or less.

- (g) *Operator* means a person or a firm licensed by the public utilities commission as a towing carrier.
- (h) *Police department* means the Commerce City Police Department.
- (i) *Private property* means any real property which is not public property.
- (j) *Private tow* means any tow of an abandoned motor vehicle not requested by a law enforcement agency.
- (k) *Public property* means any real property within the City of Commerce City having its title, ownership, use or possession held by the federal government, State of Colorado or any county, municipality or other governmental entity of this state.
- (l) *Public tow* means any tow of an abandoned motor vehicle requested by a law enforcement agency.
- (m) *Recreational vehicle* means a camper trailer, camper coach, motor home, recreational vehicle, or trailer coach as each term is defined in the Model Traffic Code as adopted and amended by this Code; any recreational vehicle or recreational park trailer as defined in C.R.S. § 24-32-902; watercraft (on or off trailers); and off-highway vehicles as defined in C.R.S. § 33-14.5-1-101(3).
- (n) *Responsible law enforcement agency* means:
 - (1) In the case of a public tow, the law enforcement agency authorizing the original tow of an abandoned motor vehicle.
 - (2) In the case of a private tow, the law enforcement agency having jurisdiction over the private property where the motor vehicle becomes abandoned.
- (o) *Utility trailer* means a utility trailer as defined in the Model Traffic Code as adopted and amended by this Code.

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