

## Motor Vehicle Impoundment Initiative

*The following illustrates how the amendments set forth in the Motor Vehicle Impoundment Initiative would be integrated into existing city laws. The new provisions set forth in the initiative are shown below in **bold underline**.*

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### CHAPTER 54. TRAFFIC REGULATIONS

#### ARTICLE XV. PENALTIES, PARTIES AND PROCEDURE ON VIOLATIONS

##### DIVISION 2. IMPOUNDMENT AND DISPOSITION OF VEHICLES

###### **Sec. 54-811. Authority for impoundment; vehicles deemed obstructions to traffic or public nuisances.**

The chief of police, the undersheriff and the manager of public works, and their respective designees, are hereby authorized to remove, or have removed at their direction, a vehicle or automobile junker from any public or private way or place, under any of the circumstances hereinafter enumerated, the council hereby finding and determining such vehicles under such circumstances to be obstructions to traffic or public nuisances. For purposes of this section, an automobile junker is defined in section 54-812. **As used in this section "illegal alien" means a person who has entered the United States illegally or is residing in the United States illegally after entering legally.**

- (1) When any vehicle is left unattended upon any bridge, viaduct, subway or tunnel, or where such vehicle constitutes an obstruction to traffic;
- (2) When a vehicle upon a public way is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
- (3) When any vehicle is left unattended upon a street or parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic, or left unattended on any public street with engine running or with keys in the ignition switch or lock;
- (4) When any vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition established by the city traffic engineer, provided such area or portion of such public street has been posted with an official sign giving notice both of such limitation or prohibition and of the fact that such area or portion of such street is a "Tow Away" area;
- (5) When a vehicle is parked in violation of any traffic ordinance and is an obstruction or hazard or potential obstruction or hazard to any lawful function or limits the normal access to a use of any public or private property;
- (6) When a vehicle is left on a public way or place and appears to be abandoned or a complaint is received that it is abandoned and remains there continuously for a period of seventy-two (72) hours after notice is posted on the windshield that it will be impounded, or when an automobile junker is left on public or private property for such a period;
- (7) When the driver of such vehicle is taken into custody by the police department and the vehicle would thereby be left unattended upon a street, highway or restricted parking area, or other public way;

(8) When a vehicle is found being driven upon the streets or other public way of the city and the same is not equipped with all of the necessary parts and equipment as required in article IV of this chapter or does not meet the standards for the parts or equipment required therein;

(9) When the driver of a vehicle is reasonably suspected of using license plates or a license permit unlawfully, misusing the license plates or license permit issued to the driver, or a vehicle is driven or parked without proper license plates or license permit, or with no license plates or license permit, or driven or parked with an invalid or expired license permit;

(10) When the driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid, or when the driver does not have such license in the driver's immediate possession, or when the driver drives a vehicle contrary to restrictions imposed upon the license, or when the driver drives a vehicle while their operator's or chauffeur's license has been denied, suspended, canceled or revoked by the state, or when a driver of a vehicle is an illegal alien or may be reasonably suspected of being an illegal alien. A vehicle operator without a valid driver's license but with convincing corroborating identification, vehicle registration, and a valid driver's license of record may, at the discretion of the attending Police Officer, be issued a summons for driving without a license without impounding the vehicle. Such summons along with proof of a valid driver's license shall be submitted within three working days to a Denver County Court for validation or such vehicle shall be ordered impounded.

(11) When a vehicle is found parked on or so near to any railroad track as to block the same in any manner, except when the requirements of division 7 of article VI of this chapter have been fulfilled;

(12) When any truck-tractor is found to be parked in any parking metered space;

(13) When any semi-trailer is found to be parked in any parking metered space;

(14) When the driver of any vehicle, or the vehicle which the driver is driving, is reasonably suspected of having been involved in any hit and run accident;

(15) When any vehicle is reasonably suspected of being a stolen vehicle, or parts thereof to be stolen parts;

(16) When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor or when the vehicle is suspected of containing stolen goods, or other contraband;

(17) When a driver, owner or person in charge of a vehicle has failed to respond to a notice of illegal parking issued pursuant to sections 54-786(c) or 54-788, and has also failed to respond to the additional notice sent to the registered owner as provided for under section 54-789; provided that under the circumstances in this subsection set forth employees of the city, acting in their official capacity, and officers of the police department may, and they are hereby authorized to temporarily and for a period of seventy-two (72) hours, immobilize such vehicle by installing on, or attaching to such vehicle, a device designed to restrict the normal movement of such vehicle, and if such vehicle is so immobilized, the employee of the city or police officer so installing or attaching such device shall conspicuously affix to such vehicle a notice, in writing, on a form provided by the chief of police, advising the owner, driver or person in charge of such vehicle, that such vehicle has been immobilized by the city for violation of one (1) or more of the provisions of this chapter, and that release from such immobilization may be obtained at a designated place; that unless arrangements are made for the release of such vehicle within seventy-two (72) hours the vehicle will be removed from the streets at the direction of the employees of the city, acting in their official capacity, or by a police officer, and that removing or attempting to remove the device before a release is obtained is unlawful, and containing such information as the chief of police shall deem necessary. It shall be unlawful for any person to remove or attempt to remove any such device before a release is obtained as herein provided or to move any such vehicle before the same is released by the police department, clerk of the county court or any county judge; and where such vehicle has been properly immobilized in such manner, a fee of fifty dollars (\$50.00) shall be charged by the police

department or clerk of the county court before releasing such vehicle, and the parking restrictions, if any, otherwise applicable shall not apply while such vehicle is so immobilized. If the vehicle has remained immobilized for a period of seventy-two (72) hours and release has not been obtained, the police officer or employee of the city causing such immobilization shall have the vehicle impounded.

(18) When any vehicle is parked or stopped in any emergency access lane in violation of or contrary to a parking limitation or prohibition established by the city traffic engineer, provided that such emergency access lane has been posted with an authorized sign giving notice both of such limitation or prohibition and of the fact that such area or portion of such public roadway or private property is a "tow away" area.

(19) When a driver, owner or person in charge of a vehicle has failed to pay the fine or penalty imposed for a violation of section 54-62, a violation of article VII of this chapter, or a violation of both section 54-62 and article VII of this chapter, by the date such fine or penalty is due, employees of the city, acting in their official capacity, and officers of the police department may, and they are hereby authorized to, temporarily and for a period of seventy-two (72) hours, immobilize such vehicle by installing on, or attaching to such vehicle, a device designed to restrict the normal movement of such vehicle. If such vehicle is so immobilized, the employee of the city or police officer so installing or attaching such device shall conspicuously affix to such vehicle a notice, in writing, on a form provided by the chief of police, advising the owner, driver or person in charge of such vehicle, that such vehicle has been immobilized by the city for violation of one (1) or more of the provisions of this chapter, and that release from such immobilization may be obtained at a designated place; that unless arrangements are made for the release of such vehicle within seventy-two (72) hours the vehicle will be removed from the streets at the direction of the employees of the city, acting in their official capacity, or by a police officer, and that removing or attempting to remove the device before a release is obtained is unlawful, and containing such information as the chief of police shall deem necessary. It shall be unlawful for any person to remove or attempt to remove any such device before a release is obtained as herein provided or to move any such vehicle before the same is released by the police department, clerk of the county court or any county judge; and where such vehicle has been properly immobilized in such manner, a fee of fifty dollars (\$50.00) shall be charged by the police department or clerk of the county court before releasing such vehicle. The parking restrictions, if any, otherwise applicable shall not apply while such vehicle is so immobilized. If the vehicle has remained immobilized for a period of seventy-two (72) hours and release has not been obtained, the police officer or employee of the city causing such immobilization shall have the vehicle impounded.

**(20) When a driver operating a vehicle registered in Colorado possesses a driver's license from another country and does not possess proof that they are in the country legally, the owner of record, if ascertained, or any lienholder, if ascertained shall be issued by certified mail, a notice of pending impoundment requiring proof that such driver was not an illegal alien or such vehicle shall be ordered impounded thirty days from the day the violation notice was issued.**

#### Sec. 54-813. Costs.

(a) No vehicle removed and impounded shall be released until the charges for impoundment and storage shall have been paid.

(1) The charge for impoundment of vehicles weighing up to six thousand (6,000) pounds (gross vehicle weight) shall be one hundred dollars (\$100.00). If the vehicle is not lawfully claimed and removed by the owner within twenty-four (24) hours, a storage charge assessment shall commence at twenty dollars (\$20.00) per day after twenty-four (24) hours following the receipt of the vehicle at the impoundment lot, and twenty dollars (\$20.00) per day for every day or portion of a day thereafter.

(2) The charge for impoundment of vehicles weighing in excess of six thousand (6,000) pounds (gross vehicle weight) shall be one hundred fifty dollars (\$150.00). If the vehicle is not lawfully claimed

and removed by the owner within twenty-four (24) hours, a storage charge assessment shall commence at thirty dollars (\$30.00) per day after twenty-four (24) hours following receipt of the vehicle at the impoundment lot, and thirty dollars (\$30.00) per day for every day or portion of a day thereafter.

(b) The manager of safety shall be and is hereby authorized and empowered to waive or adjust any charges imposed by or described in subsection (a) whenever in the manager's judgment it would be inequitable or result in an injustice to collect or require the payment of such charges. Charges resulting from the following circumstances will routinely be waived or refunded if previously paid unless the manager finds that exceptional circumstances (such as failure to claim a vehicle within a reasonable period of time) makes the collection of charges proper:

- (1) When the vehicle was impounded as a result of the operator being taken into custody and the operator has been released without charges being filed;
- (2) When the vehicle has accumulated storage charges while being held as evidence, if the operator is not convicted of an offense associated with the impoundment;
- (3) When the vehicle licensed in the county was reported as stolen and subsequently recovered and impounded by the police.

(c) The release of a motor vehicle impounded as provided in 54-811(10) or 54-811(20) shall require that a two-thousand five-hundred dollar bond be posted within thirty days of impoundment in favor of the City and County of Denver or the motor vehicle is subject to disposal by the city by auction or otherwise. This requirement is not applied when the operator of such vehicle is found to have had a valid driver's license with such vehicle being released upon payment of towing and impoundment charges by owner. This bond shall be held for a period of one year and forfeited if such vehicle is operated by an unlicensed driver in Colorado within that time. For this section a one-hundred dollar impoundment and acquisition fee shall be paid to the city prior to the release of vehicle.