



Legislation Text

File #: 24-017, **Version:** 1

Ordinance No. 24-07 to repeal and reordain Article 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, Pertaining to Impoundment Of Vehicles

Presenter:

Commander John Koch, Colorado Springs Police Department
Jennifer Underwood, CSPD Evidence/Impound Manager
Frederick Stein, Public Safety City Attorney

Summary:

The proposed ordinance will allow the City the option to contract with local towing vendors for the impoundment and sale of unclaimed vehicles, as well as update outdated language throughout the sections.

Background:

The Colorado Springs Police Department's (CSPD) Impound Lot impounds three categories of vehicles: 1) vehicles impounded and held for evidentiary reasons, 2) recovered stolen motor vehicles, and 3) abandoned vehicles.

City Code sections 10.25.101 - 10.25.106 outline the CSPD's authority to impound, store, and subsequently sell unclaimed vehicles. The purpose of Article 25 is to ensure vehicles are impounded for lawful reasons, that there is a process by which citizens can dispute the towing and storage fees, that proper legal notice is provided to vehicle owners and lienholders, and that unclaimed vehicles subject to re-title are offered for sale to the public.

Addition of Private Tow Company Services

The notification and due diligence requirements related to abandoned vehicles are administratively burdensome and frequently cause these vehicles to take precedence over the evidentiary vehicles. And, because the number of both abandoned and evidentiary vehicles continues to increase, CSPD is proposing to allow private tow companies to assist with abandoned vehicles.

Generally, City Code sections 10.25.101 - 10.25.106 specifically assign CSPD the responsibilities of:

- Providing storage and maintenance of impounded vehicles (10.25.101)
- Charging tow and storage fees based on expenses incurred by the City (10.25.103)
- Providing notice of impoundment to registered owner (10.25.104)
- Selling unclaimed vehicles (10.25.106)

CSPD recommends adding language throughout Article 25 that provides the option for the City to contract with private tow companies to perform some or each of these functions should CSPD/the City choose to do so. Any contract established with a private tow company will ensure the City

maintains oversight to ensure Colorado Revised Statutes and City Code are strictly followed. The City Auditor has advised CSPD they can assist with this as needed.

Should these ordinance changes be approved, CSPD and Neighborhood Services will start a pilot program with CSPD's current private tow company. Initially, this pilot program will allow the tow company to store non-evidentiary vehicles on its private lot, and Neighborhood Services will receive storage priority. The pilot program will allow the City to work through various options and refine new processes before determining whether or not to expand implementation.

Code Update - Neighborhood Services and other City Departments

In addition to the above-described changes, it is necessary to make administrative changes to Article 25 to reflect recent changes related to impounding abandoned vehicles. Because Neighborhood Services now has the responsibility for addressing abandoned vehicles on public property, it needs to have the authority to perform certain functions. Therefore, language throughout Article 25 was changed from "the Police Department" to "the City department responsible for the tow" or other similar terminology.

Previous Council Action:

In September 2022, City Code § 10.25.106 was amended to add the option of publishing the unclaimed vehicle auction legal notice online and holding the unclaimed vehicle auctions online.

Financial Implications:

City Code § 10.25.103 allows the City to charge towing, impound, and storage fees for vehicles brought to and released from the Police Department's impound lot. City Code § 10.25.106 allows the City to sell unclaimed vehicles. The revenue from each is deposited into the City's General Fund. Should the City utilize the option to contract with tow vendors for storage, administration, and/or sale of vehicles, the potential exists for some of this revenue to, instead, be paid to private tow vendors. Specifics would be dependent on the proposals received from and negotiations with private tow vendors, and the results of the planned pilot program.

City Council Appointed Board/Commission/Committee Recommendation:

N/A

Stakeholder Process:

N/A

Alternatives:

City Council can adopt the proposed ordinance as presented, amend the proposed ordinance, or decline to adopt the proposed ordinance.

Proposed Motion:

Move approval of Ordinance No. 24-07 to repeal and reordain Article 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, Pertaining to Impoundment Of Vehicles

An Ordinance repealing and reordaining the City Code pertaining to Storage and Towing Charges, Notice of Impoundment, Impounded Vehicle; Post-Tow Hearing, and the Sale of Unclaimed Vehicles; Proceeds.