



Legislation Details (With Text)

File #: 18-0610 **Version:** 3 **Name:**
Type: Ordinance **Status:** Mayor's Office
File created: 11/15/2018 **In control:** City Council
On agenda: 3/26/2019 **Final action:** 3/26/2019
Title: An Ordinance No. 18-131 amending Section 101 (Authority to Impound Vehicles) of 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 the authority to impound recreational vehicles and providing penalties for the violation thereof.

Presenter:
Commander Sean Mandel, Colorado Springs Police Department
Richard Skorman, City Council President
Tom Strand, City Councilmember

Sponsors:

Indexes:

Code sections:

Attachments: 1. Council Reconsideration Letter - Skorman 1.11.19 (002).pdf, 2. Recreational_Vehicles_Tow_2018_11_14.pdf, 3. Signed Ordinance 18-131

Date	Ver.	Action By	Action	Result
3/26/2019	3	City Council	finally passed	Pass
1/22/2019	3	City Council	withdrawn	Pass
1/8/2019	1	City Council	postpone to a date certain	Pass
12/11/2018	1	City Council	approved on first reading	Pass
11/26/2018	1	Council Work Session	referred	

An Ordinance No. 18-131 amending Section 101 (Authority to Impound Vehicles) of 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 the authority to impound recreational vehicles and providing penalties for the violation thereof.

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Summary:

The Colorado Springs Police Department and City Council has been notified of an increase in overnight recreational vehicle ("RV") parking throughout the City. The City Code currently makes it a parking offense to park an RV on a right of way in a residential area for longer than the time it takes to expeditiously load or unload passengers and property. The proposal extends the prohibition on extended RV parking to all City streets and permits the impoundment of RVs and the issuance of

parking tickets upon a violation of this section.

Previous Council Action:

City Council has adopted many previous City Code provisions and adopting ordinances related to parking and RV parking. At their January 8, 2019 meeting, City Council postponed this item for a second reading to their March 26, 2019 meeting.

Background:

Throughout 2018, City Councilmembers Skorman and Strand have been notified by citizens of a proliferation of lengthy RV parking on City streets. The Police Department has also observed an increase in overnight parking of recreational vehicles (“RVs”) in certain non-residential areas of the City. City Code section 10.25.101 (U) currently makes it a parking offense and allows for the impoundment of RVs “parked on a public right of way in a residential area for a period of time greater than that necessary for the expeditious loading and unloading of passengers or property.”

The proposal extends the prohibition on extended parking of RVs and impoundment authority beyond residential areas and includes any “street or highway, alley, public roadway, or other public right of way . . .”

City Code section 10.1.202 includes a definition of “Recreational Vehicle” as “[a] vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motor power or is mounted on or towed by another vehicle. ‘Recreational Vehicle’ includes camping trailers, fifth wheel trailers, motor homes, travel trailers, truck campers, watercraft and snowmobiles.”

By extending the prohibition on RV parking for other than loading and unloading to all areas of the City, general parking management, congestion and traffic movement will improve for all citizens.

Upon a violation of this section, the Police Department can either issue a ticket pursuant to City Code section 10.25.102 for “Illegal Parking” or can remove and impound the RV. The penalty if a parking ticket is issued under section 10.25.102 (U) is limited to a fine not to exceed \$500 and is a non-jail, non-jury trial offense. The Presiding Judge of the Municipal Court has designated this offense as a payable offense and set the payable amount of this violation as follows:

- 1st offense: \$75
- 2nd offense: \$100
- 3rd offense: \$125
- 4th offense: Non-payable

UPDATE: At the Council Work Session on November 26th, 2018, several questions were posed regarding the proposed ordinance. To clarify, violations of this ordinance (as currently drafted and proposed) are noncriminal civil infractions not punishable by imprisonment. A violation of 10.25.102 (U) may result in the issuance of a parking citation, impoundment of the vehicle or both. This violation, in addition to having been designated as a payable offense as indicated above, has also been designated as an offense that can be heard by a Municipal Court Referee. Any person who has received a parking citation for a violation of the proposed ordinance may appear before the Municipal Court Referee. Pursuant to City Code section 11.5.105 the Referee may reduce fines or dismiss parking citations in accord with this section and the best interests of justice. A person who has received a parking citation for a violation of the proposed ordinance may have a trial before a judge

to fully contest the matter.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

City Councilmembers have hosted several town hall meetings over the course of 2018 and have been given feedback from citizens regarding the proliferation of recreational vehicles parking on City streets overnight.

Alternatives:

City Council could choose not to adopt the ordinance.

Proposed Motion:

Move to adopt an ordinance amending Section 101 (Authority to Impound Vehicles) of 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 the authority to impound recreational vehicles and providing penalties for the violation thereof.

An ordinance amending the authority to remove and impound recreational vehicles parked on City streets and providing penalties for the violation thereof.