

ORDINANCE NO. 25-\_\_\_\_\_

AN ORDINANCE AMENDING SECTION 102 (PROCEDURES) OF ARTICLE 1 (ADMINISTRATION AND ENFORCEMENT) AND SECTION 101 (AUTHORITY TO IMPOUND VEHICLES) AND SECTION 102 (ILLEGAL PARKING) 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 AUTHORITY TO IMPOUND VEHICLES AND ILLEGAL PARKING

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 102 (Procedures) of Article 1 (Administration and Enforcement) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

10.1.102: PROCEDURES:

\* \* \*

C. A police officer coming upon an unattended vehicle which is in apparent violation of any provision of this chapter, may place upon the vehicle a penalty assessment notice indicating the offense and directing the owner or operator of the vehicle to remit the penalty assessment provided for in the schedule promulgated by the Presiding Judge in accord with subsection 10.1.101C of this part to the Clerk of the Municipal Court, within seven (7) days. If the penalty assessment is not paid within seven (7) days of the issuance of the notice, the Clerk of the Municipal Court shall mail a notice to the registered owner of the vehicle, setting forth the offense and the time and the place where it occurred and directing the payment of the penalty assessment plus costs designated by the Presiding Judge in accord with subsection 10.1.101C of this part within twenty (20) days from the issuance of the notice. If the penalty assessment is not paid within twenty (20) days from the date of mailing of the notice, a member of the Police Department may temporarily immobilize the vehicle pursuant to subsection 10.25.101~~SP~~ of this chapter, or the Clerk of the Municipal Court in compliance with the Colorado Municipal Court Rules of Procedure or any other applicable law, shall cause to be issued and served upon the driver, registered owner or person in charge of the vehicle a summons and complaint to appear in court at a time

and place. Nothing contained in this section shall preclude the impoundment of a vehicle pursuant to section 10.25.101 of this chapter.

\* \* \*

Section 2. 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, is amended to read as follows:

10.25.101: AUTHORITY TO IMPOUND VEHICLES:

Members of the Police Department are authorized to remove, or have removed at their direction, any vehicle from any public or private way or place, under any of the circumstances enumerated **in this section**, ~~the City Council finding and determining that the vehicles under the circumstances are public nuisances.~~ Any vehicle removed under the provisions of this section may be taken to the City garage, to any lot maintained by the City, to the Police Department for the storage of impounded vehicles, or to any other place designated by the Police Department, or under contract with the City, for the storage and maintenance of the impounded vehicles.

No action for the recovery of compensation for damages to or loss from any ~~motor~~ vehicle impounded under the provisions of this Code shall be maintained against the City when **the vehicle is impounded pursuant to this section.**

**The authority to remove, or have removed, any vehicle is granted under any of the following circumstances:**

- A. Any vehicle ~~is left~~ unattended upon any bridge, viaduct, **underpass**, subway, or tunnel, or where ~~such~~**the** vehicle constitutes an obstruction to traffic.
- B. **Any** vehicle upon a street, highway, ~~or~~ **alley, or roadway that** is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury or other physical condition incapacitated to an extent as to be unable to provide for its custody or removal.
- C. Any vehicle ~~is left~~ unattended upon a street, **highway, alley, or roadway in a manner that** ~~or parked illegally so as to constitute~~ a definite hazard or obstruction to the normal movement of traffic~~7.~~
- D. **Any vehicle left unattended**, ~~or when left on any public street,~~ **highway, alley, or roadway** with **an** engine running, or with **a** key in the ignition, or both~~7.~~

**E.** ~~Any vehicle left unattended or, or when~~ parked in any area designated by the Traffic Engineer as a "Tow-Away" area;

**F.** ~~After when~~ any vehicle is left unattended or parked **in a manner that so as to** blocks ingress or egress from driveways, **obstructs a bike lane, or so as to** obstructs sidewalk pedestrian traffic.

**DG.** A vehicle, ~~or trailer, is left~~ parked **on a street, highway, or alley** in the same place, **or within one hundred (100) feet of that place,** ~~upon a street, highway or alley~~ continuously for a period of seventy two (72) hours; or when any vehicle is left parked **in the same place or within one hundred (100) feet of that place** upon a street fronting on a business area, continuously for a period of twenty four (24) hours or more.

**EH.** The driver of the vehicle is taken into custody by the Police Department and the vehicle would be left unattended.

**FI.** A vehicle is ~~found~~ being driven ~~upon a street, highway or alley of~~ **in** the City and ~~the same~~ **that** is not equipped with all the necessary parts and equipment as required by this chapter, or does not meet the standards of the parts or equipment required.

**GJ.** **A police officer observes a vehicle being driven in the City and has probable cause to believe the operator is violating section 10.22.232 of this Code, or violating any section of Title 42, Article 3, Part 1 of the Colorado Revised Statutes.** ~~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 upon a street, highway or alley without proper license plates or license permit, or driven or parked with an invalid or expired license permit.~~

**HK.** **A police officer observes a vehicle being driven in the City and has probable cause to believe the operator is violating any section of Title 42, Article 2, Part 1 of the Colorado Revised Statutes.** ~~The driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid, or does not have a license in the driver's immediate possession, or who drives a vehicle contrary to restrictions imposed upon the driver's license, or who drives a vehicle while the driver's operator's license or chauffeur's license has been denied, suspended, canceled or revoked by the State.~~

**IL.** **Any** vehicle is ~~found~~ **parked or left unattended** on or so near to any railroad track as to block the same in any manner.

**JM.** Any truck-trailer is found to be parked in any parking metered space.

~~KN.~~ Any semitrailer is found to be parked in any parking metered space.

~~LO.~~ The driver of any vehicle, or the vehicle **being driven, or both** ~~which the driver is driving,~~ is reasonably believed to have been involved in an accident and to have left the scene without reporting the accident to proper authorities.

~~MP.~~ Any vehicle is reasonably suspected of being a stolen vehicle, or parts thereof to be stolen parts.

~~NQ.~~ \* \* \*

~~OR.~~ Except as to vehicles parked in a City owned parking lot or structure in violation of this Code, which ~~vehicles~~ may be immediately impounded pursuant to subsection 10.16.110A of this chapter, any ~~automobile or other motor vehicle~~ is left parked on any roadway, employee parking area, public parking lot, or other place at the Municipal Airport, for a period of thirty (30) days or more. **The vehicle shall be presumed to have been abandoned by the owner.** ~~Any vehicle left parked at the Municipal Airport for a period of thirty (30) days or more shall be presumed to have been abandoned by the owner, and is declared to be a public nuisance.~~

**PS.** ~~When a~~ A driver, owner or person in charge of a vehicle has received a notice to respond to a charge against the person for a violation of this chapter and the driver, owner or person in charge of the vehicle has failed to respond and answer to the charge, employees of the City acting in their official capacity and officers of the Police Department, ~~may and they~~ are authorized to temporarily and for a period of seventy two (72) hours immobilize the vehicle by installing on or attaching to the vehicle, a device designed to restrict the normal movement of the vehicle, and if the vehicle is immobilized the employee of the City or police officer installing or attaching the device shall conspicuously affix to the vehicle a notice in writing, on a form to be provided by the Chief of Police, advising the owner, driver or person in charge of the vehicle that the vehicle has been immobilized by the City for violation of one or more of the provisions of this chapter and that release from the immobilization may be obtained at a designated place; that unless arrangements are made for the release of the vehicle (within 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 the device before a release is obtained is unlawful; and containing other information as the Chief of Police shall deem necessary. It shall be unlawful for any person to remove any device before a release is obtained, or to move any vehicle before the same is released by the Police Department or the Clerk of the Municipal Court; and where the vehicle has been properly immobilized, a fee set by the Municipal Judge shall be charged by the Police Department or Clerk of the Municipal Court before releasing the vehicle, and the parking restrictions, if any, otherwise applicable shall not apply when the 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 immobilization shall have the vehicle impounded.

~~QT.~~ Except as to vehicles parked in a City owned parking lot or structure in violation of this Code, which ~~vehicles~~ may be immediately impounded pursuant to subsection 10.16.110A of this chapter, any vehicle ~~is~~ left parked at any City owned or City operated parking lot or structure, other than at the Municipal Airport, for a period of thirty (30) days or more. The vehicle shall be presumed to have been abandoned by the owner ~~and is declared to be a public nuisance.~~

~~RU.~~ Any vehicle ~~is~~ parked, stopped or allowed to stand in a City owned parking lot or structure in violation of this Code.

~~SV.~~ \* \* \*

~~TW.~~ Any commercial vehicle with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or greater parked on a **street, highway, roadway, or public place** ~~right-of-way~~ in a Residential Zone District, **as defined by Article 2 of Chapter 7 of this Code.**

~~UX.~~ Any recreational vehicle **left unattended or** parked on a street, ~~highway or highway~~, alley, public roadway, or other public right-of-way for a period of time greater than that necessary for the expeditious loading and unloading of passengers or property.

**Y. Any vehicle left unattended or parked on a street, highway, alley, roadway, or other public place that does not display license plates in the manner required by section §10.22.232 of this Code.**

**Z. Any vehicle left unattended or parked on a street, highway, alley, roadway, or other public right-of-way that is an inoperable vehicle, as defined in §9.6.502 of this Code.**

**For purposes of this section only, "vehicle" shall also include trailers and camper trailers, as defined in section 10.1.202 of this Code.**

Section 3. Section 102 (Illegal Parking) 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, is amended to read as follows:

10.25.102: ILLEGAL PARKING:

A. It shall be unlawful for any person to park or leave **a vehicle** unattended ~~at a vehicle~~ in the **following circumstance(s) or manner(s)**: ~~manner described in subsections A, C, D, I, J, K, T and U of this article.~~

1. Any vehicle left unattended on any bridge, viaduct, underpass, subway, or tunnel, or where such vehicle constitutes an obstruction to traffic.
2. Any vehicle left unattended upon a street, highway, alley, or roadway, or parked illegally so as to constitute a hazard or obstruction to the normal movement of traffic.
3. Any vehicle left unattended on any street, highway, alley, or roadway with an engine running, or with a key in the ignition, or both.
4. Any vehicle left unattended or parked in any area designated by the Traffic Engineer as a "Tow-Away" area.
5. Any vehicle left unattended or parked in a manner that blocks ingress or egress from driveways, obstructs a bicycle lane, or obstructs sidewalk pedestrian traffic.
6. A vehicle left parked on a street, highway, or alley in the same place, or within one hundred (100) feet of that place, continuously for a period of seventy two (72) hours.
7. Any vehicle left parked in the same place or within one hundred (100) feet of that place upon a street fronting on a business area continuously for a period of twenty four (24) hours or more.
8. Any vehicle is parked or left unattended on or so near to any railroad track as to block the same in any manner.
9. Any truck-trailer parked in any parking metered space.
10. Any semitrailer parked in any parking metered space.
11. Any commercial vehicle with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or greater parked on a street, highway, alley, roadway or public right-of-way in a Residential Zone District, as defined by Article 2 of Chapter 7 of this Code.
12. Any recreational vehicle left unattended or parked on a street, highway, alley, roadway or any other public place for a period of time greater than that necessary for the expeditious loading and unloading of passengers or property.

**13. Any vehicle left unattended or parked on a street, highway, alley, public roadway, or other public place that does not display license plates in the manner required by section 10.22.232 of this Code.**

**14. Any vehicle left unattended or parked on a street, highway, alley, public roadway, or other public right-of-way that is an inoperable vehicle, as defined in section 9.6.502 of this Code.**

B. \* \* \*

**C. For purposes of this section only, “vehicle” shall also include trailers and camper trailers, as defined in section 10.1.202 of this Code.**

Section 4. Any person convicted of violating Section 102 (Illegal Parking) of Part 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic) shall be punished as provided in Section 104 (Right to Trial by Jury; Jail; Exceptions) of Article 4 (Jury Provisions) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended.

Section 5. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 6. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2025.

**Finally passed:** \_\_\_\_\_

\_\_\_\_\_  
Randy Helms, Council President

**Mayor's Action:**

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

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Blessing A. Mobolade, Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Randy Helms, Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk