

ORDINANCE NO. 2424
INTRODUCED BY: Taddeo

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO
AMENDING ARTICLE 10 – VEHICLES & TRAFFIC, OF THE BRIGHTON MUNICIPAL
CODE

WHEREAS, except for the recent updates to Articles 10-4 and 10-15, Article 10 has not been updated since 2009; and

WHEREAS, City Council desires to update Article 10 because of the modernization of vehicles, citizens' needs, local business encouragement, public nuisance needs, and requirements of law; and

WHEREAS, the City Council finds and determines that the above proposed amendments and additions shall enhance, protect, and otherwise further the public health, safety, and welfare of the citizens of Brighton.

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

Section 1. Subsections (4), (6), and (7) of Section 10-5-10 are hereby amended as follows:

Sec. 10-5-10. Parking on Private Property Restrictions.

- (4) In all residential zone districts except Rural Estate (RE) zone districts and Planned Unit Developments which include residential development regulations in conflict with the provisions of this Article, it shall be unlawful to park a truck tractor or semi-trailer (regardless of size), truck exceeding nine thousand (9,000) pounds gross weight, bus, farm tractor, implements of husbandry, tow truck or vehicle equipped to provide towing services and construction equipment on any private street, driveway, on a vacant lot or in a front yard or side yard on street; provided, however, that the parking on a construction site for which a valid building permit exists is allowed for the purpose of loading and unloading materials.
- (6) It shall be unlawful to park more than two (2) vehicles associated with a business on private property in any residential zone district where such vehicles are visible from public or private property.
- (7) It shall be unlawful to park an inoperable vehicle or unlicensed vehicle, as defined in Section 10-8-20, on private property in any residential zone district where such vehicles are visible from public property.

Section 2. Section 10-50-20(a) is hereby amended as follows:

Sec. 10-5-20. Vehicles Subject to Tow.

- (a) Any vehicle, boat, camper, cart, wagon, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry parked in violation of the Sections 10-7 or 10-8 of the Brighton Municipal Code or which blocks the movement of other vehicles parking in the immediate

vicinity or moving through the immediate vicinity or parked in such a manner as to block driveways, exits, access to garages or the movement of other vehicles in parking areas regulated hereunder is subject to tow and impound regardless of whether or not the subject area is posted regarding towing of illegally parked vehicles.

Section 3. Section 10-5-20(d) is hereby enacted as follows:

Sec. 10-5-20. Vehicles Subject to Tow

- (d) Any vehicle, boat, camper, cart, wagon, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry towed and impounded pursuant to Section 10-5-20 shall be subject to the requirements of Article 10-7.

Section 4. Subsections (1) and (5) and Section 10-6-10 are hereby amended as follows:

Sec. 10-6-10. Parking on Public Property Restrictions.

- (1) No person shall park, keep, or store any truck tractor or semi-trailer (regardless of size), truck exceeding nine thousand (9,000) pounds gross weight, tow truck or vehicle equipped to provide towing services, bus, trailer coach, motor home, camper or pickup shell, farm tractor, implement of husbandry, construction equipment, recreation vehicle, utility trailer, or trailer for a period of time longer than one (1) hour on a public right-of-way within a residentially zoned area or on a public right-of-way adjacent to any lot upon which there is a residence in any zoned district; except where the vehicles or trailers are parked adjacent to a lot on which is located a motel or hotel being used by the operator of the vehicle or trailers. The period of time during which such vehicles are engaged in rendering services in the immediate area shall be excluded from computation of the one-hour limit provided by this Section.
- (5) It shall be unlawful to park any vehicle upon any street or highway within the City without a valid, current license plate properly displayed on the vehicle as required by the laws of the state, territory, or country which issued the license plate or plates displayed.

Section 5. Section 10-6-20(4) is hereby amended as follows:

Sec. 10-6-20. Exceptions

- (4) While the vehicle is stopped for emergency repairs except that the person in possession of the vehicle must use reasonable means to move the vehicle, so the vehicle does not block the driveway entrance to any property abutting the street or highway, or interfere with the free movement of vehicular traffic or proper street or highway maintenance.

Section 6. Section 10-7-20(a) is hereby amended as follows:

Sec. 10-7-20. Authority of City to investigate, abate, remove, and impound vehicles.

- (a) The City Manager or his or her designee, members of the police department, other persons designated by the police department, and the Community Development Director or his or her designee are hereby authorized to investigate any vehicle located at any public or private property within the City that reasonably appears to be in violation of any ordinance, rule, or regulations of the City or statutes of the State; or which is stolen, abandoned, or unclaimed.

Section 7. Section 10-7-20(d) is hereby enacted as follows:

Sec. 10-7-20. Authority of City to investigate, abate, remove, and impound vehicles.

(d) Within seventy-two hours of the time that a motor vehicle is impounded pursuant to subsection (a) of this section, the city manager shall give notice by certified mail to the registered owner of such vehicle:

- (1) That the vehicle has been removed and impounded;
- (2) Of the reason therefor;
- (3) Of the location of the vehicle;
- (4) That the vehicle owner has a right to contest the validity of the impoundment by requesting a prompt hearing within ten days from the date on which such notice is mailed;
- (5) That if the vehicle is not claimed by the owner or the owner's authorized agent and any accrued removal and storage charges are not paid in full within thirty days of the date on which the notice is mailed, the vehicle will be sold;
- (6) If the vehicle is not registered in Colorado, or if the license plate or vehicle identification number is expired, altered or missing, the city manager shall send the notice required in this section as soon as reasonably practicable, but without regard to the seventy-two-hour limit, or may post notice in a designated public place within the boundaries of Brighton within the seventy-two-hour limit; and
- (7) If the vehicle was reclaimed from impoundment or a hearing concerning the impoundment was set by the registered owner before the notice required by this section was sent, then no such notice need be given.

Section 8. The title of Chapter 10-8 is hereby amended as follows:

ARTICLE 10-8. – Inoperable and Abandoned Vehicles

Section 9. The title of Section 10-8-10 is hereby amended as follows:

Section 10-8-10. Inoperable and abandoned vehicles prohibited.

Section 10. The following definitions set forth in Section 10-8-20 are hereby amended as follows:

Section 10-8-20. Definitions.

Abandoned vehicle means any vehicle stored, placed, or otherwise left in one location upon any public property or on any private property, without the consent of the property owner, for a period of twenty-four hours or more than the time limited by any signs, meters, pay stations, or pavement markings that apply to that location, or for a continuous period of more than seventy-two hours at any otherwise unregulated location, constitutes an abandoned vehicle, which is a public nuisance.

Antique vehicle means a vehicle that is at least twenty-five years old and specially registered and displays a special registration plate pursuant to Section Colorado Revised Statute § 42-3-128.

Inoperable vehicle means (1) any motor vehicle not capable of being promptly started and driven under its owner power upon a street or highway; (2) any vehicle that has been parked in the same location for a period of thirty (30) consecutive days or more; (3) any unlicensed vehicle not bearing current and valid license plates or other evidence of current and valid registration; or (4) any vehicle that is dismantled, in whole or in part, or is otherwise damaged, in disrepair, or lacking equipment to the extent that it would be unlawful or unsafe to operate on public streets or highways.

Section 11. Section 10-8-30(a) is hereby amended as follows:

Sec. 10-8-30. Prima facie evidence of abandoned or inoperable vehicle; presumptions

- (a) Any vehicle stored, placed, or otherwise left in one location upon any public property or on any private property, without the consent of the property owner, for a period of twenty-four hours or more than the time limited by any signs, meters, pay stations, or pavement markings that apply to that location, or for a continuous period of more than seventy-two hours at any otherwise unregulated location, constitutes an abandoned vehicle, which is a public nuisance. Proof that the vehicle's odometer shows movement of no more than two-tenths of a mile during a period of at least twenty-four hours after the time limited by any signs, meters, pay stations, or pavement markings that apply to that location, shall constitute prima facie evidence that the vehicle was left in one location. A vehicle shall be considered abandoned if it has not been moved to a location that is at least seven hundred (700) feet away during the seventy-two hour period of time.

Section 12. Section 10-8-40(b) is hereby amended as follows:

Sec. 10-8-40. Prohibited storage or placement of vehicles

- (b) For purposes of enforcement of this Article, all persons eighteen years or older residing in a single-family residence shall be deemed to be in control of the property upon which the residence is located and any vehicle located on such property. Apartment complex or other multi-family parking lot areas, common areas, or grounds shall be deemed to be under the control of the record owner of the complex and/or of any manager of such complex. Any vehicle found upon the parking lot areas, common areas or grounds of an apartment, multifamily, or condominium complex shall be deemed to be under the control of the registered owner of such vehicle, the record owner of the complex and/or any manager of such complex, or the officer of the condominium association.

Section 13. Section 10-8-50 is hereby amended as follows:

Sec. 10-8-50. Authority to City to investigate, abate, remove, or impound vehicles.

- (a) The City Manager or his or her designee, members of the police department, other persons designated by the police department, and the Community Development Director or his or her designee are hereby authorized to investigate any vehicle located at any place within the City that reasonably appears to be in violation of any ordinance, rule, or regulations of the City or statutes of the State; or which is lost, stolen, abandoned, or unclaimed.
- (b) Such officials of the City are authorized to go onto private property for the purpose of making an investigation into any violation of this Article and for the purpose of determining

ownership and condition of any vehicle reasonably appearing to be in violation of any provision of this Article.

- (c) Such officials of the City are authorized to enforce the terms and provisions of this Article, to remove or cause to be removed a vehicle from any public or private property in the City, and thereafter to impound or cause such vehicle to be impounded as provided by this Article, when it reasonably appears that such vehicle is abandoned or inoperable.
- (d) If a vehicle is impounded pursuant to this Section, the City shall comply with the requirements of Section 10-7-20(d) of the Brighton Municipal Code.

Section 14. Section 10-8-60 is hereby amended as follows:

Sec. 10-8-60. Exceptions.

Article 10-8 shall not apply to the following situations:

- (1) To the outdoor placement or storage of inoperable vehicles on property within the City where such placement or storage upon such property is specifically permitted under the zoning ordinances of the City, including variances or permits validly obtained through the processes provided for in the City's zoning ordinances; and
- (2) To antique vehicles, as defined in Section 10-8-2 of the Brighton Municipal Code, bearing current and valid license plates and provided that such antique vehicles, if inoperable, shall be screened from ordinary public view, or may remain unscreened if located within a garage.

Section 15. Section 10-11-10 is hereby amended as follows:

Sec. 10-11-10. Summons and complaint for illegally parked vehicles.

If the driver or owner of an unattended vehicle charged with a violation of the provisions of this Code relative to keeping, storing, and parking of vehicles in the City, does not respond within the time specified in the summons or summons and complaint by appearance, or appearance in the Municipal Court, the Clerk of the Court shall send a second notice by regular mail, postage prepaid to the last known address of such person, to which the original summons and complaint was directed, warning such person that in the event the summons and complaint are disregarded, a warrant of arrest for such person shall be issued by the Court. The second notice shall contain a date and time certain for the named person to appear in Court.

Section 16. The following definitions set forth in Section 10-14-10 are amended as follows:

Sec. 10-14-10. Definitions

Abandoned vehicle means any vehicle stored, placed, or otherwise left in one location upon any public property or on any private property, without the consent of the property owner, for a period of twenty-four hours or more than the time limited by any signs, meters, pay stations, or pavement markings that apply to that location, or for a continuous period of more than seventy-two hours at any otherwise unregulated location, constitutes an abandoned vehicle, which is a public nuisance.

Antique vehicle means a vehicle that is at least twenty-five years old and specially registered and displays a special registration plate pursuant to Section Colorado Revised Statute § 42-3-128.

Farm tractor means every implement of husbandry designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry.

Implements of husbandry means every vehicle that is designed, adapted, or used for agricultural purposes. It also includes equipment used solely for the application of liquid, gaseous, and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment, and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways. Trailers specially designed to move such equipment on highways shall be considered as component parts of such implements of husbandry. It also includes personal property valued by the county assessor as silvicultural.

Inoperable vehicle means (1) any motor vehicle not capable of being promptly started and driven under its owner power upon a street or highway; (2) any vehicle that has been parked in the same location for a period of thirty (30) consecutive days or more; (3) any vehicle not bearing current and valid registration; or (4) any vehicle that is dismantled, in whole or in part, or is otherwise damaged, in disrepair, or lacking equipment to the extent that it would be unlawful or unsafe to operate on public streets or highways.

Motor home means a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van.

Recreational vehicle means a truck, or unladen truck tractor, operated singly or in combination with a trailer or utility trailer or a motor home, which truck, or unladen truck tractor, or motor home is used exclusively for personal pleasure, enjoyment, other recreational purposes, or personal or family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise to further the purpose of a business or commercial enterprise.

Road tractor means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

Semi trailer means any wheeled vehicle, without motive power, designed to be used in conjunction with a truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such truck tractor and that is generally and commonly used to carry and transport property over the public highways.

Trailer means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways.

Trailer coach means a wheeled vehicle having an overall length, excluding towing gear and bumpers, not less than twenty-six feet, without motive power, that is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations,

and that may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.

Truck means any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways.

Truck tractor means (1) any motor vehicle carrying cargo that is generally and commonly designed and used to draw, and is drawing, a semitrailer or trailer and its cargo over the public highways, or (2) any motor vehicle not carrying cargo that is generally used to draw semitrailer or trailer and its cargo load over the public highways.

Utility trailer means any wheeled vehicle weighing two thousand pounds or less, without motive power, which is designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads or trash and rubbish, or not to exceed two horses over the public highways.

Section 17. All sections, subsections, and definitions of Article 10 not expressly amended or modified herein remain in full force and effect.

Section 18. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 2nd DAY OF May 2023.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 16th DAY OF May 2023.

CITY OF BRIGHTON, COLORADO



GREGORY MILLS, Mayor

ATTEST:



NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:



MICHAEL DAVIS, Assistant City Attorney

