

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

3 SERIES OF 2023

COUNCIL BILL NO. CB23-

COMMITTEE OF REFERENCE:

4 Safety, Housing, Education & Homelessness

5 **A BILL**

6 **For an ordinance amending Chapter 54 of the Denver Revised Municipal Code to**
7 **regulate and enforce the parking of vehicles, including large vehicles and vehicle**
8 **junkers, in the public right-of-way.**

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** Section 54-1 of Chapter 54 shall be amended by adding the language
11 underlined and deleting the language stricken to read as follows:

12 **Sec. 54-1. Definitions.**

13 Words and phrases used in this chapter shall have the following meaning respectively
14 ascribed to them:

15 (80) Vehicle junker means any vehicle that is:

16 a. Apparently inoperable, disabled, or in an unsafe condition; and

17 b. Extensively damaged, such damage including *but not limited to* any of the following:
18 broken windows, broken windshield or both; missing wheels, tires, motor, or transmission; or
19 missing lamps or other equipment in proper condition and adjustment as required by this Chapter
20 and Title 42 of the Colorado Revised Statutes.

21 (81) For purposes of this Chapter, *unsafe condition* means any vehicle or combination of
22 vehicles which has been maintained or modified in such a manner that may endanger any person
23 or property, including but not limited to, protrusions added to the vehicle that obstruct the driver's
24 or another driver's view or that extend into another lane of traffic, portions of the vehicle body cut
25 away or removed, vehicles carrying unsafe or oversized loads, and vehicles that are unfit for the
26 road.

27 (802) Wheelchair shall mean a wheeled device designed for use by a person with a
28 mobility handicap.

29 (813) Yield shall mean to grant right-of-way.

30 Section 2. Section 54-420 of Chapter 54 shall be amended by adding the language
31 underlined and deleting the language stricken to read as follows:

1 **Sec. 54-420. Overtime parking violations generally.**

2 Where any section of this article, or any sign posted pursuant to the provisions of this
3 chapter, prohibits parking in excess of any stated period of time in any given parking space or
4 other designated area, a vehicle shall be considered in violation of that restriction if it has not been
5 moved at least seven ~~one~~-hundred (1700) feet from that parking space or designated area during
6 the stated period of time or if the vehicle is moved to within seven ~~one~~-hundred (1700) feet of that
7 parking space or designated area within twenty-four (24) hours.

8 **Section 3.** Section 54-464 of Chapter 54 shall be amended by adding the language
9 underlined and deleting the language stricken to read as follows:

10 **Sec. 54-464. Large vehicle parking.**

11 It shall be unlawful for any person to park or allow to be parked:

12 (1a) A ~~truck-vehicle~~ exceeding six thousand (6,000) pounds empty weight or twenty-two
13 (22) feet in length, ~~an automobile trailer and/or boat~~ a trailer not attached to a licensed vehicle, or
14 a truck-tractor or semitrailer, ~~or a disabled or inoperative vehicle~~ for a period of time longer than
15 two (2) hours during any seven-day period given week on a public right-of-way ~~adjacent to any~~
16 ~~property which has been designated as a residential zone district or which contains a single-unit~~
17 ~~or multiple-unit dwelling~~; except where such vehicles are actively engaged in rendering services in
18 the immediate area, or where such vehicles are parked adjacent to a zone lot on which is located
19 a motel or hotel being used by the operator of such vehicle. For purposes of this section, a
20 vehicle shall be considered in violation of this parking restriction if it has not been moved to a
21 location that is at least seven hundred (700) feet away during the seven-day period. The two-hour
22 time limit includes the cumulative time spent on any public right-of-way.

23 (2b) A ~~truck-vehicle~~ containing an attached camper with a combined overall length
24 exceeding twenty-two (22) feet, a recreation vehicle exceeding twenty-two (22) feet in length, or
25 ~~an automobile trailer and/or boat~~ a trailer attached to a licensed vehicle, for a period of time longer
26 than twenty-four (24) hours during any seven-day period given week on a public right-of-way
27 ~~adjacent to any property which has been designated as a residential zone district or which~~
28 ~~contains a single-unit or multiple-unit dwelling~~; except where such vehicles are actively engaged in
29 rendering services in the immediate area, or where such vehicles are parked adjacent to a zone
30 lot on which is located a motel or hotel being used by the operator of such vehicle. For purposes
31 of this section, a vehicle shall be considered in violation of this parking restriction if it has not been
32 moved to a location that is at least seven hundred (700) feet away during the seven-day period.
33 The twenty-four-hour time limit includes the cumulative time spent on any public right-of-way.

(3) For purposes of this section, “rendering services” does not include idling or waiting for a business to open.

Section 4. Section 54-465 of Chapter 54 shall be amended by adding the language underlined and deleting the language stricken to read as follows:

Sec. 54-465. Parking in excess of seventy-two hours.

(a) —It shall be unlawful for any owner or operator of a vehicle to leave that vehicle parked in the same place on a public street continuously for a period in excess of seventy-two (72) hours. A vehicle shall be considered abandoned and in violation of this subsection 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.

~~(b) —It shall be unlawful for the owner of an automobile junker to leave it parked on any public street for a period in excess of seventy-two (72) hours, regardless of location. The seventy-two-hour time limit includes the cumulative time spent on any public street.~~

~~For purposes of this section, an automobile junker is defined as a vehicle which is:~~

~~(1) —Apparently inoperable; and~~

~~(2) —Extensively damaged, such damage including *but not limited to* any of the following: broken windows, windshield, or both; missing wheels, tires, motor, or transmission.~~

Section 5. Section 54-466 of Chapter 54 shall be amended by adding the language underlined and deleting the language stricken to read as follows:

Sec. 54-466. Vehicle junkers.

(a) It shall be unlawful for any person to park or allow to be parked a vehicle junker on any public right-of-way for a period in excess of twenty-four (24) hours, regardless of location. The twenty-four-hour time limit includes the cumulative time spent on any public right-of-way.

(b) It shall not be a defense to this section that the vehicle junker has been moved to a different location within the public right-of-way. To be in compliance with this section, the vehicle junker must be removed from the public right-of-way.

Section 6. Section 54-786 of Chapter 54 shall be amended by adding the language underlined and deleting the language stricken to read as follows:

Sec. 54-786. Reserved. Notice to driver of illegally parked vehicle.

~~Whenever any driver is found with a motor vehicle parked or stopped in violation of any of the restrictions imposed by this chapter, any police officer, or any employee of the city, or other person designated by the manager of safety to give such notices or summonses as a part of their official duties shall take the name, address and driver's license number of the alleged violator and~~

1 ~~the registration number of the motor vehicle involved and shall issue in writing and serve upon the~~
2 ~~violation a notice or summons to respond to and answer charges against the violator within twenty~~
3 ~~(20) days at the parking magistrate's office, or such other division or bureau of county court as~~
4 ~~may be designated by the chief judge or the rules of the court. The employee, officer, or person~~
5 ~~issuing such notice or summons shall send one (1) electronic or paper copy of such notice or~~
6 ~~summons to the chief of police or a person designated by the chief, one (1) electronic or paper~~
7 ~~copy to parking management and one (1) electronic or paper copy to the county court.~~

8 **Section 7.** Section 54-788 of Chapter 54 shall be amended by adding the language
9 underlined and deleting the language stricken to read as follows:

10 **Sec. 54-788. Notices on illegally parked vehicles.**

11 Whenever any motor vehicle without driver is found stopped or parked in violation of the
12 restrictions imposed by this chapter, by any rules or regulations promulgated hereunder, or by
13 rules and regulations of the manager of aviation, any police officer, or any employee of the city, or
14 other person designated by the manager of safety to give such notices or summonses as a part of
15 their official duties, ~~finding such vehicle,~~ shall take its registration number and may take any other
16 information displayed on the vehicle which may identify its driver or owner, and shall
17 conspicuously affix to such vehicle a notice or summons, in writing, for the driver thereof to
18 respond to and answer the charges against the driver within twenty (20) days at the parking
19 magistrate's office or such other division or bureau of county court as may be designated by the
20 chief presiding judge or rules of the county court. The officer, employee or person issuing such
21 notice or summons shall send one (1) electronic or paper copy of the notice so issued to the chief
22 of police, one (1) electronic or paper copy to parking management and one (1) electronic or paper
23 copy to the county court.

24 **Section 8.** Section 54-811 of Chapter 54 shall be amended by adding the language
25 underlined and deleting the language stricken to read as follows:

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

28 The chief of police, the undersheriff and the manager of transportation and infrastructure,
29 and their respective designees, are hereby authorized to remove, or have removed at their
30 direction, a vehicle or ~~automobile~~ vehicle junker from any public or private way or place, under any
31 of the circumstances hereinafter enumerated, the council hereby finding and determining such
32 vehicles under such circumstances to be obstructions to traffic or public nuisances. ~~For purposes~~
33 ~~of this section, an "automobile junker" is defined in section 54-812.~~

1 (1) When ~~any~~ vehicle is left unattended upon any bridge, viaduct, subway or tunnel, or
2 where such vehicle constitutes an obstruction to traffic;

3 (2) When a vehicle upon a public way is so disabled as to constitute an obstruction to
4 traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such
5 an extent as to be unable to provide for its custody or removal;

6 (3) When ~~any~~ vehicle is left unattended upon a street or parked illegally so as to
7 constitute a definite hazard or obstruction to the normal movement of traffic, or left unattended on
8 any public street with engine running or with keys in the ignition switch or lock;

9 (4) When ~~any~~ vehicle is parked or left standing upon any area or portion of a public
10 street in violation of or contrary to a parking limitation or prohibition established by the city traffic
11 engineer, provided such area or portion of such public street has been posted with an official sign
12 giving notice both of such limitation or prohibition and of the fact that such area or portion of such
13 street is a "Tow Away" area;

14 (5) When a vehicle is parked in violation of any traffic ordinance and is an obstruction or
15 hazard or potential obstruction or hazard to any lawful function or limits the normal access to a
16 use of any public ~~or private~~ property;

17 (6) When a vehicle is parked or left standing on private property without the express or
18 implied consent of the owner or person in lawful possession of such private property and is an
19 obstruction or hazard or potential obstruction or hazard to any lawful function or limits the normal
20 access to any use of the private property;

21 ~~(6-7)~~ When a vehicle is left on a public way or place and appears to be abandoned or a
22 complaint is received that it is abandoned and remains there continuously for a period of seventy-
23 two (72) hours after notice is posted on the windshield that it will be impounded, ~~or when an~~
24 ~~automobile junker is left on public or private property for such a period;~~

25 (8) When a vehicle is left on any public right-of-way or public place for a period in
26 excess of two (2) hours in violation of sub-section 54-464(1);

27 (9) When a vehicle is left on any public right-of-way or public place for a period in
28 excess of twenty-four (24) hours in violation of sub-section 54-464(2);

29 (10) When a vehicle junker is left on any public right-of-way or public place for period in
30 excess of twenty-four (24) hours in violation of section 54-466.

31 ~~(7-11)~~ When the driver of such vehicle is taken into custody by the police department and
32 the vehicle would thereby be left unattended upon a street, highway or restricted parking area, or
33 other public way;

(~~8-12~~) 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;

(~~9-13~~) 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;

(~~10-14~~) 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;

(~~11-15~~) 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;

(~~12-16~~) When any truck-tractor is found to be parked in any parking metered or time-restricted space;

(~~13-17~~) When any semi-trailer is found to be parked in any parking metered or time-restricted space;

(~~14-18~~) 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;

(~~15-19~~) When any vehicle is reasonably suspected of being a stolen vehicle, or parts thereof to be stolen parts;

(~~16-20~~) 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;

(~~17-21~~) 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 or has failed to respond to the pre-seizure notice affixed to the vehicle 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

1 so immobilized, the employee of the city or police officer so installing or attaching such device
2 shall conspicuously affix to such vehicle a notice, in writing, on a form provided by the chief of
3 police, advising the owner, driver or person in charge of such vehicle, that such vehicle has been
4 immobilized by the city for violation of one (1) or more of the provisions of this chapter, and that
5 release from such immobilization may be obtained at a designated place; that unless
6 arrangements are made for the release of such vehicle within seventy-two (72) hours the vehicle
7 will be removed from the streets at the direction of the employees of the city, acting in their official
8 capacity, or by a police officer, and that removing or attempting to remove the device before a
9 release is obtained is unlawful, and containing such information as the chief of police shall deem
10 necessary. It shall be unlawful for any person to remove or attempt to remove any such device
11 before a release is obtained as herein provided or to move any such vehicle before the same is
12 released by the police department, clerk of the county court or any county judge; and where such
13 vehicle has been properly immobilized in such manner, a fee to be established by the manager of
14 transportation and infrastructure based upon the actual costs, not to exceed one hundred twenty-
15 five dollars (\$125.00). The manager of transportation and infrastructure shall publish the new rate
16 in an official publication of the city at least ninety (90) days before the new rate will become
17 effective and such fee shall be charged by the police department or clerk of the county court
18 before releasing such vehicle, and the parking restrictions, if any, otherwise applicable shall not
19 apply while such vehicle is so immobilized. If the vehicle has remained immobilized for a period of
20 seventy-two (72) hours and release has not been obtained, the police officer or employee of the
21 city causing such immobilization shall have the vehicle impounded.

22 ~~(1822)~~ When any vehicle is parked or stopped in any emergency access lane in violation of
23 or contrary to a parking limitation or prohibition established by the city traffic engineer, provided
24 that such emergency access lane has been posted with an authorized sign giving notice both of
25 such limitation or prohibition and of the fact that such area or portion of such public roadway or
26 private property is a "tow away" area.

27 ~~(19 23)~~ When a driver, owner or person in charge of a vehicle has failed to pay the
28 fine or penalty imposed for a violation of section 54-62, a violation of article VII of this chapter, or a
29 violation of both section 54-62 and article VII of this chapter, by the date such fine or penalty is
30 due, employees of the city, acting in their official capacity, and officers of the police department
31 may, and they are hereby authorized to, temporarily and for a period of seventy-two (72) hours,
32 immobilize such vehicle by installing on, or attaching to such vehicle, a device designed to restrict
33 the normal movement of such vehicle. If such vehicle is so immobilized, the employee of the city

1 or police officer so installing or attaching such device shall conspicuously affix to such vehicle a
2 notice, in writing, on a form provided by the chief of police, advising the owner, driver or person in
3 charge of such vehicle, that such vehicle has been immobilized by the city for violation of one (1)
4 or more of the provisions of this chapter, and that release from such immobilization may be
5 obtained at a designated place; that unless arrangements are made for the release of such
6 vehicle within seventy-two (72) hours the vehicle will be removed from the streets at the direction
7 of the employees of the city, acting in their official capacity, or by a police officer, and that
8 removing or attempting to remove the device before a release is obtained is unlawful, and
9 containing such information as the chief of police shall deem necessary. It shall be unlawful for
10 any person to remove or attempt to remove any such device before a release is obtained as
11 herein provided or to move any such vehicle before the same is released by the police
12 department, clerk of the county court or any county judge; and where such vehicle has been
13 properly immobilized in such manner, a fee to be established by the manager of transportation
14 and infrastructure based upon the actual costs, not to exceed one hundred twenty-five dollars
15 (\$125.00). The manager of transportation and infrastructure shall publish the new rate in an official
16 publication of the city at least ninety (90) days before the new rate will become effective and such
17 fee shall be charged by the police department or clerk of the county court before releasing such
18 vehicle. The parking restrictions, if any, otherwise applicable shall not apply while such vehicle is
19 so immobilized. If the vehicle has remained immobilized for a period of seventy-two (72) hours
20 and release has not been obtained, the police officer or employee of the city causing such
21 immobilization shall have the vehicle impounded.

22 24) When any vehicle that had been previously immobilized by the installation of an
23 immobilization device pursuant to sections 54-811(21) or 54-811(23) and that immobilization
24 device has been removed by someone other than the chief of police, the sheriff, the manager of
25 safety, the manager of transportation and infrastructure, or their respective designee.

26 **Section 9.** Section 54-812 of Chapter 54 shall be amended by adding the language
27 underlined and deleting the language stricken to read as follows:

28 **Sec. 54-812. Removal and disposal of automobile-vehicle junkers.**

29 (a) The chief of police, the undersheriff and the manager of transportation and
30 infrastructure, and their designees, are hereby authorized to remove, or have removed at their
31 direction, an automobile-vehicle junker from any public or private way or place. ~~For purposes of~~
32 ~~this section, "automobile junker" means any motor vehicle meeting the following requirements:-~~

33 (1) ~~Apparently inoperable; and~~

1 ~~(2) — Extensively damaged, such damage including but not limited to any of the following:~~
2 ~~broken windows, windshield or both; missing wheels, tires, motor, or transmission.~~

3 (b) ~~Before removal and disposal of a vehicle junker, the vehicle shall be posted with a~~
4 ~~twenty-four-hour notification of impoundment as a nuisance vehicle junker unlawfully parked in the~~
5 ~~public right-of-way. When an authorized individual removes or has a vehicle removed they shall~~
6 ~~record the make of motor vehicle, the serial number, when available, and shall also detail the~~
7 ~~damage, missing equipment, or other characteristics which substantiate the finding that the~~
8 ~~vehicle is an automobile junker as defined in paragraph (a) above. No person shall willfully leave~~
9 ~~an automobile junker on a public or private way or place for a period greater than seventy-two (72)~~
10 ~~hours, and such vehicle so left shall be posted by an authorized representative of the police~~
11 ~~department, the sheriff department, or the department of transportation and infrastructure with~~
12 ~~seventy-two hour notification of impoundment as a nuisance. Such notification shall include the~~
13 ~~date and time of the posting of notice, the name and phone number of the city agency which the~~
14 ~~owner must call to demonstrate that the vehicle is operable and in a safe condition, and the date~~
15 ~~and time after which the vehicle may be impounded. If such nuisance is then not abated as set~~
16 ~~forth in paragraph (c) below, an authorized representative of the police department, the sheriff~~
17 ~~department, or the department of transportation and infrastructure may arrange for impoundment~~
18 ~~of the automobile vehicle junker.~~

19 (c) Owners of vehicles posted pursuant to paragraph (b) above may demonstrate to the
20 city that the vehicle is, in fact, operable and in a safe condition. Within ~~seventy-two (72)~~ twenty-
21 ~~four (24)~~ four (24) hours after posting, the owner of such a vehicle may call the agency indicated on the
22 notice posted on the vehicle and schedule a time when the owner can demonstrate to a
23 representative of the city that the vehicle is operable and in a safe condition. If the owner of the
24 vehicle demonstrates that the vehicle is operable and in a safe condition, the owner shall
25 immediately move the vehicle to a legal standing position and the owner may be cited for violating
26 D.R.M.C. section 54-465.

27 (d) If the owner of the vehicle fails to demonstrate that the vehicle is operable and in a
28 safe condition, ~~or fails to move the vehicle to a legal standing position,~~ then an authorized
29 representative of the police department, the sheriff department, or the department of
30 transportation and infrastructure may impound the vehicle, ~~and the vehicle, if impounded, shall be~~
31 ~~held for a minimum of thirty (30) days. When an authorized individual removes or has a vehicle~~
32 ~~removed, they shall record the make of the vehicle, the serial number or other identifying number,~~
33 ~~when available, and shall also detail the damage, missing equipment, or other characteristics~~

1 which substantiate the finding that the vehicle is a vehicle junker as defined in section 54-1. If
2 impounded, the vehicle shall be held for a minimum of thirty (30) days. The notification procedure
3 hereinafter provided will be followed. If a claim to a junker is not established to the satisfaction of
4 the manager of safety, it will be disposed of by auction or otherwise.

5
6 COMMITTEE APPROVAL DATE:

7 MAYOR-COUNCIL DATE:

8 PASSED BY THE COUNCIL: _____, 2023

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____, 2023

11 ATTEST: _____ - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER

14 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2023; _____, 2023

15 PREPARED BY: Marley Bordovsky, Assistant City Attorney

16 DATE: _____, 2023

17 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
18 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
19 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
20 3.2.6 of the Charter.

21 Kristin Bronson, Denver City Attorney

22 BY: _____, Assistant City Attorney DATE: _____, 2023
23
24