

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2023

COUNCIL BILL NO. CB23-0373
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

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

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

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

Sec. 54-1. Definitions.

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

~~(36) *Motor home* shall mean any wheeled vehicle that is self-powered and self-contained unit designed and generally and commonly used for occupancy by persons for residential use, recreational purposes or family transportation and is not used to transport cargo or passengers for profit, hire or otherwise in any business or commercial enterprise.~~

~~(36-37) Reserved.~~

(56.5) *Recreational vehicle* means a vehicle designed or used as a conveyance upon streets and highways, with or without motive power, and constructed so as to provide occupancy as a dwelling or sleeping place for one or more persons.

~~(74) Trailer shall mean every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.~~ *Trailer* means any vehicle, without motive power, that is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways. For purposes of this Article VII, "trailer" shall not include recreational vehicles.

~~(75) *Trailer coach or mobile home* shall mean any wheeled vehicle which is a single self-contained unit, without motive power, which is designed and generally and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which may occasionally be drawn over the public highways by a motor vehicle.~~

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

1 a. Apparently inoperable, disabled, or in an unsafe condition, or which does not have a
2 current license plate; or

3 b. Extensively damaged, such damage including *but not limited to* any of the following:
4 broken windows, broken windshield or both; missing wheels, tires, doors, muffler, motor, or
5 transmission; tire or tires that are not properly inflated; or missing or damaged lamps or other
6 equipment in proper condition and adjustment as required by this Chapter and Title 42 of the
7 Colorado Revised Statutes.

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

14 (8082) *Wheelchair* shall mean a wheeled device designed for use by a person with a
15 mobility handicap.

16 (8183) *Yield* shall mean to grant right-of-way.

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

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

20 ~~Where~~ Except as provided in sections 54-464 and 54-465, where any section of this article,
21 or any sign posted pursuant to the provisions of this chapter, prohibits parking in excess of any
22 stated period of time in any given parking space or other designated area, a vehicle shall be
23 considered in violation of that restriction if it has not been moved at least one hundred (100) feet
24 from that parking space or designated area during the stated period of time or if the vehicle is
25 moved to within one hundred (100) feet of that parking space or designated area within twenty-
26 four (24) hours.

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

29 **Sec. 54-464. Parking of certain types of vehicles prohibited. ~~Large vehicle parking.~~**

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

31 (1a) ~~A truck-vehicle~~ exceeding six thousand (6,000) pounds empty weight or twenty-two
32 (22) feet in length, an automobile trailer and/or boat a trailer not attached to a licensed vehicle, or
33 a truck-tractor or semitrailer, or a disabled or inoperative vehicle for a period of time longer than

1 two (2) hours during any seven-day period given week on a public right-of-way adjacent to any
2 property which has been designated as a residential zone district or which contains a single unit
3 ~~or multiple-unit dwelling~~; except where such vehicles are actively engaged in rendering services in
4 the immediate area, or where such vehicles are parked adjacent to a zone lot on which is located
5 a motel or hotel being used by the operator of such vehicle. For purposes of this section, a
6 vehicle shall be considered in violation of this parking restriction if it has not been moved to a
7 location that is at least seven hundred (700) feet away during the seven-day period. The two-hour
8 time limit includes the cumulative time spent on any public right-of-way.

9 (2b) A ~~truck-licensed vehicle~~ containing an attached ~~camper~~ recreational vehicle with a
10 combined overall length exceeding twenty-two (22) feet, a recreational vehicle exceeding twenty-
11 two (22) feet in length, or ~~an automobile trailer and/or boat~~ a trailer attached to a licensed vehicle,
12 for a period of time longer than twenty-four (24) hours during any seven-day period given week on
13 a public right-of-way adjacent to any property which has been designated as a residential zone
14 ~~district or which contains a single-unit or multiple-unit dwelling~~; except where such vehicles are
15 actively engaged in rendering services in the immediate area, or where such vehicles are parked
16 adjacent to a zone lot on which is located a motel or hotel being used by the operator of such
17 vehicle. For purposes of this section, a vehicle shall be considered in violation of this parking
18 restriction if it has not been moved to a location that is at least seven hundred (700) feet away
19 during the seven-day period. The twenty-four-hour time limit includes the cumulative time spent
20 on any public right-of-way.

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

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

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

26 (a) It shall be unlawful for any owner or operator of a vehicle to leave that vehicle parked in
27 the same place on a public street continuously for a period in excess of seventy-two (72) hours. A
28 ~~vehicle shall be considered in violation of this subsection if it has not been moved at least one~~
29 ~~hundred (100) feet during the seventy-two-hour period of time.~~ Except as provided in section 54-
30 464, subsection (b) of this section, or when posted signage indicates otherwise, a vehicle shall be
31 considered in violation of this section if it has not been moved during the seventy-two-hour period
32 of time.

1 (b) A recreational vehicle that does not exceed 22 feet in length shall be considered in
2 violation of this section if it has not been moved to a location that is at least seven hundred (700)
3 feet away during the seventy-two-hour period of time.

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

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

8 (1) — ~~Apparently inoperable; and~~

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

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

13 **Sec. 54-466. Vehicle junkers.**

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

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

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

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

23 ~~Whenever any driver is found with a motor vehicle parked or stopped in violation of any of~~
24 ~~the restrictions imposed by this chapter, any police officer, or any employee of the city, or other~~
25 ~~person designated by the manager of safety to give such notices or summonses as a part of their~~
26 ~~official duties shall take the name, address and driver's license number of the alleged violator and~~
27 ~~the registration number of the motor vehicle involved and shall issue in writing and serve upon the~~
28 ~~violator a notice or summons to respond to and answer charges against the violator within twenty~~
29 ~~(20) days at the parking magistrate's office, or such other division or bureau of county court as~~
30 ~~may be designated by the chief judge or the rules of the court. The employee, officer, or person~~
31 ~~issuing such notice or summons shall send one (1) electronic or paper copy of such notice or~~
32 ~~summons to the chief of police or a person designated by the chief, one (1) electronic or paper~~
33 ~~copy to parking management and one (1) electronic or paper copy to the county court.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 vehicle is driven or parked without proper license plates or license permit, or with no license plates
2 or license permit, or driven or parked with an invalid or expired license permit;

3 (~~40-14~~) When the driver of a vehicle is driving without an operator's license or
4 chauffeur's license which is current and valid, or when the driver does not have such license in the
5 driver's immediate possession, or when the driver drives a vehicle contrary to restrictions imposed
6 upon the license, or when the driver drives a vehicle while their operator's or chauffeur's license
7 has been denied, suspended, canceled or revoked by the state;

8 (~~44-15~~) When a vehicle is found parked on or so near to any railroad track as to block the
9 same in any manner, except when the requirements of division 7 of article VI of this chapter have
10 been fulfilled;

11 (~~42-16~~) When any truck-tractor is found to be parked in any parking metered or time-
12 restricted space;

13 (~~43-17~~) When any semi-trailer is found to be parked in any parking metered or time-
14 restricted space;

15 (~~44-18~~) When the driver of any vehicle, or the vehicle which the driver is driving, is
16 reasonably suspected of having been involved in any hit and run accident;

17 (~~45-19~~) When any vehicle is reasonably suspected of being a stolen vehicle, or parts thereof
18 to be stolen parts;

19 (~~46-20~~) When the driver of any vehicle is taken into custody for a suspected felony or
20 misdemeanor or when the vehicle is suspected of containing stolen goods, or other contraband;

21 (~~47-21~~) When a driver, owner or person in charge of a vehicle has failed to respond to a
22 notice of Illegal parking issued pursuant to sections 54-786(c) or 54-788, and has also failed to
23 respond to the additional notice sent to the registered owner or has failed to respond to the pre-
24 seizure notice affixed to the vehicle as provided for under section 54-789; provided that under the
25 circumstances in this subsection set forth employees of the city, acting in their official capacity,
26 and officers of the police department may, and they are hereby authorized to temporarily and for a
27 period of seventy-two (72) hours, immobilize such vehicle by installing on, or attaching to such
28 vehicle, a device designed to restrict the normal movement of such vehicle, and if such vehicle is
29 so immobilized, the employee of the city or police officer so installing or attaching such device
30 shall conspicuously affix to such vehicle a notice, in writing, on a form provided by the chief of
31 police, advising the owner, driver or person in charge of such vehicle, that such vehicle has been
32 immobilized by the city for violation of one (1) or more of the provisions of this chapter, and that
33 release from such immobilization may be obtained at a designated place; that unless

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

17 (~~48~~22) When any vehicle is parked or stopped in any emergency access lane in violation of
18 or contrary to a parking limitation or prohibition established by the city traffic engineer, provided
19 that such emergency access lane has been posted with an authorized sign giving notice both of
20 such limitation or prohibition and of the fact that such area or portion of such public roadway or
21 private property is a "tow away" area.

22 (~~49~~ 23) When a driver, owner or person in charge of a vehicle has failed to pay the
23 fine or penalty imposed for a violation of section 54-62, a violation of article VII of this chapter, or a
24 violation of both section 54-62 and article VII of this chapter, by the date such fine or penalty is
25 due, employees of the city, acting in their official capacity, and officers of the police department
26 may, and they are hereby authorized to, temporarily and for a period of seventy-two (72) hours,
27 immobilize such vehicle by installing on, or attaching to such vehicle, a device designed to restrict
28 the normal movement of such vehicle. If such vehicle is so immobilized, the employee of the city
29 or police officer so installing or attaching such device shall conspicuously affix to such vehicle a
30 notice, in writing, on a form provided by the chief of police, advising the owner, driver or person in
31 charge of such vehicle, that such vehicle has been immobilized by the city for violation of one (1)
32 or more of the provisions of this chapter, and that release from such immobilization may be
33 obtained at a designated place; that unless arrangements are made for the release of such

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

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

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

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

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

28 ~~(1) — Apparently inoperable; and~~

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

31 (b) Before removal and disposal of a vehicle junker, the vehicle shall be posted with a
32 twenty-four-hour notification of impoundment as a nuisance vehicle junker unlawfully parked in the
33 public right-of-way. ~~When an authorized individual removes or has a vehicle removed they shall~~

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

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

22 (d) If the owner of the vehicle fails to demonstrate that the vehicle is operable and in a
23 safe condition, or fails to move the vehicle to a legal standing position, then an authorized
24 representative of the police department, the sheriff department, or the department of
25 transportation and infrastructure may impound the vehicle, and the vehicle, if impounded, shall be
26 held for a minimum of thirty (30) days. When an authorized individual removes or has a vehicle
27 removed, they shall record the make of the vehicle, the serial number or other identifying number,
28 when available, and shall also detail the damage, missing equipment, or other characteristics
29 which substantiate the finding that it is a vehicle junker as defined in section 54-1. If impounded,
30 the vehicle shall be held for a minimum of thirty (30) days. The notification procedure hereinafter
31 provided will be followed. If a claim to a junker is not established to the satisfaction of the manager
32 of safety, it will be disposed of by auction or otherwise.

1 COMMITTEE APPROVAL DATE: April 11, 2023
2 MAYOR-COUNCIL DATE: April 18, 2023
3 PASSED BY THE COUNCIL: _____
4 _____ - PRESIDENT
5 APPROVED: _____ - MAYOR _____
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;
10 PREPARED BY: Marley Bordovsky, Assistant City Attorney DATE: _____
11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.
15 Kerry Tipper, Denver City Attorney
16 BY: _____, Assistant City Attorney DATE: _____