

INTRODUCED BY: _____

AN ORDINANCE AMENDING SUBSECTION 14-10(B) AND CHAPTER 38, ARTICLE X, DIVISION 2 OF THE THORNTON CITY CODE TO INCREASE CODE COMPLIANCE OFFICERS' AUTHORITY TO ENFORCE PARKING AND TOWING REGULATIONS.

WHEREAS, summonses for parking violations are currently issued only by the Police Department; and

WHEREAS, because parking violations are not criminal in nature, Code Compliance Officers should have the authority to enforce them as well; and

WHEREAS, police officers may immediately tow a vehicle under specified circumstances that create a risk to public health and safety;

WHEREAS, to enhance public health and safety, Code Compliance Officers should be authorized to do the same; and

WHEREAS, this ordinance is necessary to promote the public health, safety and general welfare; and

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

1. Subsection 14-10(b)(3) of the Thornton City Code is hereby amended by the addition of the words double-underlined and the deletion of the words stricken to read as follows:

Sec. 14-10. - Initiation of prosecutions.

(b) For purposes of this Code, the term "peace officer" shall include the following city officers and employees:

(3) Code compliance officers who are empowered by this section, while acting within the scope of their authority, with the duties of enforcement, investigation and control for the following ~~chapters and articles~~ provisions of the Thornton City Code_;

a. Chapter 18 pertaining to the Development Code_;

b. Chapter 26, Article V pertaining to sales and use tax regulations_;

c. Article X of Chapter 38 pertaining to ~~property maintenance, environmental regulations and nuisances~~_; and

- d. Section 38-493.5 pertaining to the unlawful parking of vehicles on public or private property;
 - e. Section 38-494 pertaining to the prohibited sale of food from vehicles;
 - f. Part 12 of the Model Traffic Code pertaining to parking, as adopted and amended in Sections 38-521 and 38-523, respectively;
 - g. Chapter 70 pertaining to streets and sidewalks, ~~while acting within the scope of their authority.~~
2. Section 38-421.1 of the Thornton City Code is hereby amended by the addition of the words double-underlined and the deletion of the words stricken to read as follows:

Sec. 38-421.1. - Same—Immobilization of vehicles.

When a driver or the owner of a vehicle has failed to respond to one or more summons and complaints alleging said vehicle was illegally parked, pursuant to Section ~~4212-1214~~ 1214 of the Model Traffic Code ("MTC"), as adopted and amended ~~by the city and has also failed to respond to the additional notice sent as provided under Section 1213 of the MTC in Sections 38-521 and 38-523, respectively,~~ or such vehicle is in violation of Section 38-421(6) of the City Code, provided however, that only under the circumstances set forth in this section, employees of the city, contract employees of the city, or ~~Thornton peace code compliance officers and police~~ code compliance officer or ~~peace police~~ officer may ~~and are hereby authorized to temporarily,~~ for a period not to exceed 72 hours, which period shall not include weekends or recognized holidays, immobilize such vehicle whether parked legally or illegally and when found in any public place or any place open to the public within the city by installing on or attaching to such vehicle a device designed to restrict the normal movement of such vehicle. If a vehicle is immobilized, pursuant to this section, the employee, contract employee, code compliance officer or ~~peace police~~ officer so installing or attaching such immobilization device shall conspicuously affix to such vehicle a notice, in writing, on a form provided by the city, advising the driver, or the person in operation or control, or the owner of such vehicle, that: Such vehicle has been immobilized by the city for violation of one or more of the provisions of the MTC, or of the City Code, and/or that such person has failed to respond to one or more notices of illegal parking, as provided herein; release from such immobilization may be obtained from the police department only after payment of all prior unpaid parking fines, fees and associated costs, paid to the clerk of the municipal court, or upon posting an appearance bond in the amount of all unpaid parking fines, fees and associated costs; unless arrangements are made for the release of such vehicle within 72 hours, as defined herein, the vehicle will be removed from the streets and impounded; removing or attempting to remove the immobilization device before a release is obtained is unlawful; and containing such other information as necessary for the purpose of providing notice to the driver, a person in operation and control or the owner of such vehicle.

3. Section 38-421.2 of the Thornton City Code is hereby amended by the addition of the words double-underlined and the deletion of the words stricken to read as follows:

Sec. 38-421.2. - Same—Immobilization fees; removal unlawful.

It shall be unlawful for any person to remove or attempt to remove any immobilization device before a release is obtained as provided in Section 38-421.1, or to move any such vehicle before the same is released by the police department. Where such vehicle has been properly immobilized, an immobilization fee, as established by the Municipal Court Fine and Fee Schedule, shall be added to any and all fines, fees, and other associated costs related to the illegal parking either at the time the police department releases the vehicle, or by subsequent order of the court, and the parking restrictions, if any, otherwise applicable shall not apply while such vehicle is so immobilized. If the vehicle, as determined herein, has remained immobilized for a period of 72 hours and release has not been obtained, the ~~peace~~code compliance officer, police officer, employee or contract employee causing such immobilization shall have the vehicle impounded pursuant to Section 38-422 and/or Section 38-423 of the City Code.

4. Subsections 38-423(a) and (b) of the Thornton City Code are hereby amended by the addition of the words double-underlined and the deletion of the words stricken to read as follows

Sec. 38-423. - Towing without prior notice.

(a) In the following circumstances motor vehicles may be towed by any police officer or code compliance officer immediately and without prior notice to the owner:-

- (1) Unsafe motor vehicles.
- (2) Motor vehicles parked, stopped or standing in a manner which creates an obstruction or hazard or potential obstruction or hazard to any lawful function or use of any public street or other public or private property.
- (3) Motor vehicles blocking access to fire hydrants, fire standpipe outlets or fire sprinklers.
- (4) Motor vehicles parked, stopped or standing in designated safety zones or safety lanes.
- (5) Motor vehicles parked in fire lanes as prohibited by Section 1210 of the Model Traffic Code as adopted and amended by Sections 38-521 and 38-523.
- (6) A motor vehicle whose driver is arrested if it is necessary to tow the motor vehicle to a storage lot to secure the motor vehicle and its contents.

(7) Motor vehicles which are parked, stopped or are standing in such a manner as to endanger the public health or safety because of fire, flood, snow, storm or other emergency or natural disaster.

(8) Stolen motor vehicles.

(9) Motor vehicles which are being vandalized or from which parts have been unlawfully removed.

(10) Motor vehicles parked, stopped or standing in no-parking or tow-away zones.

(11) Motor vehicles illegally parked in disability parking zones as prohibited by Section 1208 of the Model Traffic Code as adopted and amended by Section 38-521 and 38-523.

(12) Motor vehicles parked, stopped or standing in violation of Section 1204 of the Model Traffic Code as adopted and amended by Sections 38-521 and 38-523 so long as such vehicle is parked, stopped or standing in such a way as to represent a substantial threat to the public health, safety or welfare.

(13) A motor vehicle for which the engine number, vehicle identification number or manufacturer's serial number has been altered, changed or obliterated.

(14) The vehicle has been immobilized pursuant to Section 38-421.1 of the City Code.

(b) If a motor vehicle is subject to towing without prior notice to the owner as provided in this section and poses an imminent hazard to public safety or property or to any police officer, code compliance officer or fire official, the motor vehicle shall be moved by any means whatsoever, whether or not such means damage or destroy the motor vehicle. If the motor vehicle cannot be moved and blocks access to a fire outlet, its windows may be broken and/or its doors may be pried open to gain access through it for fire hose connection, and any police officer, code compliance officer or fire official shall not be held criminally or civilly liable for taking any such action.

5. Subsections 38-424(b) through (d) of the Thornton City Code are hereby amended by the addition of the words double-underlined and the deletion of the words stricken to read as follows:

Sec. 38-424. - Notice of towing.

(b) Any ~~peace~~ police officer or code compliance officer shall leave under the windshield wiper or otherwise attached to such a motor vehicle a conspicuous warning notice that:

(1) States the date and time that the notice was attached to the motor vehicle.

(2) Orders removal of the motor vehicle from the location within 72 hours of the notice.

(3) Warns that, if the motor vehicle is still parked in violation of subsection (a) of this section after 72 hours from the date of the notice, it may be impounded and the motor vehicle owner will be liable for the expenses of such impoundment.

(c) Any ~~peace~~ police officer or code compliance officer shall leave under the windshield wiper or otherwise attached to a motor vehicle advertised for sale or a motor vehicle parked in violation of Section 1203 [~~of the Model Traffic Code,~~] as adopted in Section 38-521 and amended in Section 38-523, a conspicuous warning notice that:

(1) States the date and time that the notice was attached to the motor vehicle.

(2) Orders removal of the motor vehicle from its current location or any other prohibited location within 24 hours of the notice.

(3) Warns that, if the motor vehicle is still parked at its current location or at any other prohibited location in violation of subsection (a) of this section after 24 hours from the date of the notice, it may be impounded and the motor vehicle owner will be liable for the expenses of such impoundment.

(4) The warning notice shall be and remain effective upon expiration of the 24-hour notice provided for herein and for any other prohibited location where the motor vehicle is found, provided the motor vehicle has the same registered owner as when the warning notice was first placed upon the motor vehicle.

(d) If a motor vehicle or any parts thereof are still parked in violation of subsection (a) of this section after 72 hours from the date and time that the notice prescribed by subsection (b) of this section or after 24 hours from the date and time of the notice prescribed by subsection (c) of this section is attached to the motor vehicle, a ~~peace~~ police officer or code compliance officer may cause the vehicle and parts thereof to be removed and impounded pursuant to this article.

6. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

7. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

8. The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any

penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

9. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on _____, 2023.

PASSED AND ADOPTED on second and final reading on _____, 2024.

CITY OF THORNTON, COLORADO

Jan Kulmann, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

Tami Yellico, City Attorney

PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, Thornton Active Adult Center, and Trail Winds Recreation Center after first and second readings.

Published on the City's official website after first reading on _____, 2023, and after second and final reading on _____, 2024.