

ORDINANCE NO. 82B

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON REGARDING ABANDONED VEHICLES WITHIN THE TOWN

WHEREAS, the Board of Trustees of the Town of Stratton desires to regulate abandoned vehicles within the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, KIT CARSON COUNTY, COLORADO:

Section 1. Abandoned vehicles within the Town of Stratton shall be regulated according to the following:

Section 1-1. Definitions. For purposes of this Ordinance, the following terms shall have the following meanings:

Abandoned vehicle means and includes any motor vehicle, camper, camping trailer, recreational vehicle, semi-trailer, trailer, trailer-coach, truck tractor, or vessel, that is:

- a. Left unattended on private property for a period of seventy-two (72) hours or longer without the property owner's consent;
- b. Left unattended on public property, including any portion of a highway, street, or public right-of-way within the limits of the Town, as amended, for a period of seventy-two (72) hours or longer, unless the owner or operator thereof has conspicuously affixed thereto a dated notice indicating their intention to return or has otherwise notified the Town of their intention to move the same within a reasonable period of time, not to exceed thirty-six (36) hours from the time of discovery by the Town;
- c. Left unattended on a street, highway, or public right-of-way within the limits of the Town, as amended, in such a manner or under such conditions as to interfere with the free movement of vehicular traffic, or proper street or highway maintenance; or
- d. Stored in the police car pound at the request of its owner, the owner's agent, or the Town and not removed from the police car pound according to the agreement with the owner or agent or within seventy-two (72) hours of the time the Town notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If the Town requested the storage, the provisions of Section 1-4 of this Ordinance apply as of the time of abandonment.

Appraisal means a bona fide estimate of reasonable market value made by any vehicle dealer licensed in this state or by any employee of the Colorado State Patrol or of the Kit Carson County Sheriff's Department whose

appointment for such purpose has been reported by the same to the executive director of the Department of Revenue.

Disabled vehicle means any vehicle which is stopped or parked, either attended or unattended, upon a public right-of-way and which is due to any mechanical failure or any inoperability because of a collision, fire or any other such injury, temporarily inoperable under its own power.

Motor vehicle means any vehicle classified as a motor vehicle under state law.

Operating condition means a vehicle which is safe to operate, displaying a safety inspection sticker where required by law and duly tagged with the proper current plates where required by the state motor vehicle division. Any dismantled, partially dismantled, discarded, junked or wrecked vehicle shall not be deemed to be in operating condition.

Police vehicle pound means and includes any building, enclosure or place designated by the mayor or by ordinance or resolution of the Board of Trustees for the storage of impounded vehicles by the Town, including privately owned garages or other privately owned locations designated as a police car pound.

Private property means any real property which is not public property.

Private tow means any tow of an abandoned vehicle not requested by a law enforcement agency.

Public property means any real property having its title, ownership, use or possession held by the federal government, this state, any county, municipality, or other governmental entity of this state.

Public tow means any tow of an abandoned vehicle requested by a law enforcement agency.

Tow operator means a person or a firm licensed by the Public Utilities Commission as a towing carrier.

Section 1-2. Abandonment of Vehicles.

a. It is unlawful to leave any abandoned vehicle on private property. In the event a vehicle is abandoned on private property, the owner or lessee of such property or their legally authorized agent may have the vehicle removed from the property by having the vehicle towed and impounded by any tow operator or they may notify the Town to request a public tow as provided by this Ordinance.

b. It is unlawful to leave any abandoned vehicle on public property. A vehicle shall not be presumed abandoned until a bona fide effort is made

by the Town to contact the owner or operator of the vehicle unless it is parked in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance.

Section 1-3. Removal and Impoundment.

If the Town has reasonable grounds to believe there is an abandoned vehicle on public or private property, as prohibited by this Ordinance, the Town shall require such vehicle to be removed or cause the same to be removed.

Section 1-4. Report of Abandoned Vehicles.

a. Owner's opportunity to request a hearing.

1. Upon having an abandoned vehicle towed, the Town shall ascertain, if possible, whether the vehicle has been reported stolen by using the Colorado Department of Revenue's Department of Motor Vehicles' website or by coordinating with the Kit Carson County Sheriff's Office. If so reported, the Town shall recover and secure the vehicle, notify its rightful owner and terminate the abandonment proceedings under this Ordinance. The Town shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

2. As soon as possible, but in no event later than three (3) working days after having the abandoned vehicle towed, the Town shall report the same to the Colorado Department of Revenue by first-class or certified mail or by personal delivery, which report shall be on a form prescribed and supplied by the Department of Revenue. Such report shall contain all information required by law.

3. Should the Department of Revenue report the abandoned vehicle as stolen, the Town shall notify the rightful owner as required by paragraph (a)(1) above. Otherwise the Town shall, within five (5) working days of receiving the report of the Department of Revenue as to the vehicle, notify the owner of record by certified mail, if ascertained, and any lienholder, if ascertained, of the fact of such report and the claim, if any, of a lien, and shall send a copy of such notice to the operator of the towing vehicle. The notice shall contain information that the identified vehicle has been reported abandoned to the Town, the location of the vehicle and the location from which it was towed, and that, unless claimed within thirty (30) calendar days from the date the notice was sent as determined by the postmark on the notice, the vehicle is subject to sale. Such notice shall also inform the owner of record of their opportunity to request a hearing concerning the legality of the towing of the abandoned vehicle. Such request shall be made in writing to the Town within ten (10) days of the

postmarked date of sending such notice. The issue at such hearing shall be limited to whether the vehicle was legally towed. In the event it is determined at the hearing that the vehicle was illegally towed, all towing charges and storage fees assessed against the vehicle shall be forgiven.

b. Duties of private tow operators.

1. Any tow operator having in their possession any abandoned vehicle from a private tow within the Town shall immediately notify the Town as to the name of the tow operator and the location of the impound lot to which the vehicle is towed. The tow operator shall also provide a description of the abandoned vehicle, including the make, model, color and year; the number, issuing state and expiration date of the license plate and the vehicle identification number. Upon such notification, the Town shall ascertain, if possible, whether the vehicle has been reported stolen and, if so reported, shall recover and secure the vehicle, notify its rightful owner and terminate the abandonment proceedings under this Ordinance. The Town shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

2. Any tow operator shall, as soon as possible, but in no event later than seventy-two (72) hours after the receipt of determination that such vehicle has not been reported stolen, report the same to the certified mail or by personal delivery, which report shall be on a form prescribed and supplied by the Department of Revenue. Such report shall contain all information required by law.

3. Within five (5) working days of the receipt of such report from the Department of Revenue, the tow operator shall by certified mail or by personal delivery notify the owner of record, any lienholder, and the Town:

- a. That the identified vehicle has been reported abandoned to the Department of Revenue;
- b. Of the claim, if any, of a lien under Section 1-6(a) of this Ordinance;
- c. Of the location of the vehicle and the location from which it was towed; and
- d. That, unless claimed within thirty (30) calendar days from the date the notice was sent as determined from the postmark on the notice, the vehicle is subject to sale as provided by this Ordinance.

Section 1-5. Appraisal; sale.

- a. Any abandoned vehicle stored by the Town subsequent to a public tow shall be appraised and sold by the Town not less than thirty (30) nor

more than sixty (60) days after the date of notice provided to the owner as provided by Section 1-4(a)(3) of this Ordinance.

b. If the appraised value of an abandoned vehicle sold pursuant to this Ordinance is two hundred dollars (\$200.00) or less, the sale shall be made only for the purpose of junking, scrapping or dismantling such vehicle, and the purchaser thereof shall not, under any circumstances, be entitled to a Colorado certificate of title. The Town shall cause to be executed and delivered a bill of sale, together with a copy of the report described in Section 1-4(a)(2) of this Ordinance, to the person purchasing such vehicle. The bill of sale shall state that the purchaser acquires no right to a certificate of title for such vehicle. The Town shall promptly submit a report of sale and provide a copy of the report of sale to the purchaser of the vehicle.

c. If the appraised value of an abandoned vehicle sold pursuant to this Ordinance is more than two hundred dollars (\$200.00), the sale may be made for any intended use by the purchaser thereof. The Town shall cause to be executed and delivered a bill of sale, together with a copy of the report described in Section 1-4(a)(2) and an application for a Colorado certificate of title signed by a legally authorized representative of the Town, to the person purchasing such vehicle. The purchaser of the abandoned vehicle shall be entitled to a Colorado certificate of title upon application and proof of compliance with state law and the regulations of the Department of Revenue.

Section 1-6. Proceeds of Sale.

a. If the sale of any abandoned vehicle and its attached accessories or equipment under the provisions of this Ordinance produces an amount less than or equal to the sum of all charges of the tow operator who has perfected a lien, then the tow operator shall have a valid claim against the owner of record for the full amount of such charges, less the amount received upon the sale of such vehicle. Such charges shall be assessed in the manner provided for in the provisions of any towing contract in force between the Town and its authorized tow operator. If no such towing contract is in force, the charges shall be assessed in the manner provided for by state law.

b. If the sale of any abandoned vehicle and its attached accessories or equipment under the provisions of this Ordinance produces an amount greater than the sum of all charges of the tow operator who has perfected a lien, then the provisions of any towing contract in force between the Town and its authorized tow operator shall prevail. If no such towing contract is in force, the charges shall be assessed in the manner provided for by state law.


c. Any balance then remaining shall be distributed in accordance with state law.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 3. Recording and Authentication. Immediately upon its passage, the Ordinance shall be recorded in the Town of Stratton Book of Ordinances kept for the purpose, authenticated by the signatures of the Mayor and attestation of the Clerk, and shall be published as required by law.

Adopted and Approved this 15th day of January, 2025.





Matt Brachtenbach, Mayor



Melanee Johnson, Town Clerk