

ORDINANCE NO 88B

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON
AMENDING ORDINANCE NO. 82B, REGARDING ABANDONED VEHICLES WITHIN
THE TOWN**

WHEREAS, the Board of Trustees of the Town of Stratton (the "Board") previously enacted Ordinance No. 82B to regulate abandoned vehicles within the Town; and

WHEREAS, the Board now desires to amend its regulation of 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. Ordinance No. 82B is repealed in its entirety and reenacted to read as follows:

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 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, subject to the following exceptions:

1. 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; or

2. The owner or operator thereof unless has received a parking pass, approved by the Board of Trustees and subject to annual renewal, to park the vehicle for a period of seventy-two (72) hours or longer.

b. 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.

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 inexorability 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.

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.

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.

a. Removal. If the Town has reasonable grounds to believe there is an abandoned vehicle on public property, as prohibited by this Ordinance, the Town shall require Kit Carson County (the "County") to remove such vehicle.

b. County to tow on Town's behalf.

1. If the Town, in cooperation with the County, determinates that removal of a vehicle is necessary, the County shall take all necessary steps to complete such tow.

2. The County, or a private tow company on the County's behalf, shall tow such vehicle to the appropriate impound lot as determined by the towing entity.

3. The County, or a private tow company on the County's behalf, shall complete all necessary paperwork following the tow and shall contact the vehicle owner as appropriate based on regular towing practices.

Section 1-4. Report of Abandoned Vehicles.

a. Town to create record.

1. The Town shall tag vehicles that are subject to a public tow within 72 hours and log such tags on a designated record. Such record shall include:

- a. Vehicle license plate number and vehicle identification number;
- b. Make, model, color, and year of vehicle;
- c. Date the vehicle was noticed and tagged;
- d. Date vehicle is expected to be towed; and
- e. Location of vehicle;

2. The Town shall contact the Kit Carson County Sheriff's Office with the information logged subject to Section 1-4(a)(1) of this Ordinance so that the Sheriff's Office may determine whether the vehicle was reported as stolen. If the Sheriff's Office tows the vehicle, or utilizes a tow operator to complete a tow, the Town shall add the date that the vehicle is removed from the right-of-way to its record, along with the Sheriff's Office determination as to whether the vehicle was reported as stolen.

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 confirm the 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.

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;
- 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 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 11th day of September, 2025.




Matt Brachtenbach, Mayor


Melanee Johnson, Town Clerk