

SPONSORED BY TRUSTEE

TRUSTEE'S BILL

ORDINANCE NO.

NO. 06-05
Series of 2006

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TITLE: A BILL FOR AN ORDINANCE REPEALING AND REENACTING SECTION 7-37 OF THE HUDSON MUNICIPAL CODE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Section 7-37 of the Hudson Municipal Code is repealed and reenacted to read as follows:

Sec. 7-37. Illegal vehicles

(a) Definitions.

(1) *Approved hard finished parking surface* shall mean a hard surface customarily used for the parking of motor vehicles as approved by the Town Administrator or his designee, which surface shall include, but not be limited to, pavement, concrete, or gravel. *Provided, however, no residential lot shall contain more than forty percent (40%) of the total lot area in the front and side yard portion of the lot as an approved hard finished parking surface.*

(2) *Illegal Vehicle* shall mean any motor vehicle, trailer, semi-trailer or other vehicle that is required pursuant to the laws of the State of Colorado to have attached thereto a valid, unexpired license plate, and which:

- A. Does not bear a valid, unexpired license plate; or
- B. Is substantially damaged, wrecked or dismantled, or otherwise inoperable; or
- C. Is abandoned within the meaning of Article 2 of Chapter 8 of the Hudson Municipal Code; or
- D. Is displayed, parked, stored, kept, or left on *the front or side yard* of residentially used real property on an unimproved surface not intended or customarily used for the parking of motor vehicles in a residential or commercial area, including, but not limited to, grass, dirt or other areas not having an approved hard finished parking surface.

(b) *Unlawful Acts.*

(1) It shall be unlawful and deemed a nuisance for any person to display, store, keep, park, or leave any illegal vehicle upon any public or private property in the Town of Hudson.

(2) It shall be unlawful and deemed a nuisance for any person being the owner or tenant in possession of any real property in the Town of Hudson to cause or permit any illegal vehicle to be put upon or kept upon any real property within the Town of Hudson.

(c) *Exceptions.* The provisions of this Section 7-37 shall not be deemed or construed to prevent the keeping or storage of junk cars, or cars in a state of repair, in compliance with the provisions of the zoning and land use ordinances of the Town of Hudson, as follows:

(1) Upon the premises of any automotive repair or automobile storage business, or a junk car;

(2) When such illegal vehicle is kept completely inside a completely enclosed building, or is screened by an opaque fence in good repair in the back yard portion of any lot, which fence may not be less than six (6) feet in height so as not to be visible from any adjacent street or right of way, or from abutting land, provided, however, a property owner may seek approval from the Town Administrator or his designee for a permit to erect a fence in excess of six (6) feet, but not more than ten (10) feet in height if the relative grades require that the fence be in excess of six (6) feet in order to effectively screen the illegal vehicles.

(d) *Removal – Disposition – Impounding.*

(1) The Town is hereby authorized to issue a Notice to Abate pursuant to Section 7-23 of the Hudson Municipal Code requiring the removal of any illegal vehicle(s) displayed, stored, kept, parked, or remaining on any property within the Town of Hudson within the time stated in such Notice to Abate.

(2) After the expiration of the time set forth in the Notice to Abate, the illegal vehicle(s) therein described shall be subject to removal and impoundment by the Town as provided in this section. In no event shall the Town be required to issue a summons and complaint prior to removal of said illegal vehicle(s).

(3) A Notice to Abate for the removal of illegal vehicle(s) issued under the provisions of this Section 7-37 shall be given by attaching a copy of such order or an official notice to the illegal vehicle(s) described in such Notice to Abate.

(4) If any illegal vehicle(s) are removed and impounded by the Town, said vehicles shall be impounded and placed in an authorized Town of Hudson impoundment lot.

(5) Any illegal vehicle(s) removed and impounded pursuant to this Section 7-37 shall be held, stored, reclaimed and disposed of in accordance with the procedures of Article 2 of Chapter 8 of the Town of Hudson Municipal Code.

(e) *Presumption in reference to illegal parking or storage of vehicles.* In any prosecution charging a violation of this Section 7-37, proof that the particular vehicle described in the Notice to Abate or in a Summons and Complaint was parked, stored, or kept in violation of this Section, together with proof that the defendant named in the Notice to Abate or Summons and Complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked, stored, or kept such vehicle at the place where, and for the time during which, such violation occurred.

(f) *Other remedies.* In addition to the remedies set forth herein, the Town shall also be entitled to exercise all other remedies authorized by law for violations of this Section 7-37, including the following:

(1) Bringing an action in the municipal court pursuant to the provisions of Section 7-24 of the Hudson Municipal Code; and/or

(2) Seeking a fine for the violation of this Section in the amount of nine hundred and ninety-nine dollars (\$999.00). Each day that any such violation continues shall be a separate and distinct offense; provided however, the Town shall not be authorized to seek imprisonment in the county jail for any such violation; and/or

(3) The Town shall be authorized in accordance with the provisions of Section 7-25 of the Hudson Municipal Code to assess the costs associated with the illegal parking or storing of vehicles by filing any such costs as a lien against any property upon which the removal of any such vehicles was performed.

Section 2. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason

be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 5th day of April, 2006.



ATTEST:

Judy Larson
Judy Larson, Town Clerk

TOWN OF HUDSON, COLORADO

Charles E Rossi
Charles E. Rossi, Mayor

PASSED ON SECOND AND FINAL READING this 17th day of May, 2006, AND ORDERED PUBLISHED ONCE IN FULL.



ATTEST:

Judy Larson
Judy Larson, Town Clerk

TOWN OF HUDSON, COLORADO

Neal Pontius
Neal Pontius, Mayor

APPROVED AS TO FORM:

Corey Y. Hoffmann
Corey Y. Hoffmann, Town Attorney