

**CITY OF RIFLE, COLORADO  
ORDINANCE NO. 5  
SERIES OF 2017**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING  
CHAPTER 8 AND APPENDIX A OF THE RIFLE MUNICIPAL CODE AND  
AUTHORIZING THE CITY TO CHARGE APPROPRIATE FEES FOR THE  
TOWING AND IMPOUNDMENT OF ABANDONED OR INOPERABLE  
VEHICLES.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Section 8-2-90 of the Rifle Municipal Code authorizes the City have abandoned and inoperable vehicles towed and impounded; and

WHEREAS, Appendix A of the Rifle Municipal Code set forth fees for the towing and impoundment of abandoned and inoperable vehicles within the City; and

WHEREAS, the City Council of the City of Rifle finds that the towing and impoundment fees in the Rifle Municipal Code are inadequate to cover the costs of those services; and

WHEREAS, the City Council further finds that there is a typological error in Section 8-2-50 of the Municipal Code that should be corrected; and

WHEREAS, The Colorado Department of Regulatory Agencies, Public Utilities Commission has established rules and regulations for towing carriers and sets rates for towing under certain circumstances; and

WHEREAS, the City Council of the City of Rifle finds and declares that it is in the interest of the public health, safety, and welfare to amend the Rifle Municipal Code to allow the City to collect the actual costs of towing and impoundment services.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. Incorporation of Recitals. The foregoing recitals are incorporated herein as if set forth in full.

2. Text Correction. Section 8-2-50 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

**Sec. 8-2-50. - Abandoned and inoperable vehicles; public tow.**

(a) Any police officer who finds a vehicle which he or she has reasonable grounds to believe has been abandoned or is inoperable shall require such vehicle to be removed or

cause the same to be removed and placed in storage in any impound lot ~~designed~~ designated or maintained by the Police Department. The Police Department may perform a public tow from public property or private property; provided, however, that a public tow may only be performed on private property at the request of the owner or lessee of the private property or of the owner or lessee's agent authorized in writing. As a condition of a public tow from private property, the owner, lessee or agent shall execute an indemnity and hold harmless agreement approved by the City Attorney indemnifying and holding the City harmless against all claims and liability that may arise from such public tow. In addition, the owner, lessee or agent shall pay the actual costs of towing and processing at the time of the tow pursuant to Section 8-2-90 below.

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3. Fee Authorization. Section 8-2-90 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

**Sec. 8-2-90. - Impoundment fees.**

An owner or lessee, or his or her agent authorized in writing, requesting that the Police Department perform a public tow pursuant to Section 8-2-50 above shall pay the actual costs of towing and processing at the time of the tow. Said owner, lessee or authorized agent shall be reimbursed for those costs if the Police Department recovers such costs from the owner of the vehicle. No vehicle towed, stored or impounded at the request of the Police Department as provided in this Article shall be released until the charge for towing or otherwise removing such vehicle, together with the charge for storage for the same, as established by the Police Department hereinafter set forth, has been paid. ~~The charge of towing an abandoned or inoperable vehicle which weighs less than ten thousand (10,000) pounds shall not exceed the amount set forth in Appendix A to this Code or such greater amount as may be allowed by statute. The charge for the storage of an abandoned or inoperable vehicle which weighs less than ten thousand (10,000) pounds shall not exceed the rate set forth in Appendix A to this Code or such greater amount as may be allowed by statute, for a maximum of sixty (60) days.~~

4. Appendix Amendment. Appendix A of the Rifle Municipal Code is hereby amended as follows, with ~~strike through language deleted~~:

| <u><i>Chapter 8</i></u> |  |            |
|-------------------------|--|------------|
| <u>8-2-90</u>           | <del>Abandoned, inoperable vehicle (less than 10,000 pounds) towing fee</del>  | \$50.00    |
|                         | <del>Abandoned, inoperable vehicle (less than 10,000 pounds) storage fee</del> | \$4.00/day |

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5. Police Department Authorization. The Rifle Police Department is hereby authorized to establish by contract, competitive rates for the towing and impoundment of abandoned and inoperable vehicles in the City, consistent with the rules and regulations of the Colorado Department of Revenue, Public Utilities Commission.

INTRODUCED on April 19, 2017, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on May 3, 2017, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this 19<sup>th</sup> day of April, 2017.

CITY OF RIFLE, COLORADO

BY: \_\_\_\_\_  
Mayor

ATTEST:

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City Clerk