

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 9
SERIES OF 2018**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
SECTION 8-2-160 OF THE RIFLE MUNICIPAL CODE AND SETTING
FORTH THE CIRCUMSTANCES UNDER WHICH AN OFFICER OF THE
CITY MAY REQUIRE THE IMMEDIATE TOWING OF A VEHICLE FROM
PUBLIC OR PRIVATE PROPERTY.

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 8-2-160 of the Rifle Municipal Code sets forth the circumstances under which an Officer of the Rifle Police Department may require the towing and seizure of a private vehicle from public or private property; and

WHEREAS, in *People v. Brown*, Supreme Court Case No. 16SC922 (2018 CO 27), the Colorado Supreme Court first addressed with particularity the circumstances that must be met prior to the towing and seizure of a private vehicle under the police community caretaking doctrine of the Fourth Amendment; and

WHEREAS, in light of the Court’s decision in *People v. Brown*, the Rifle City Council finds and declares that it is necessary and proper to amend Section 8-2-160 of the Rifle Municipal Code pertaining to the circumstances under which a Police Officer may require the immediate towing of a private vehicle from public or private property.

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

1. Incorporation. The Rifle City Council adopts the foregoing recitals and conclusions as facts and determinations and incorporates them by reference as if set forth in full herein.

2. Code Amendment. Section 8-2-160 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Sec. 8-2-160. - Authority for immediate towing.

The Chief of Police or any police officer is authorized to remove immediately, without prior notice to the owner or occupant, any vehicle from any public or private property under any

of the circumstances hereinafter enumerated, the City Council finding and determining that such vehicle under such circumstances constitutes an obstruction to traffic or a public nuisance:

- (1) When a vehicle is left unattended upon any bridge or viaduct, or when such vehicle constitutes an obstruction to traffic;
- (2) When a vehicle upon a public way is so disabled so as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
- (3) When any vehicle is left unattended upon any street or parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic, or left unattended upon any public street with the engine running or with keys in the ignition switch or lock;
- (4) When any vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition established by the traffic engineer, provided that such area or portion of the public street has been posted with an official sign giving notice both of the limitation and prohibition and of the fact that such area or portion of such street is a tow-away area;
- (5) When a vehicle is parked in violation of any traffic ordinance and is an obstruction or hazard or potential obstruction or hazard to any lawful function or limits the normal access to a use of any public or private property;
- (6) When a driver of such vehicle is taken into custody by a police officer and the vehicle would thereby be left unattended upon a street, highway, restricted parking area or other public way;
- ~~(7) When the driver of a vehicle is reasonably suspected of unlawfully using license plates or a license permit, misusing the license plates or license permit issued to him or her; or when a vehicle is driven without proper license plates or license permit, with no license plates or license permit or with an invalid or expired license permit;~~
- ~~(8) When the driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid, does not have such license in his or her immediate possession, drives a vehicle contrary to restrictions imposed upon his or her license, drives a vehicle contrary to restrictions imposed upon his or her license, or drives a vehicle while his or her operator's or chauffeur's license is denied, suspended, canceled or revoked by the State;~~
- (9 7) Where a vehicle is found parked on or near to any railroad tracks so as to block the same in any manner, or when any truck tractor or semi-trailer is parked in any parking-metered space;
- (10 8) When a driver of any vehicle or the vehicle, which he or she is driving is reasonably suspected of having been in any hit-and-run accident;

- (~~11~~ 9) When any vehicle is reasonably suspected of being stolen or parts thereof to be stolen; or
- (~~12~~ 10) When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor, or when the vehicle is suspected of containing stolen goods or other contraband.

3. Internal Policies. The Rifle Police Department may promulgate written policies for the towing of private vehicles consistent with the police community caretaker function and the foregoing Section 8-2-160 of the Rifle Municipal Code.

INTRODUCED on July 18, 2018, 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 August 1, 2018, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ____ day of _____ 2018.

CITY OF RIFLE, COLORADO

By: _____
Mayor

ATTEST:

City Clerk