

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 7
SERIES OF 2019**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO AMENDING
CHAPTER 8, ARTICLE II OF THE RIFLE MUNICIPAL CODE TO PROVIDE
FOR THE REGULATION OF UNLAWFULLY PARKED VEHICLES.

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

WHEREAS, Chapter 8, Article II of the City of Rifle Municipal Code (the “Code”) currently regulates the unlawful parking of vehicles, abandoned, inoperable, or otherwise; and

WHEREAS, Town staff has determined that the current Code provisions need to be amended in order to better regulate and enforce the unlawfully parking of vehicles; and

WHEREAS, the City Council finds and determines that the following amendments to Chapter 8, Article II of the Code are in the best interest of the public health, safety and welfare of the citizens of Rifle.

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

1. The foregoing recitals are incorporated by reference as findings and determinations of the City Council.

2. The title of Chapter 8, Article II of the Rifle Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language deleted~~:

ARTICLE II – Unlawful Vehicle Parking ~~Abandoned and Inoperable Vehicles~~

3. Section 8-2-10 of the Rifle Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language deleted~~:

Sec. 8-2-10. - Definitions.

As used in this Article, unless the context otherwise requires:

Abandoned vehicle means:

b. ~~Any vehicle left unattended on public property, including any portion of a public right of way, within the City for a period of seventy-two (72) hours or longer, unless the owner of the vehicle has been granted permission by the City Manager to park it for an extended period.~~

- a. e- Any vehicles stored in an impound lot at the request of its owner, the owner's agent or the Police Department and not removed from the impound lot according to the agreement with the owner or agent or within seventy-two (72) hours of the time the Police Department notified the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If the Police Department requested the storage, the provisions governing public tows as contained in Section 8-2-50 below shall apply as of the time of abandonment. Otherwise, the private tow provisions contained in Section 8-2-80 below shall apply as of the time of abandonment.
- b. a- Any vehicle left ~~unattended~~ unmoved on private property for a period of twenty-four (24) hours or longer without the consent of the owner or lessee of such property or his or her legally authorized agent.

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

Inoperable vehicle means any automobile, truck, tractor, motorcycle or self-propelled vehicle which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. The existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:

- a. Absence of an effective registration plate upon such vehicle.
- b. Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports.
- c. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

~~*Motor home* means a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a vehicle chassis or van.~~

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

Oversize vehicle means any vehicle wider than 8 feet or longer than 25 feet or a semi-truck or semi-trailer, regardless of size.

Recreational vehicle (RV) means any motorhome, travel trailer, truck camper, camping trailer, or other vehicle or trailer, with or without motive power, designed or altered for human habitation for recreational, emergency, or other human occupancy.

Parking means standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or persons.

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

Private tow means any tow of an abandoned or inoperable vehicle not requested by the Police Department.

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

Public tow means any tow of an abandoned or inoperable vehicle requested by the Police Department.

Vehicle means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. *Vehicle* includes any bicycle, off-highway vehicle, snowmobile, trailer, farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations.

4. Section 8-2-40 of the Rifle Municipal Code is hereby repealed and reenacted as follows:

Sec. 8-2-40. – Parking in excess of 72 hours

- (a) It shall be unlawful for any owner or person utilizing or in charge of a vehicle to leave that vehicle on any street, highway, roadway or public parking area continuously for a period in excess of seventy-two (72) hours. A vehicle shall be in violation of this subsection if it has not been moved at least one hundred (100) feet during the seventy-two (72) hour period of time. To be in compliance, the vehicle, recreational vehicle, or trailer must be utilized for its intended purpose every seventy-two (72) hours.
- (b) No recreational vehicle or oversize vehicle shall be parked or stored on any street, highway, roadway or public parking area in excess of seventy-two (72) hours within any seven-day period of time. This seventy-two (72) hour time limit means cumulative time and need not be consecutive. It shall apply to all streets, highways, roadways or public parking areas

within the city. It shall not be a defense that the vehicle was moved from one location to another during that seven-day period.

- (1) When parking in residential areas, recreational vehicles shall be parked on the same side of the street directly adjacent to the residence of the owner or person utilizing or in charge of the recreational vehicle or upon the consent of the owner of the residence only. The purpose of this subsection is to prohibit long term on-street parking of recreational vehicles yet authorize the parking of recreational vehicles next to residences to load and unload and to allow out-of-town visitors to park in front of a residence for a limited time period.
 - (2) Prohibited activities.
 - i. No person shall run electrical cords, extension cords, hoses, cables, or other items across, above, or on the parkway or sidewalk from any property to a recreational vehicle parked on a public street at any time unless covered on the sidewalk in a manner that does not pose a tripping hazard;
 - ii. No person shall make a sewer connection with a recreational vehicle or dump waste from a recreational vehicle onto public or private land other than a designated recreational vehicle dump.
- (d) Exceptions:
- (1) The City or an authorized contractor of the City may place a trailer containing a traffic control device, variable message sign or speed awareness device that is not attached to a vehicle on any city street.
 - (2) Any activities conducted pursuant to a permit issued pursuant to Chapter 11, Article 4 of this Code shall be excepted from this Section.
- (e) Any person committing such offenses listed above shall, upon conviction thereof, be punished in accordance with the provisions of Section 1-4-20 of this Code.

INTRODUCED on June 17, 2019 read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado on July 17, 2019, passed without amendment, approved, and ordered published in full as required by the Charter.

DATED this 17 day of July, 2019.

CITY OF RIFLE, COLORADO

By



Mayor

ATTEST:



City Clerk

