

1 BY AUTHORITY

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF \_\_\_\_\_

COUNCIL BILL NO.  
COMMITTEE OF REFERENCE:  
GENERAL GOVERNMENT

4 **FINAL VERSION**

5 **A BILL**

6  
7 For an ordinance providing for the submission to a vote of the qualified and registered  
8 electors of the City and County of Denver at a special municipal election to be held on  
9 August 12, 2008 an initiated ordinance concerning the impoundment of motor vehicles.  
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11 **WHEREAS**, on April 22, 2008, the Clerk and Recorder certified and submitted to the City  
12 Council a petition for an initiated ordinance on the subject of the impoundment of motor  
13 vehicles; and  
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15 **WHEREAS**, pursuant to § 8.3.3 (C) of the Denver Charter, upon receipt of an initiative petition  
16 the City Council may either enact the ordinance without alteration within 35 days of receipt or submit  
17 the question of whether or not the ordinance should be enacted to a vote of the people at the next  
18 scheduled citywide election held not less than 55 days after submission by the Council; and  
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20 **WHEREAS**, the next scheduled citywide election is the state primary election due to occur on  
21 August 12, 2008; and  
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23 **WHEREAS**, pursuant to §§ 31-10-108 and § 8.2.3 of the Denver Charter, the City Council is  
24 authorized to call a special City and County election to be coordinated with the state primary election.  
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26 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**  
27 **DENVER:**  
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29 **Section 1.** The City Council hereby calls for a special City and County election to be  
30 conducted at the same time and coordinated with the state primary election to be held on August 12,  
31 2008.  
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33 **Section 2.** There is hereby submitted to the properly qualified and registered electors of the  
34 City and County of Denver at the special City and County election to be held August 12, 2008 an

1 initiated ordinance to read as follows:

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### TEXT OF INITIATED ORDINANCE

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Be it enacted by the council of the City and County of Denver

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City and County of Denver proposed ordinance.

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Article XV, Division 2, Sec. 54-811 (10) amended, Sec. 54-811 (20) new, Sec. 54-813 (c)

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new.

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Unlicensed Driver Motor Vehicle Impoundment and Bonding

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Whereas, unlicensed drivers including illegal aliens are not eligible for auto insurance

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and pose a significant danger to the people of the City and County of Denver when

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driving and must be prevented from doing so in every way possible.

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(1) Definition. As used in this section "Illegal alien" means a person who has entered the United States illegally or is residing in the United States illegally after entering legally.

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(a) Sec. 54-811 (10) is amended by an addition to subsection (10) to read: or when a driver of a vehicle is an illegal alien or may be reasonably suspected of being an illegal alien;

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(1) A vehicle operator without a valid driver's license but with convincing corroborating identification, vehicle registration, and a valid driver's license of record may, at the discretion of the attending Police Officer, be issued a summons for driving without a license without impounding the vehicle. Such summons along with proof of a valid driver's license shall be submitted within three working days to a Denver County Court for validation or such vehicle shall be ordered impounded.

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(b) Sec. 54-811 is amended by the addition of a new subsection (20) to read:

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Sec. 54-811 (20) When a driver operating a vehicle registered in Colorado possesses a driver's license from another country and does not possess proof that they are in the country legally, the owner of record, if ascertained, or any lienholder, if ascertained, shall be issued by certified mail, a notice of pending impoundment requiring proof that such driver was not an illegal alien or such vehicle shall be ordered impounded thirty days from the day the violation notice was issued.

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(c) Sec. 54-813 is amended by the addition of a new subsection (c) to read:

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Sec. 54-813 (c) The release of a motor vehicle impounded as provided in 54-811(10) or 54-811(20) shall require that a two-thousand five-hundred dollar bond be posted within thirty days of impoundment in favor of the City and County of Denver or the motor vehicle is subject to disposal by the city by auction or otherwise. This requirement is not applied when the operator of such vehicle is found to have had a valid

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1 driver's license with such vehicle being released upon payment of towing and  
2 impoundment charges by owner. This bond shall be held for a period of one year and  
3 forfeited if such vehicle is operated by an unlicensed driver in Colorado within that time.  
4 For this section a one-hundred dollar impoundment land acquisition fee shall be paid to  
5 the city prior to the release of vehicle.  
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7 (d) Legislation may be enacted to facilitate the operation of this ordinance by the  
8 Mayor and City Council but in no way shall such legislation limit or restrict the  
9 provisions of this section or the powers herein granted.  
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12 **Section 3.** The voting machines and paper ballots for said election shall carry the following  
13 designation, which shall be the title and submission clause:  
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15 Shall the voters for the City and County of Denver adopt an ordinance requiring that a  
16 motor vehicle operated by an unlicensed driver be impounded and that releasing such  
17 vehicle shall require that the owner post a two-thousand five-hundred dollar bond to  
18 insure no unlicensed driver operates such vehicle for a period of one year and pay a  
19 one-hundred dollar impoundment land acquisition fee?  
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21 Yes \_\_\_\_\_

No \_\_\_\_\_

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23 **Section 4.** Each elector voting at the election and wishing to vote for or against the ordinance  
24 shall indicate the elector's choice by depressing the appropriate counter of the voting machine which  
25 indicates the word "YES" or the word "NO," or by appropriate marking upon paper ballots when used.  
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27 **Section 5.** The proper officials of the City and County of Denver as are charged with duties  
28 relating to the election shall, before the election, issue such calls, make such certifications and  
29 publications, give such notices, make such appointments, and do all such other acts and things in  
30 connection with the submission of this initiated ordinance to the registered electors of the City and  
31 County of Denver at the election as are required by the Constitution and laws of the State of Colorado  
32 and the Charter and ordinances of the City and County of Denver.  
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34 **Section 6.** The Clerk and Recorder shall publish the initiated ordinance in a manner consistent  
35 with the publication of other ordinances before such election is held.  
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37 **Section 7.** The ballots cast at such election shall be canvassed and the results ascertained,  
38 determined, and certified in accordance with the requirements of the Constitution and laws of the State  
39 of Colorado and the Charter and ordinances of the City and County of Denver.

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COMMITTEE APPROVAL DATE: May 7, 2008.

MAYOR-COUNCIL DATE: N/A.

PASSED BY THE COUNCIL \_\_\_\_\_ 2008

\_\_\_\_\_ - PRESIDENT

APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2008

ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2008; \_\_\_\_\_ 2008

PREPARED BY: David W. Broadwell, Assistant City Attorney; DATE: May 8, 2008

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

City Attorney

BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney

DATE: \_\_\_\_\_