

BY AUTHORITY

ORDINANCE NO. 619
SERIES OF 2009

COUNCIL BILL NO. 603

COMMITTEE OF REFERENCE: Public Works

A BILL

For an ordinance amending Article XV, Penalties, Parties and Procedure on Violations and Article XIV, Traffic Violations Bureau, of Chapter 54 of the Revised Municipal Code to increase the fee amount assessed for towing a vehicle and immobilizing a vehicle.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That Section 54-791. Moving of vehicle to a lawful position, shall be amended by deleting the language stricken and adding the language underlined, as follows.

Sec. 54-791. Moving of vehicle to lawful position.

(a) The chief of police, the undersheriff, the manager of public works, or their respective designees, are hereby authorized to remove, or have removed at their direction, a vehicle found standing upon a street, highway or restricted parking area in violation of this chapter prohibiting the standing of such vehicle in such place, or require the driver or other person in charge of the vehicle to move the same to a legal standing position.

(b) When the chief of police, undersheriff, the manager of public works, or their respective designees moves a vehicle pursuant to this section by having the vehicle towed, a \$50.00 towing cost fee to be established by the chief of police, undersheriff, the manager of public works, or their respective designees, based upon the actual costs, not to exceed one-hundred-fifty dollars (\$150.00). The chief of police, undersheriff, the manager of public works, or their respective designees shall publish the new rate in an official publication of the city at least ninety (90) days before the new rate will become effective. ~~assessment shall be imposed.~~ The towing cost assessment for moving a vehicle pursuant to this section shall be in addition to any fine imposed for any underlying violation that necessitated moving the vehicle. Towing costs shall be shown on the face of the citation issued for the underlying violation.

Section 2. That subsections (17) and (19) of Section 54-811. Authority for impoundment; vehicles deemed obstructions to traffic or public nuisances, shall be amended by adding the language underlined, as follows.

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2 **Sec. 54-811. Authority for impoundment; vehicles deemed obstructions to traffic or**
3 **public nuisances.**

4 (17) When a driver, owner or person in charge of a vehicle has failed to respond to a notice of
5 illegal parking issued pursuant to sections 54-786(c) or 54-788, and has also failed to respond to
6 the additional notice sent to the registered owner or has failed to respond to the pre-seizure
7 notice affixed to the vehicle as provided for under section 54-789; provided that under the
8 circumstances in this subsection set forth employees of the city, acting in their official capacity,
9 and officers of the police department may, and they are hereby authorized to temporarily and for
10 a period of seventy-two (72) hours, immobilize such vehicle by installing on, or attaching to such
11 vehicle, a device designed to restrict the normal movement of such vehicle, and if such vehicle is
12 so immobilized, the employee of the city or police officer so installing or attaching such device
13 shall conspicuously affix to such vehicle a notice, in writing, on a form provided by the chief of
14 police, advising the owner, driver or person in charge of such vehicle, that such vehicle has been
15 immobilized by the city for violation of one (1) or more of the provisions of this chapter, and that
16 release from such immobilization may be obtained at a designated place; that unless
17 arrangements are made for the release of such vehicle within seventy-two (72) hours the vehicle
18 will be removed from the streets at the direction of the employees of the city, acting in their
19 official capacity, or by a police officer, and that removing or attempting to remove the device
20 before a release is obtained is unlawful, and containing such information as the chief of police
21 shall deem necessary. It shall be unlawful for any person to remove or attempt to remove any
22 such device before a release is obtained as herein provided or to move any such vehicle before
23 the same is released by the police department, clerk of the county court or any county judge;
24 and where such vehicle has been properly immobilized in such manner, a fee of ~~fifty dollars~~
25 ~~(\$50.00)~~ to be established by the manager of public works based upon the actual costs, not to
26 exceed one-hundred-twenty-five dollars (\$125.00). The manager of public works shall publish
27 the new rate in an official publication of the city at least ninety (90) days before the new rate will
28 become effective and such fee shall be charged by the police department or clerk of the county
29 court before releasing such vehicle, and the parking restrictions, if any, otherwise applicable
30 shall not apply while such vehicle is so immobilized. If the vehicle has remained immobilized for
31 a period of seventy-two (72) hours and release has not been obtained, the police officer or
32 employee of the city causing such immobilization shall have the vehicle impounded.

1 (19) When a driver, owner or person in charge of a vehicle has failed to pay the fine or penalty
2 imposed for a violation of section 54-62, a violation of article VII of this chapter, or a violation of
3 both section 54-62 and article VII of this chapter, by the date such fine or penalty is due,
4 employees of the city, acting in their official capacity, and officers of the police department may,
5 and they are hereby authorized to, temporarily and for a period of seventy-two (72) hours,
6 immobilize such vehicle by installing on, or attaching to such vehicle, a device designed to
7 restrict the normal movement of such vehicle. If such vehicle is so immobilized, the employee of
8 the city or police officer so installing or attaching such device shall conspicuously affix to such
9 vehicle a notice, in writing, on a form provided by the chief of police, advising the owner, driver
10 or person in charge of such vehicle, that such vehicle has been immobilized by the city for
11 violation of one (1) or more of the provisions of this chapter, and that release from such
12 immobilization may be obtained at a designated place; that unless arrangements are made for
13 the release of such vehicle within seventy-two (72) hours the vehicle will be removed from the
14 streets at the direction of the employees of the city, acting in their official capacity, or by a police
15 officer, and that removing or attempting to remove the device before a release is obtained is
16 unlawful, and containing such information as the chief of police shall deem necessary. It shall be
17 unlawful for any person to remove or attempt to remove any such device before a release is
18 obtained as herein provided or to move any such vehicle before the same is released by the
19 police department, clerk of the county court or any county judge; and where such vehicle has
20 been properly immobilized in such manner, a fee to be established by the manager of public
21 works based upon the actual costs, not to exceed one-hundred-twenty-five dollars (\$125.00).
22 The manager of public works shall publish the new rate in an official publication of the city at
23 least ninety (90) days before the new rate will become effective and such fee shall be charged
24 by the police department or clerk of the county court before releasing such vehicle. The parking
25 restrictions, if any, otherwise applicable shall not apply while such vehicle is so immobilized. If
26 the vehicle has remained immobilized for a period of seventy-two (72) hours and release has not
27 been obtained, the police officer or employee of the city causing such immobilization shall have
28 the vehicle impounded.
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30 COMMITTEE APPROVAL DATE: October 6, 2009.

31 MAYOR-COUNCIL DATE: October 13, 2009.

32 PASSED BY THE COUNCIL October 26 2009.

33 Jeanne Robb - PRESIDENT Jeanne Robb

34 APPROVED: [Signature] - MAYOR October 27, 2009.

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ATTEST: *Sophisticated O'Malley* - CLERK AND RECORDER,
Shag EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL *Oct. 23,* 2009; *Oct. 30,* 2009.

PREPARED BY: Michael J. Joyce, ASSISTANT CITY ATTORNEY October 2, 2009

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.

David R. Fine, City Attorney

BY: *David R. Fine*, *Asst* City Attorney

DATE: *14 Oct. 09*

