

1 BY AUTHORITY

2
3 ORDINANCE NO. _____
4 SERIES OF 2009

COUNCIL BILL NO. 603
COMMITTEE OF REFERENCE: Public Works

5
6
7 A BILL

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

12
13 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

14
15 **Section 1.** That Section 54-791. Moving of vehicle to a lawful position, shall be amended by
16 deleting the language stricken and adding the language underlined, as follows.

17
18 **Sec. 54-791. Moving of vehicle to lawful position.**

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

24 (b) When the chief of police, undersheriff, the manager of public works, or their respective
25 designees moves a vehicle pursuant to this section by having the vehicle towed, a ~~\$50.00~~ towing
26 ~~cost~~ fee to be established by the chief of police, undersheriff, the manager of public works, or their
27 respective designees, based upon the actual costs, not to exceed one-hundred-fifty dollars
28 (\$150.00). The chief of police, undersheriff, the manager of public works, or their respective
29 designees shall publish the new rate in an official publication of the city at least ninety (90) days
30 before the new rate will become effective. ~~assessment shall be imposed.~~ The towing cost
31 assessment for moving a vehicle pursuant to this section shall be in addition to any fine imposed for
32 any underlying violation that necessitated moving the vehicle. Towing costs shall be shown on the
33 face of the citation issued for the underlying violation.

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35 **Section 2.** That subsections (17) and (19) of Section 54-811. Authority for impoundment;
36 vehicles deemed obstructions to traffic or public nuisances, shall be amended by adding the
37 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; and
24 where such vehicle has been properly immobilized in such manner, a fee of ~~fifty dollars (\$50.00)~~
25 to be established by the manager of public works based upon the actual costs, not to exceed
26 one-hundred-twenty-five dollars (\$125.00). The manager of public works shall publish the new
27 rate in an official publication of the city at least ninety (90) days before the new rate will become
28 effective and such fee shall be charged by the police department or clerk of the county court
29 before releasing such vehicle, and the parking restrictions, if any, otherwise applicable shall not
30 apply while such vehicle is so immobilized. If the vehicle has remained immobilized for a period
31 of seventy-two (72) hours and release has not been obtained, the police officer or employee of
32 the city causing such immobilization shall have the vehicle impounded.

33
34 (19) When a driver, owner or person in charge of a vehicle has failed to pay the fine or penalty
35 imposed for a violation of section 54-62, a violation of article VII of this chapter, or a violation of

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

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28 COMMITTEE APPROVAL DATE: October 6, 2009.

29 MAYOR-COUNCIL DATE: October 13, 2009.

30 PASSED BY THE COUNCIL _____ 2009.

31 Jeanne Robb - PRESIDENT

32 APPROVED: _____ - MAYOR _____ 2009.

33 ATTEST: _____ - CLERK AND RECORDER,
34 EX-OFFICIO CLERK OF THE
35 CITY AND COUNTY OF DENVER

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NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2009; _____ 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: _____, _____ City Attorney

DATE: _____