

Chapter 10.20 Abandoned, Junked or Wrecked Vehicles

10.20.010 Definitions.

Abandoned vehicle means:

1. Any vehicle standing upon any portion of a street or highway right-of-way, or in a public parking lot for more than seventy-two (72) hours unless a dated notice has been conspicuously affixed to the vehicle by its driver or owner indicating an intention to remove the vehicle, or unless such driver or owner shall have notified the police department of his or her intention to remove the vehicle within seventy-two hours of such notification. If the driver or the owner of the vehicle for which the notification was given does not remove the vehicle within seventy-two (72) hours of such notification, then the vehicle shall be deemed abandoned.
2. Any vehicle left unattended on private property for more than twenty-four (24) hours without the consent of the owner or lessee of such private property or his legally authorized agent; or any vehicle parked on private property in violation of parking restrictions set by the private property owner in signs conspicuously posted on the private property and which signs contain the property owner's restrictions on parking and the name and telephone number of the towing operator by whom such vehicle will be removed; or, any vehicle left unattended on private property in such manner as to impede or obstruct access to or from the private property by the owner, lessee or authorized agent of such private property or guests and invitees of such owner, lessee or authorized agent.
3. Any vehicle placed in an impound lot at the request of its owner or the owner's agent or an officer of the police department which is not lawfully removed from the impound lot in accordance with an agreement between the Town and the owner or the owner's agent, or within seventy-two (72) hours of the time the police department notifies 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 impoundment of the vehicle, the provisions of this Chapter governing the public tow of a vehicle shall apply as of the time the vehicle is deemed to have been abandoned. In all other situations, the provisions of this Chapter governing the private tow of a vehicle shall apply as of the time the vehicle is deemed to have been abandoned.

Impound lot means a parcel of real property which is owned or leased by a government or operator at which vehicles are stored under appropriate protection.

Junked vehicle includes any vehicle partially dismantled, wrecked or discarded, or any vehicle which is found to be inoperable, without valid licensing tags.

Operator means a person or entity licensed by the Colorado Public Utilities Commission and the Colorado Department of Revenue to tow and store abandoned vehicles.

Person means any person, firm, partnership, association, corporation, company or organization authorized to do business in the State or otherwise authorized to hold title to a vehicle.

Police Department means the Castle Rock Police Department and the officers thereof.

Private property includes all other real property within the municipal limits of the Town not designated in this Chapter as a street or highway or other way or easement.

Private tow means any tow of a 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 of Colorado, any county of this state, the Town, or any other governmental entity within this state.

Public tow means any tow of a vehicle requested by the police department.

Streets and highways means the entire designated right-of-way belonging to the Town, County or State between property lines within the corporate limits of the Town, whether or not the property is being presently maintained as a roadway by the Town.

Vehicle means a machine propelled by power designed to travel along the ground by use of wheels, treads, runners or slide to transport persons or property or pull machinery and includes, but is not limited to, automobiles, airplanes, trucks, trailers, motorcycles, motor scooters, tractors and wagons.

Wrecked vehicle means a vehicle which has been made inoperable by accident or dismantlement.

10.20.020 On public property.

It is unlawful for any person who owns or is in possession of any vehicle to allow said vehicle to be left wrecked, junked or abandoned on any street, highway, public easement or way within the municipal limits of the Town.

10.20.030 On private property.

It shall be unlawful for any person who is the owner or in possession of any vehicle to permit or allow any junked, discarded or partially wrecked, or abandoned vehicle, or any parts thereof, to remain on any private property within the municipal limits of the Town; except that this Section shall not apply when any such vehicle, or parts thereof, are maintained in a lawful manner in an enclosed building, or when the maintenance thereof is in a properly zoned district and is necessary to the operation of a business enterprise on said private property, or when such vehicle, or parts thereof, are maintained in an appropriate storage place or depository maintained for the impoundment of said vehicles by the Town, County or State officials, or when a special permit is granted upon application to and approval by the Town Council.

10.20.040 Removal - public tow.

- A. The police department is authorized to remove or have removed any vehicle from public or private property under any of the following circumstances and to cause such vehicle to be impounded at an impound lot:
1. If an abandoned, junked or wrecked vehicle is upon a street or highway and is considered to be an obstruction to traffic or proper highway maintenance, or if a vehicle is in a fire lane, emergency lane or access so as to constitute an obstruction or hazard to traffic, road maintenance, public safety, fire hydrants or emergency services, or a limitation on the usual access to any public or private property, then the police department shall cause the vehicle to be removed immediately to a properly designated place without the officer or anyone assisting in the removal of the vehicle being liable for any damage to the vehicle occasioned by its removal.
 2. If an abandoned, junked or wrecked vehicle is found upon a street, highway or public parking lot, but not in such a manner as to be an obstruction, then the officer shall cause a report of the vehicle to be entered in the police log, shall proceed with the notice requirements hereinafter described, and may thereupon cause the vehicle to be removed to a properly designated place no sooner than twenty-four (24) hours from the date and time of discovery.
 3. When the 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, provided that such area or portion of such public street

has been posted with an official sign giving notice both of such limitation or prohibition and of the fact that such area or portion of such street is a tow-away zone.

4. When the driver of the vehicle has been taken into custody by the police department or other law enforcement official and the vehicle is thereby left unattended upon any street, highway, public right-of-way or restricted parking area.
 5. When the driver of a vehicle is reasonably suspected of the unlawful use or misuse of license plates or a license permit, or the vehicle is being driven or is parked on public property without license plates or license permit, or the vehicle is being driven or parked on public property with an invalid or expired license plate or license permit.
 6. When the driver of a vehicle refuses to display a valid operator's license or chauffeur's license or does not have such operator's or chauffeur's license in his or her possession or is operating a vehicle at a time when his or her operator's or chauffeur's license has been denied, cancelled, suspended or revoked by the State.
 7. When the driver of a vehicle, or the vehicle which the driver is then driving, is reasonably suspected of involvement in a hit-and-run accident.
 8. When the vehicle is reasonably suspected of being a stolen vehicle or containing parts that are stolen.
 9. When the vehicle is reasonably suspected of being evidence of a felony or misdemeanor, or when the motor vehicle is necessary for the preservation of evidence of the commission of any crime.
 10. Any vehicle involved in a traffic accident which would be left unattended unless towed.
- B. In removing or causing to be removed from public property a vehicle deemed abandoned, wrecked or junked, the police department shall use and employ those procedures for removal, notification and disposition of such vehicles as set forth in the Colorado Abandoned Vehicle Act, Title 42, Article 4, C.R.S., as said Act now exists or may be hereafter amended.
- C. In the removal of any abandoned, wrecked or junked vehicle from public property, neither the police department nor any operator assisting or performing the removal of any such vehicle shall be held liable for any damage caused by the removal of such vehicle.

(Ord. 2001-39 §1, 2001; Ord. 6.06 §3, 1977)

10.20.050 Removal - private tow.

In removing or causing to be removed from private property a vehicle deemed abandoned, wrecked or junked, the operator shall use and employ those procedures for removal, notification and sale of such vehicles as set forth in the Colorado Abandoned Vehicle Act, Title 42, Article 4, C.R.S., as said Act now exists or may be hereafter amended.

10.20.060 Special permits.

The Town Council is authorized to issue, upon application by any person, a special permit authorizing a proper use of parts of any vehicle for landscape design, building decor or any other use deemed proper and necessary by the Town Council. In the event any person shall make said application to the Town Council, it shall be accompanied by photographs, design layout or such other evidence specifying the use and nature of the vehicle for which a permit is being requested. No permit shall be issued by the Town Council until clear and convincing evidence is received that the use of the vehicle in question will not cause any unsightly appearance, nuisance or in any other way appear improper in character within the neighborhood wherein the permit is sought. Additionally,

the permit, if issued by the Town Council, may contain such limitations and conditions as deemed necessary as to length factors deemed proper.

10.20.070 Enforcement.

It shall be deemed a separate violation of this Chapter for each day that any vehicle is found to be in violation hereof. It shall be the duty of the police department, and any other law enforcement officers so authorized within the Town, to enforce this Chapter, both with respect to the removal and disposition of vehicles in violation of this Chapter, and also by issuing a written summons and complaint to the person believed responsible for the violation.