

**TOWN OF PIERCE, COLORADO
ORDINANCE NO. 2024-07**

**AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 2 OF THE
TOWN OF PIERCE MUNICIPAL CODE CONCERNING INOPERABLE VEHICLES**

WHEREAS, the Board of Trustees (the “Board”) of the Town of Pierce (the “Town”) desires to amend certain provisions of the Town’s Code related to abandoned and inoperable vehicles; and

WHEREAS, the Board finds that Chapter 7, Article 2 of the Municipal Code should be amended as further set forth in this Ordinance; and

WHEREAS, the Board believes that the changes set forth below are in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PIERCE, COLORADO, as follows:

Section 1. Chapter 7, Article 2, Section 7-2-110 of the Pierce Town Code is repealed and reenacted to read as follows:

Sec. 7-2-110. – Inoperable Vehicles.

- (a) It is unlawful for any person to permit an inoperable vehicle to be left upon any street, highway, alley or public property or for any owner or occupant in possession of any real property to cause or permit any inoperable vehicle to be kept upon any real property in the town, except under the following conditions, which shall constitute an affirmative defense:
- (1) A vehicle is kept for no more than 60 days while waiting for parts or repair or awaiting settlement of an insurance claim.
 - (2) A vehicle is stored within a completely enclosed structure or, in nonresidential areas, the vehicle is screened by a concealing fence not less than six feet in height, which fence otherwise complies with ordinances applicable to fences rendering the vehicle not visible to persons on adjacent private or public property and not accessible by children.
 - (3) In a nonresidential area when the property is lawfully zoned for the storage of motor vehicles or vehicle repair.
 - (4) A maximum of one vehicle per lot or parcel of real property shall be permitted if said vehicle is entirely covered with a one-piece, opaque, heavy tarp or commercial

car cover securely fastened at all times so as to be inaccessible to children or vandals, and weeds or trash are not allowed to accumulate around the vehicle. Vehicles kept pursuant to this subsection may be kept for not more than one year, or up to two years if the vehicle is registered to and being held for a member of a military service on active duty.

- (b) No inoperable vehicle as authorized in this section shall be permitted unless such vehicle is owned by the owner or occupant of the premises upon which such vehicle is located or by members of the nuclear family of the owner or occupant.
- (c) Any vehicle left upon any street, highway, alley or public property, or upon real property by the owner or occupant in possession of the real property, shall be deemed inoperable if the vehicle has not moved for a period of five (5) days.

Section 2. The following provision Section 7-2-110a is enacted as follows:

Section 7-2-110a – Removal and assessment.

- (a) If any person fails to comply with the provisions of this article, in addition to the penalty provided therefor, a written notice may be served upon the owner or agent in charge of such property, such notice to be served personally or by mail, requiring the removal of the inoperable vehicle, abandoned vehicle or other vehicle in violation of this Code from the premises or the adjoining streets and alleys. Such notice shall require removal of the inoperable vehicle, abandoned vehicle or other vehicle within seven days after mailing or delivery of such notice, except that if such vehicle may create a fire, health or safety hazard or harborage for rodents, such notice shall require removal within 72 hours. If the inoperable vehicle, abandoned vehicle or other vehicle is not removed within the stated time and maintained within compliance for the remainder of the calendar year, the Town may remove or cause to be removed from the property such vehicles found on the premises or in the adjoining streets and alleys and assess the whole cost thereof, including 15 percent of the costs for inspection and other incidental costs in connection therewith, upon the land. The costs and any charges assessed by the Town pursuant to this article associated with removal of the vehicle shall be paid by the owner of the property or agent for such owner within 30 days after mailing of the bill or assessment of such cost by the town to said owner or agent. The Town shall have the right to proceed for the collection of any unpaid charges for vehicle removal in the manner provided by law for collection of debts and claims on behalf of the town, including, without limitation, collection and lien procedures provided in this section.
- (b) In addition to any other means provided by law for collection, if any such assessment is not paid within 30 days after it is made and notice thereof is mailed, the same may be certified by the Town Clerk to the proper county authority and placed upon the tax list for the current year, and thereby collected in the same manner as other taxes are collected, with a 15-percent penalty thereon to defray the cost of collection, as provided by the laws of the state.

- (c) Failure to pay, within ten days after mailing or delivery to the owner of the property, the amount assessed for vehicle removal as described in this section shall cause such assessment to become a lien against such lot, block or parcel of land associated with and benefiting from said services, and said lien shall have priority over all liens, except general taxes and prior special assessments, and the same may be effected at any time after such failure to so pay by recordation with county land records of a certification by the town, setting forth the costs to be charged against the property, the dates of service and descriptions of services giving rise to such charges. This lien and collection procedure is supplementary and additional to any collection procedures described elsewhere within this section or this Code.

Section 4. In the opinion of the Board, this Ordinance is necessary for the preservation and protection of the health, safety, welfare and property of inhabitants and owners of property in the Town of Pierce.

Section 5. If any part, section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance in each part, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more parts, sections, subsections, clauses or phrases be declared invalid.

Section 6. This ordinance shall be so interpreted and construed to effectuate its general purpose pursuant to the laws of the State of Colorado.

Section 7. The Town Clerk shall certify to the passage of this Ordinance and cause notice of its contents and passage to be published.

Section 8. Except as otherwise specifically provided herein, the provisions enacted by this Ordinance shall become effective thirty (30) days after publication as provided by law.

PASSED, ADOPTED AND APPROVED THIS 9th DAY OF SEPTEMBER, 2024.

TOWN OF PIERCE

By:


Cathy Ortiz, Mayor

ATTEST:


Kristina Duran, Town Clerk

