

ORDINANCE 2004-2

AN ORDINANCE PERTAINING TO JUNKED, INOPERABLE VEHICLES ON PRIVATE PROPERTY AND THE PARKING OF CERTAIN VEHICLES; TIME LIMITS ON STREETS; EXTENSION INTO STREET; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Board of Trustees of the Town of La Jara hereby finds and declares that junked, wrecked or inoperable vehicles on private property is a matter of public concern in that such constitutes a nuisance that does not promote the public health, safety or welfare; and

WHEREAS, the Board of Trustees of the Town of La Jara likewise finds and declares that the parking of certain vehicles on town streets, the time limits during which such vehicles shall be permitted on town streets and the extension of certain vehicles into town streets is also a matter of public concern, and

WHEREAS, the Board of Trustees of the Town of La Jara likewise finds and declares that semi-trailers or trailers not connected to a truck tractor upon any public street, alley, park or way of the Town, whether loaded or unloaded, and not capable of being immediately moved in the event of an emergency, is also a matter of public concern,

WHEREAS, in order to protect the public health, safety, and welfare, it is necessary to provide for the regulations of the foregoing.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of La Jara, Colorado, as follows:

SECTION 1 - DEFINITIONS: For purposes of this Ordinance, the following terms shall have the meaning set forth below, unless the context otherwise indicates, in the interpretation and enforcement of this Ordinance:

- (1) *Antique vehicle* shall mean any motor vehicle valued principally because of its age of 25 years or more since its date of manufacture, or licensed as an antique vehicle by the State of Colorado, or other state with similar license provisions.
- (2) *Inoperable vehicle* shall mean any motor vehicle not capable of being promptly started and driven under its own power upon a street or highway.
- (3) *Property* shall mean any real property within the incorporated limits of the Town of La Jara that is not a street or highway.
- (4) *Street or highway* shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (5) *Vehicles* shall mean a vehicle propelled by a source of power other than human power, which source is contained within or on the vehicle itself, such vehicle being designed to travel along the ground by the use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, but not be limited to: automobiles, airplanes, trucks, motorcycles, motor scooters, tractors, buggies, and wagon. The term "vehicle" shall not include "antique vehicle" as defined in this section.

SECTION 2 - ABANDONMENT OF VEHICLES: No person shall abandon any vehicle within the incorporated limits of the Town, and no person shall leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

SECTION 3 - LEAVING OF WRECKED VEHICLES ON STREET: No person shall leave any partially dismantled, wrecked, inoperable or junked vehicle on any street or highway within the incorporated limits of the Town.

SECTION 4 - JUNKED OR INOPERATIVE VEHICLES AND TRAILERS ON PRIVATE PROPERTY:

- (A) The Board of Trustees of the Town of La Jara hereby declares that the keeping of any wrecked, partially wrecked, junked or inoperative trailer or vehicle, or part thereof on any property within the

incorporated limits of the Town is a nuisance. It shall be unlawful for any person who is the owner of any such vehicle, trailer or parts, or any person who is in charge or in control of any property within the Town, whether as owner, tenant, occupant, lessee or otherwise, to permit or allow any wrecked, partially wrecked, junked or inoperative vehicle, trailer or parts thereof to remain on such property. This section shall not apply with regard to a vehicle, trailer or parts in an enclosed building, in a storage place or depository maintained by the Town for impounded vehicles, or completely concealed from public view by adequate fencing or landscaping.

- (B) **Investigation and Notice of Violation:** The Chief of Police or his designee is hereby authorized to investigate any vehicle left at any place within the Town and which reasonably appears to be in violation of Section 4 (A) of this Ordinance or lost, stolen or unclaimed. If after investigation there is probable cause for believing a violation of this Ordinance exists, the person making the investigation shall serve a notice of such violation upon the owner or occupant of the premises on which such vehicle is located, advising such person of the violation and ordering its removal within ten (10) days from the date of the notice. Such notice may be served by personal delivery or by mailing the same by certified mail to the last known address of the owner or to the address of the premises, if occupied. No summons and complaint shall be issued for any violation of this Ordinance which occurs on private property until the expiration of ten (10) days from the date of the notice of violation. In the event that the owner of the vehicle or the person in possession of the premises on which such vehicle is located cannot be found for a period of fourteen (14) days, then and in that event the summons and complaint alleging the violation of this section may be issued against the vehicle, describing the same by make, year, and model. The Chief of Police or his designees is hereby authorized to go on private property for the purpose of making an investigation for any violation of Section 4 (A) of this Ordinance for the purpose of determining ownership and condition of any vehicle reasonably appearing to be in violation of any of the provision of this Ordinance.

SECTION 5 - PARKING OF CERTAIN VEHICLES: TIME LIMITS ON STREET - EXTENSION INTO STREET:

- (A) The owner of a motor home, mobile home, camper, trailer, recreational vehicle or any other trailer designed to be pulled by a motor vehicle shall be allowed to park such mobile home, motor home, camper, trailer, recreational vehicle or any other trailer designed to be pulled by a motor vehicle, or the guests of a homeowner or tenant shall be allowed to park such motor home, mobile home, camper, trailer, recreational vehicle or any other trailer designed to be pulled by a motor vehicle on any street of the Town of La Jara so long as such parking is on the same side of the street fronting the property of the owner or tenant of such motor home, mobile home, camper, trailer, recreational vehicle or any other trailer designed to be pulled by a motor vehicle, or the guests thereof, and so long as the parking thereof is confined to the area delineated by the exterior property lines of such owner or tenant extended at right angles to the street and so long as the parking thereof shall not pose a traffic hazard. In no event shall such motor home, mobile home, camper, trailer, recreational vehicle or any other trailer designed to be pulled by a motor vehicle be parked upon any street of the Town so as to extend outward into the street a distance in excess of ten (10) feet measured at right angles to the curb. The restrictions delineated in this subsection (A) are subject to such additional regulations in subsection (B) of this Section 5.
- (B) No person shall at any time park, place, locate or keep any truck tractor drawing a semitrailer or trailer not connected to a truck tractor upon any public street, alley, park or way of the Town, or on any railroad property or railroad right-of-way in a residentially zoned areas of the Town, provided that such truck tractors may make necessary stops not exceeding five (5) minutes in length, or emergency stops, and may make stops for the purpose of making deliveries.
- (C) No person shall park a vehicle upon a street, alley, highway, or other public rights-of-way for the principal purpose of:
- (1) displaying such vehicle for sale.
 - (2) Greasing, painting or repairing such vehicle except repairs necessitated by an emergency.

SECTION SIX - FINES AND PENALTIES:

- (A) Any person convicted in the Municipal Court of the Town of La Jara of a violation of any term, provision or section of this Ordinance may fined an amount not to exceed \$300.00.
- (B) Nothing herein shall be construed to limit the power of the Municipal Court to take such action as the Court may deem appropriate, in the sound exercise of its discretion, to summon, try and punish any person who may be found in contempt of said Court arising from violations of any term or provision of this Ordinance.

SECTION SEVEN - SEVERABILITY: If any section, subsection, part, subpart, paragraph, subparagraph, sentence, clause, word, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason by a court of competent jurisdiction, such decisions shall not affect the validity or constitutionality of the remaining portion of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and every article, section, subsection, part, subpart, paragraph, subparagraph, sentence, clause, word, or phrase thereof irrespective of the fact that any one or more of the other sections, subsections, parts, subparts, paragraphs, subparagraphs, sentences, clauses, words or phrases thereof be declared invalid or unconstitutional.

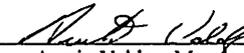
SECTION EIGHT - REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH: All Ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION NINE- EMERGENCY ENACTMENT - EFFECTIVE DATE: Whereas, for the reasons set forth in the Preamble of this Ordinance, the Board of Trustees finds, determines, and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health and safety, and the same shall be in full force and effect immediately upon adoption and the publication thereof as by law provided.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA AT A REGULARLY-SCHEDULED MEETING OF THE BOARD AT WHICH A MAJORITY OF THE BOARD WAS PRESENT THIS 8th DAY OF JULY, 2004.

THE BOARD OF TRUSTEES OF THE TOWN
OF LA JARA

(Town Seal)

By: 
Austin Valdez, Mayor

Attest:


Helen J. Hutchins / La Jara Town Clerk

Date of Publication July 17, 2004.