



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: March 14, 2022

TO: President Heather Graham and Members of City Council
CC: Nicholas A. Gradisar, Mayor
VIA: Marisa Stoller, City Clerk
FROM: Michael Miller, Assistant City Attorney
SUBJECT: AN ORDINANCE AMENDING CHAPTER 3 OF TITLE VII OF THE PUEBLO MUNICIPAL CODE RELATING TO THE NOTICE PERIOD FOR THE REMOVAL OF ABANDONED VEHICLES

SUMMARY:

This is an Ordinance amending Chapter 3 of Title VII of the Pueblo Municipal Code, relating to the notice period for the removal of abandoned vehicles.

PREVIOUS COUNCIL ACTION:

Through Ordinance No. 9836 on December 14, 2020, Council approved the adoption of the 2020 Model Traffic Code, as amended, as the new Pueblo Traffic Code. That Ordinance adopted Part 18, which relates to abandoned vehicles.

BACKGROUND:

Under the current Pueblo Municipal Code, a motor vehicle is considered abandoned if it is left unattended on a public street for seventy-two (72) or more continuous hours. This Ordinance would amend the Code to define a motor vehicle as abandoned if it is left on a public street for forty-eight (48) or more continuous hours, which is consistent with the timelines adopted for notice pertaining to abandoned vehicles found in the Pueblo Traffic Code, P.M.C. § 15-1-1 *et seq.*

FINANCIAL IMPLICATIONS:

As part of the regular course of policing, the City imposes fines upon vehicles that have been abandoned under local law. These collected fees are not likely to have a significant impact on the finances of the City.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

If this Ordinance does not pass, the municipal code will not be amended and there will be a conflict between it and the Pueblo Traffic Code.

RECOMMENDATION:

Passage of the Ordinance

Attachments:

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 3 OF TITLE VII OF THE PUEBLO MUNICIPAL CODE RELATING TO THE NOTICE PERIOD FOR THE REMOVAL OF ABANDONED VEHICLES

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Section 7-3-44 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 7-3-44. - Abandoned vehicles.

(a) It shall be unlawful for any person to abandon any vehicle on any public right-of-way, public parking lot or other public property, or upon any private property without the consent of the owner or occupant of said property.

(b) An abandoned vehicle is any motor vehicle left standing for more than **forty-eight** **(48)** [seventy-two (72)] hours upon any portion of a highway right-of-way, public parking lot or other public property, or upon any private property without the consent of the owner or occupant of such property.

SECTION 2.

The officers and staff of the City are authorized to perform any and all acts consistent with the intent of this Ordinance to implement the policies and procedures described herein.

SECTION 3.

This Ordinance shall become effective thirty (30) days after final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

- Approved on _____.
- Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

- Council did not act to override the Mayor's veto.
- Ordinance re-adopted on a vote of _____, on _____
- Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk