

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. 2016-7**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING
CHAPTER 10.20 OF THE NEW CASTLE MUNICIPAL CODE REGARDING
ABANDONED VEHICLES.

WHEREAS, the Town of New Castle (“Town”) has adopted by reference the Model Traffic Code for Colorado, 2010 Edition (“MTC”); and

WHEREAS, certain provisions of Chapter 10.20 of the New Castle Municipal Code (“Code”) regarding abandoned vehicles conflict with the MTC; and

WHEREAS, to resolve the conflict in the Code regarding abandoned vehicles and to ensure proper enforcement of the Code, the Town Council desires to amend the Code as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town Council.

2. Code Amendment. Chapter 10.20 of the New Castle Municipal Code shall be amended as follows, with removed language ~~stricken~~. Only those provisions of Chapter 10.20 specifically identified herein are amended by this Ordinance; all other portions and provision of Chapter 10.20 remain in full force and effect:

~~10.20.050 – Investigation authority – Notice of violation.~~

~~The chief of police or any member of the police department is authorized to investigate any vehicle left at any place within the town that reasonably appears to be in violation of this chapter. If after an investigation there is probable cause for believing a violation of this chapter exists, the person making the investigation shall send a notice of the violation by registered or certified mail to the owner of the vehicle, or if known, the person asserting control over the vehicle, if any, and the occupant of the premises on which the violation occurred and ordering the removal of the vehicle within fifteen (15) days from the date of the notice; provided, that if such violation occurs on a street or highway within the town, no notice need be given. No summons or complaint shall be issued for any violation of this chapter that occurs on private property until the expiration of the fifteen (15) days from the date of the notice.~~

~~10.20.060 – Civil remedy – Removal and impoundment authorized.~~

~~Separate and apart from criminal penalties applicable to violations of this chapter, any such vehicle found on any property within the town to be partially dismantled, wrecked, junked, worn out, discarded or abandoned in violation of the provisions of this chapter shall be ordered~~

~~by the court to be removed and impounded by the police department until lawfully claimed or disposed of in accordance with law.~~

3. Repeal. Any ordinance of the Town or part thereof whose provisions are in conflict with this Ordinance is hereby repealed.

4. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

INTRODUCED on September 6, 2016, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on September 20, 2016, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.

TOWN COUNCIL OF TOWN OF NEW
CASTLE, COLORADO

By: _____
Art Riddile, Mayor

ATTEST:

Melody Harrison, Town Clerk