

ORDINANCE NO. 1258

AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO, AMENDING AND CLARIFYING CERTAIN CHAPTERS OF THE BERTHOUD MUNICIPAL CODE WITH RESPECT TO ABANDONED AND INOPERABLE VEHICLES AND OTHER MATTERS

WHEREAS, the Town Board for the Town of Berthoud (the “Town”) desires to protect and preserve the health, safety and welfare of its citizens through changes to ordinances of the town of Berthoud; and

WHEREAS, the Larimer County Sheriff’s Office has requested certain changes to the Municipal Code with respect to abandoned and inoperable vehicles; and

WHEREAS, the Town Board finds that certain Town ordinances may be interpreted to be conflicting, redundant, or confusing, and in need of clarification, and

WHEREAS, the Town Board finds that these changes to the municipal code will aid access, enforcement, and compliance with the ordinances of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BERTHOUD, COLORADO THAT THE FOLLOWING CHANGES ARE HEREBY INCORPORATED INTO THE MUNICIPAL CODE:

1. Section 16.1(D) is hereby amended to read:
D. “Inoperable Vehicle” shall have the same meaning as set forth in Section 17.20-5(1) of this Code.
2. Section 16.1 is amended by addition of an additional subsection “M” to read:
M. “SCREENED” as utilized in this Chapter shall refer to an area which is concealed from public view, either within a structure or behind a fence which is constructed in compliance with the requirements of Chapter 30 of this Code.
3. Section 17.20-5(1)(a) with respect to Inoperable Vehicles is amended to reduce the time allowed before it is presumed inoperable from fourteen days to seven days, as follows:
 1. ***Inoperable Vehicle* — means any automobile, truck, tractor, motorcycle, trailer, self-propelled construction equipment, self-propelled excavation equipment or self-propelled vehicle which is unable to perform the functions or purposes for which it was originally constructed. The existence of any of the following conditions shall be prima facie evidence that a vehicle is inoperable and shall, upon proof by the Town that one or more of the following elements exist, require the owner or person on**

whose property the inoperable vehicle is parked, with their consent, to present proof that the alleged inoperable vehicle is operable:

- a. **The vehicle is in the same location for a minimum of seven (7) consecutive days. Proof of a pending insurance claim may be presented to rebut this evidence.**

4. Section 17.20-6 with respect to Inoperable Vehicles is amended to reduce the time allowed before it is presumed abandoned from seven days to forty-eight hours, as follows:

17.20-6 Abandonment of a Motor Vehicle

Any person who abandons any motor vehicle upon a street, highway, right-of-way or any other public property, or upon any private property without the express consent of the owner or person in lawful charge of that private property commits abandonment of a motor vehicle.

A. To abandon means to leave a thing with the intention not to retain possession of or assert ownership over it. The intent need not coincide with the act of leaving.

B. It is *prima facie* evidence of the necessary intent that:

- 1. The motor vehicle has been left for more than forty-eight (48) hours unattended and unmoved;**
- 2. License plates or other identifying marks have been removed from the motor vehicle;**
- 3. The motor vehicle has been damaged or is deteriorated so extensively that it has value only for junk or salvage; or**
- 4. The owner has been notified by a law enforcement agency to remove the motor vehicle and it has not been removed within three days after notification.**

The Town Board hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Berthoud and the inhabitants thereof, and shall become effective immediately upon final adoption.

PASSED, ADOPTED, SIGNED AND APPROVED this the 27 day of February 2019.

TOWN OF BERTHOUD

By:

William Karspeck
William Karspeck, Mayor

ATTEST:

By:

Christian R. Samora
Christian R. Samora, Town Clerk

