

ORDINANCE NO. 9

Series 1999

AN ORDINANCE AMENDING CHAPTER 3 OF TITLE 7 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE TOWING, IMPOUNDING, AND DISPOSITION OF MOTOR VEHICLES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. The definition of "Antique Vehicle" contained in Section 7-3-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

ANTIQUÉ VEHICLE: Any vehicle registered with the Department of Revenue as collector's item pursuant to C.R.S. 42-12-101, 102, 103.

Section 2. Subparagraph (A)(3) of Section 7-3-3 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

3. The Breckenridge Police Department, upon receiving the Department's report required by C.R.S. 42-4-1804(2), shall determine, from all available information and after reasonable inquiry, whether or not the motor vehicle has been reported stolen, and, if so reported, shall recover and secure the motor vehicle and notify its rightful owner and terminate the proceedings under this Chapter. The Breckenridge Police Department shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.

Section 3. Subparagraph (A)(4) of Section 7-3-3 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

4. The Breckenridge Police Department, within five (5) working days of the receipt of the report from the Department required by C.R.S. 42-4-1804(2), shall notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and the claim, if any, of a lien under C.R.S. 42-4-1807, and shall send a copy of such notice to the operator. The notice shall contain information that the identified motor vehicle has been towed or reported abandoned to the Department, the location of the motor vehicle, and the location from which it was towed, and that, unless claimed within thirty (30) calendar days from the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale. Such notice shall also inform the owner of records of his opportunity to request a hearing concerning the legality of the towing of his motor vehicle, and the fact that said owner must contact the Breckenridge Police Department to request a hearing. Such request shall be made in writing to the Breckenridge Police Department within ten (10) days of the postmarked date of sending such notice.

Section 4. Paragraph A of Section 7-3-6 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

A. Public tow motor vehicles or motor vehicles abandoned in an impound lot subsequent to a public tow shall be appraised and sold by the Breckenridge Police Department or its designated representative at a public or private sale held not less than thirty (30) nor more than sixty (60) days after the date the notice required by Section 7-3-3C was mailed.

Section 5. Paragraph (B) of Section 7-3-6 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

B. If the appraised value of an abandoned motor vehicle sold pursuant to this Section is two hundred dollars (\$200.00) or less, the sale shall be made only for the purpose of junking, scrapping or dismantling such motor vehicle, and the purchaser thereof shall not, under any circumstances, be entitled to a Colorado certificate of title. The Breckenridge Police Department shall cause to be executed and delivered a bill of sale, together with a copy of the report described in C.R.S. 42-4-1804, to the person purchasing such motor vehicle. The bill of sale shall state that the purchaser

acquires no right to certificate of title for such vehicle. The Breckenridge Police Department shall promptly submit a report of sale, with a copy of the bill of sale to the Department and shall deliver a copy of such report of sale to the purchaser of the motor vehicle.

Section 6. Paragraph (C) of Section 7-3-6 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

C. If the appraised value of a motor vehicle sold pursuant to this Section is more than two hundred dollars (\$200.00), the sale may be made for any intended use by the purchaser thereof. The Breckenridge Police Department shall cause to be executed and delivered a bill of sale, together with a copy of the report described in C.R.S. 42-4-1804 and an application for a Colorado certificate of title signed by the Breckenridge Police Department.

Section 7. Paragraph (A) of Section 7-3-7 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

A. If the sale of any motor vehicle and its attached accessories or equipment under the provisions of this Chapter produces an amount less than or equal to the sum of all charges of the operator who has perfected a lien pursuant to C.R.S. 42-4-1807, then the operator shall have a valid claim against the owner of record for the full amount of such charges, less the amount received upon the sale of such motor vehicle. Such charges shall be assessed in the manner provided for in paragraph 1 of subsection B of this Section.

Section 8. The introductory portion of Paragraph (B) of Section 7-3-7 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

B. If the sale of any motor vehicle and its attached accessories or equipment under the provision of this Chapter produces an amount greater than the sum of all charges of the operator who has perfected his lien pursuant to C.R.S. 42-4-1807:

Section 9. Subparagraphs (2) and (3) of Paragraph (B) of Section 7-3-7 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

2. Any balance then remaining shall be paid to the Breckenridge Police Department to satisfy the cost of mailing notices, having an appraisal made, advertising and selling the motor vehicle and any other costs, taxes, fines and penalties due.

3. Any balance then remaining shall be forwarded to the Department for disbursal pursuant to C.R.S. 42-4-1810(2)(c) and (d).

Section 10. There is hereby added to the Breckenridge Town Code a new Subparagraph (4) of Paragraph (B) of Section 7-3-7 of the Breckenridge Town Code which shall read in its entirety as follows:

4. The provisions of subparagraphs (B)(1) and (B)(2) of this Section shall not apply if the Town is operating under a towing contract. In such instance, the cost of towing described in subparagraph (1) of this Section shall be as provided in such towing contract.

Section 11. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 12. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 13. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

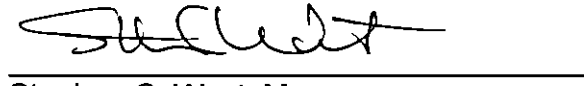
Section 14. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 8<sup>th</sup> day of June, 1999. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 22<sup>nd</sup> day of June, 1999, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

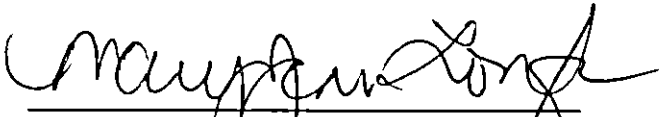
  
Mary Jean Loufek, CMC, Town Clerk


  
Stephen C. West, Mayor

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 22<sup>nd</sup> day of June, 1999.


ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
Stephen C. West, Mayor

APPROVED IN FORM

  
Town Attorney

6/22/99  
Date

This Ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on July 2, 1999