

ORDINANCE NO. 2 (SERIES OF 1988)

AN ORDINANCE FOR THE REGULATION OF JUNK CARS AND ABANDONED VEHICLES.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ECKLEY,
COLORADO:

Section 1. Definitions. As used in this ordinance:

(a) The term "junk car" shall mean any motor vehicle which is required by the laws of the State of Colorado to have attached thereto a valid, unexpired license plate, and which:

(1) Is wrecked, damaged or substantially dismantled to the extent that such vehicle is inoperable; or

(2) Is incapable of being moved under its own power.

(b) The term "police car pound": means and includes any building, enclosure, or place designated by the Board of Trustees for the storage of impounded motor vehicles by the Town of Eckley.

Section 2. Junk cars prohibited.

(a) Except as otherwise provided in this section:

(1) It shall be unlawful for any person to display, store, keep, park or leave any junk car upon any public or private property in the Town of Eckley.

(2) It shall be unlawful for any person being the owner or tenant in possession of any real property in the Town of Eckley to cause or permit any junk car to be put upon or kept upon any real property in the Town of Eckley.

(b) The provisions of this section shall not be deemed or construed to prevent the keeping or storage of junk cars, in compliance with the provisions of the Eckley Zoning Ordinance:

(1) For purposes of enforcement of the provisions of this article; or

(2) Upon the premises of an automotive repair or automobile storage business; or

(3) When legally impounded or immobilized pursuant to law or ordinance; or

(4) When used for purposes of instruction by, and located upon the premises of, any public school; or

(5) When authorized by permit issued pursuant to the provisions of section 6 of the article; or

(6) When such junk car is kept inside a completely enclosed building or is screened by an opaque fence, which fence may not be less than 6' not more than 8' in height so as not to be visible from any adjacent street or public way, or from abutting land.

Section 2. Junk cars prohibited.

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(3) When legally impounded or immobilized pursuant to law or ordinance; or

(4) When used for purposes of instruction by, and located upon the premises of, any public school; or

(5) When authorized by permit issued pursuant to the provisions of section 6 of the article; or

(6) When such junk car is kept inside a completely enclosed building or is screened by an opaque fence, which fence may not be less than 6' not more than 8' in height so as not to be visible from any adjacent street or public way, or from abutting land.

(c) Junk cars kept upon the premises of a public school, an automotive repair business or an automobile storage business shall be totally screened by an opaque wall or fence, including opaque entrance and exit gates, not less than 6 feet or more than 8 feet in height or totally within an enclosed building.

Section 3. Violations - penalty.

(a) Violations of the provisions of Section 2 of this ordinance shall be punishable by a fine of not more than three hundred (\$300.00) dollars, except as provided in Section 3 (b) of this ordinance.

(b) Any second or subsequent violation of Section 2 of this ordinance by the same person at the same location, occurring within one year after a first or previous violation on which a complaint has been filed, shall be punishable by a fine of not more than three hundred (\$300.00) dollars or by imprisonment in the County jail for not more than ninety (90) days, or by both such fine and imprisonment.

Section 4. Removal - disposition - impounding.

(a) A law enforcement officer is authorized to issue an order requiring the removal of any junk car displayed, stored, kept, parked or remaining on any property in the Town of Eckley within a reasonable time stated in the order.

(1) Such order may be issued whether or not a summons and complaint is issued.

(2) After the expiration of the time stated in such order, the junk car therein described shall be subject to removal and impoundment by the Town as provided in this section.

(b) Notice of an order issued under the provisions of Section 4 (a) shall be given by attaching a copy of such order or an official notice thereof to the junk car described in the order.

(c) Upon request of a law enforcement officer, any junk car subject to removal and impoundment by the Town under the provisions of this ordinance shall be removed by the Police Department from any public or private property in the Town, impounded and placed in the police car pound.

(d) Any junk car removed and impounded pursuant to the provisions of this ordinance shall be held, stored, reclaimed and disposed of.

Section 5. Presumption in reference to illegal parking or storage of vehicles. In any prosecution charging a violation of section 2 of this article, proof that the particular vehicle described in the complaint was parked, stored or kept in violation of said section 2, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked, placed, stored or kept such vehicle at the place where, and for the time during which, such violation occurred.

Section 6. Special Use Permits for Junk Cars - Fees. Application for a special use permit for an antique car, racing car, or for a junk car owned by a member of the armed forces of the United States on active duty, may be made to the Board of Trustees of the Town of Eckley by the owner, lessee, or custodian of such vehicle. Such application shall contain a written statement of the facts justifying the claim that such vehicle is subject to the special use provisions of this ordinance, and such other information as may be required for the purposes of enforcement of this ordinance. Such special use permit shall expire one year from the date of issuance, but may be renewed upon application as provided by this ordinance. Each application for a special use permit under this ordinance, and each application for renewal thereof, shall be accompanied by an application fee of ten dollars (\$10.00).

Section 5. Presumption in reference to illegal parking or storage of vehicles. In any prosecution charging a violation of section 2 of this article, proof that the particular vehicle described in the complaint was parked, stored or kept in violation of said section 2, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked, placed, stored or kept such vehicle at the place where, and for the time during which, such violation occurred.

Section 6. Special Use Permits for Junk Cars - Fees. Application for a special use permit for an antique car, racing car, or for a junk car owned by a member of the armed forces of the United States on active duty, may be made to the Board of Trustees of the Town of Eckley by the owner, lessee, or custodian of such vehicle. Such application shall contain a written statement of the facts justifying the claim that such vehicle is subject to the special use provisions of this ordinance, and such other information as may be required for the purposes of enforcement of this ordinance. Such special use permit shall expire one year from the date of issuance, but may be renewed upon application as provided by this ordinance. Each application for a special use permit under this ordinance, and each application for renewal thereof, shall be accompanied by an application fee of ten dollars (\$10.00).

Section 7. Special Use Permits for Antique Cars.

(a) In recommending and approving special use permits for owners or occupants of land to keep junk cars that are antiques on land situated within the Town of Eckley, the Board of Trustees shall require:

(1) That such antique motor vehicle be kept inside a structure or be screened so as not to be visible from any street or from abutting land.

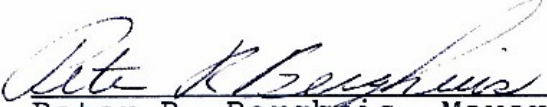
(2) That restoration work on such antique motor vehicle be completed within a reasonable time stated in the special use permit. The Board of Trustees may require progress reports from time to time.

(3) That before such special use permit be issued, the Board of Trustees shall hear the objections of the owner or owners of any property immediately adjoining the location of the proposed special use, including property separated therefrom only by a street or public way.

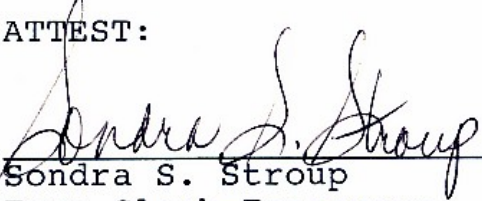
This ordinance shall be effective September 1, 1989.

INTRODUCED, ADOPTED, AND ORDERED PUBLISHED THIS 6th DAY OF SEPTEMBER, 1988.

(SEAL)


Peter R. Berghuis, Mayor

ATTEST:


Sondra S. Stroup
Town Clerk-Treasurer