

AGENDA ITEM SUMMARY

December 2, 2014

City Council

STAFF

Delynn Coldiron, Interim Neighborhood Services Manager
Laurie Kadrich, Community Development & Neighborhood Services Dir

SUBJECT

Second Reading of Ordinance No. 166, 2014 Amending Section 20-92 of the Code of the City of Fort Collins Pertaining to Inoperable Motor Vehicles.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 18, 2014, amends the inoperable motor vehicle ordinance to improve its enforceability in light of the general purpose for the provision, which is to prohibit the storage of inoperable vehicles within ordinary public view.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, November 18, 2014 (PDF)
2. Ordinance No. 166, 2014 (PDF)

AGENDA ITEM SUMMARY

November 18, 2014

City Council

STAFF

Delynn Coldiron, Customer and Admin Services Supervisor
Laurie Kadrich, Community Development & Neighborhood Services Dir

SUBJECT

First Reading of Ordinance No. 166, 2014 Amending Section 20-92 of the Code of the City of Fort Collins Pertaining to Inoperable Motor Vehicles.

EXECUTIVE SUMMARY

The purpose of this item is to amend the inoperable motor vehicle ordinance to improve its enforceability in light of the general purpose for the provision, which is to prohibit the storage of inoperable vehicles within ordinary public view.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City of Fort Collins Municipal Code Section 20-92 regarding the storage of inoperable motor vehicles currently provides that Code Compliance Inspectors may issue citations for violations of inoperable motor vehicles stored for more than thirty (30) days within ordinary public view. The penalty for a violation of the inoperable motor vehicle code is a civil infraction. The intent of the Code was to provide a remedy for neighbors and citizens when an inoperable motor vehicle is viewable from the street. The current language of the Code allows for a vehicle owner to use a car cover or some other way to obstruct the view from the public right-of-way, thereby circumventing the intent of the Code. This Code amendment will provide Code Compliance the ability to enforce the provision by establishing a rebuttable presumption that a vehicle is inoperable when the license plate or validation sticker has been covered or is otherwise not visible. This would allow Code Compliance to notify the property and/or vehicle owner of the Code requirements and request information indicating that the vehicle is operable.

ORDINANCE NO. 166, 2014
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 20-92 OF THE CODE OF THE CITY OF FORT
COLLINS PERTAINING TO INOPERABLE MOTOR VEHICLES

WHEREAS, on November 18, 1986, the City Council adopted Ordinance No. 183, 2006, regulating the storage of certain inoperable vehicles; and

WHEREAS, City staff has periodically received complaints from neighbors and other citizens regarding the unsightliness and hazards of residential properties where inoperable vehicles are viewable from the public right-of-way; and

WHEREAS, the penalty for a violation of the inoperable vehicle provision is a civil infraction; and

WHEREAS, the definition of inoperable vehicle includes vehicles that are (1) junked or abandoned, and (2) not properly licensed and registered; and

WHEREAS, sometimes owners of inoperable vehicles place a cover over the inoperable vehicle or otherwise obstruct the license plate, which can frustrate the enforcement efforts of City employees and make it difficult or impossible to enforce the Code; and

WHEREAS, the City Council has determined that it is in furtherance of the health, safety, and welfare of the residents of the City that Article VI of Chapter 20 of the Code of the City of Fort Collins be amended to address the concerns above.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 20-91 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition "*Sufficient screening*" which reads in its entirety as follows:

Sufficient screening shall mean screening of sufficient size, strength and density, such as a solid fence, trees or shrubbery, to screen an inoperable vehicle from ordinary public view and to prohibit ready access to children. A vehicle cover shall not be considered sufficient screening.

Section 2. That Section 20-92 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 20-92. Unsheltered storage prohibited.

(a) The unsheltered storage of an inoperable motor vehicle for thirty (30) days or more on any private property within the City is hereby declared to be a nuisance and

dangerous to the public health, safety and welfare, unless such inoperable vehicle is located behind sufficient screening.

(b) There is hereby established a rebuttable presumption that any unsheltered vehicle that meets the following criteria is an inoperable vehicle:

(1) The vehicle does not display a visible license plate or validation sticker, or the license plate or validation sticker is obstructed from view by an object, including but not limited to, another vehicle, stored materials, or a vehicle cover;

(2) The vehicle, whether or not covered by a vehicle cover, is viewed by a City employee, at least weekly, for a period of 30 days or more; and

(3) The vehicle is in substantially the same location during each observation of the City employee.

Introduced, considered favorably on first reading, and ordered published this 18th day of November, A.D. 2014, and to be presented for final passage on the 2nd day of December, A.D. 2014.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 2nd day of December, A.D. 2014.

Mayor

ATTEST:

City Clerk