

ORDINANCE NO. 163

AN ORDINANCE REPEALING CHAPTER 13, SECTION 2 OF THE CODE OF THE TOWN OF MEAD IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 13, SECTION 2 AS IT RELATES TO THE KEEPING OF JUNK AUTOMOBILES WITHIN THE TOWN OF MEAD, AMENDING SECTION 16-2-6 OF THE CODE OF THE TOWN OF MEAD AS IT RELATES TO THE ABANDONMENT OF A MOTOR VEHICLE, AND REPEALING SECTION 16-2-7 OF THE CODE OF THE TOWN OF MEAD IN ITS ENTIRETY AS IT RELATES TO WRECKED, NON-OPERATING VEHICLES ON PRIVATE PROPERTY WITHIN THE TOWN OF MEAD, AND PROVIDING A PENALTY.

WHEREAS, it is determined to be a proper exercise of the police powers of the Town of Mead to provide for the control of partially dismantled, or non-operating, or wrecked, or junked, or discarded vehicle or machinery or the parts thereof within the Town of Mead, and

WHEREAS, it has been determined that parts of the Code of the Town of Mead are inconsistent with one another in the treatment of the storage of junk automobiles and junk machinery on private property in the Town of Mead, and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD, COLORADO.

Section 1. Chapter 13, Section 2 of The Code of The Town of Mead is hereby repealed in its entirety and the following new Chapter 13, Section 2 is hereby adopted as follows:

"13-2-1. Unlawful to keep Junk Automobiles or Junk Machinery. No person in charge or control of any real property within the Town whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, or non-operating, or wrecked, or junked, or discarded vehicle or machinery or the parts thereof to remain on such property for a time period exceeding fourteen (14) days. Such a conditions is deemed a nuisance by the Board of Trustees and any person violating this Section shall be guilty of a misdemeanor.

13-2-2. Definition.

- a. A "junk automobile" is hereby defined as any self-propelled motor vehicle which meets one or more of the following criteria:
1. The motor vehicle has been left for more than fourteen (14) days unattended and unmoved, or
 2. License plates or other identifying marks have been removed from the motor vehicle, or
 3. The motor vehicle has been damaged, partially dismantled 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.

- b. "Junk machinery" is hereby defined as any vehicles, machinery, implements or equipment of any kind which is no longer safely usable for the purpose for which it was manufactured.

For the purposes of this Code, junk machinery or a junk automobile shall also be considered to be "rubbish" as defined by state law.

13-2-3. Exception. This Section shall not apply in the following instances:

- a. The vehicle described would qualify for special registration under 42-3-128, C.R.S., 1973, as amended, complies with the conditions imposed by 42-15-101 et seq., C.R.S. 1973, as amended; or
- b. The vehicle described is stored within an enclosed building; or
- c. The vehicle is stored on the premises of a business enterprise operating in a lawful place and manner and whose business is partially or entirely dependent on wrecked, non-operating, junked or discarded vehicles, provided that said business complies with such bufferyards and screening as may be required by the land use code; or
- d. The vehicle is stored on the premises of a business enterprise where the storage or dismantling of motor vehicles for spare parts is incidental to the principal business of restoration, maintenance or repair of motor vehicles, provided that said business complies with such bufferyards and screening as may be required by the land use code; or
- e. The vehicle described is in an appropriate storage area or depository for impounded vehicles maintained by the Town or a private individual in compliance with all applicable law.
- f. The vehicle or machinery has historical significance and is stored on the premises of a public museum.

13-2-4. Owner Responsibility. In the event of the illegal keeping of such automobile parts, accessories, junk automobiles or junk machinery within the Town, the persons responsible for the violation of this section shall include the owner of the automobile parts, accessories, junk automobiles or junk machinery.

13-2-5. Notice - Penalty. In the event that the provisions of this Section are violated, there shall be served upon the owner, lessee, or occupant or any person having the care or control of such land written notice to comply with the provisions of this Section. Service of notice may be in person or by mail or by posting upon the property. Said notice shall be in substantially the following form:

TOWN OF MEAD
NOTICE OF VIOLATION AND ORDER OF ABATEMENT

Notice to: _____

You are hereby notified that your property at _____
_____ in the Town of Mead
(owned, leased, or controlled by you) is in violation of Section _____
of the Municipal Code of the Town of Mead in the following respects:

(Designate violation)

You are further notified that in the event said violation is not corrected within fourteen (14) days of receipt of this notice, the Town of Mead shall cause said violation to be corrected by removal of the auto or auto parts and the cost of such work, plus a fee of fifteen (15) percent for inspection and additional costs in connection therewith, shall be certified to the County Treasurer for assessment against said real estate.

You may appeal this "Notice of Violation and Order of Abatement" by filing a written appeal with the Town Clerk within five (5) days of the receipt of this notice. The Board of Trustees will consider your appeal at their next regularly scheduled meeting and determine if a violation exists and if the abatement procedure is to be enforced, with their decision being final.

Dated at Mead, Colorado, this _____ day of _____, 19 ____.

(Authorized Signature)

(Title)

13-2-6. Abatement of the Violation. If the person upon whom said notice is served fails, neglects or refuses to correct the violation within fourteen (14) days of receipt of said notice, or in the event no person can be found in the Town who either is or claims to be the owner, or fails to file a written appeal this the Town Clerk within five (5) days of receipt of said notice, the Town may cause the violation to be corrected by removal, and the cost thereof plus fifteen (15) percent for inspection and other additional costs in connection therewith shall be certified by the Board of Trustees to the County Assessor of Weld County, and such sums shall become and be a lien upon the property on which such work was performed, and shall be assessed and collected in a manner provided by law for the collection of general real estate taxes. In addition, the Town may proceed against alleged violators of this Section by prosecution in the Municipal Court.

13-2-7. Appeal Procedure. The person upon which a "Notice of Violation and Order of Abatement" is served may appeal the order by filing a written appeal with the Town Clerk within five (5) days of the receipt of the notice. The appeal shall state the facts surrounding the alleged violation and provide such other evidence as may be of assistance to the Board of

Trustees in reaching a decision. Said appeal will cause the abatement proceedings to be stayed until the Board of Trustees hears the appeal at a hearing called for that purpose at their next regular scheduled meeting.

The Board of Trustees shall conduct a hearing on the appeal at their next regularly scheduled meeting. The appellant may attend this meeting and give testimony before the Board. Following the conclusion of the hearing, the Board shall determine if a violation exists and if the abatement procedure is to be enforced. The decision of the Board of Trustees shall be final.

13-2-8. Penalty-Fine. Violations of the provisions of this Chapter shall be misdemeanors and punishable in accordance with Section 16-1-5.1 of this Code. Each day that such violation continues to exist shall be considered a separate offense."

Section 2. Chapter 16, Section 6 of The Code of The Town of Mead is hereby amended by the addition of paragraph 6.5 as follows:

" 6.5 Motor vehicles abandoned under the provisions of this Section may be towed and disposed of in the manner provided by 42-4-1601, et seq., C.R.S. 1973, as amended."

Section 3. Section 16-2-7 of The Code of The Town of Mead is hereby repealed in its entirety.

Section 4. Validity. The provisions of this ordinance are hereby declared to be severable and if any section, provision or part thereof shall be held unconstitutional or invalid, the remainder of this ordinance shall continue in full force and effect, it being the intent of the Board of Trustees that this ordinance would have been adopted even if such unconstitutional or invalid matter had not been included herein. It is further declared that if any section, provision or part of this ordinance or the application thereof to any person or circumstances, if held invalid, the remainder of this ordinance and the application thereof to other persons or circumstances shall not be affected thereby.

Section 5. Necessity. In the opinion of the Board of Trustees of the Town of Mead, this ordinance is necessary for the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Mead.

Section 6. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD AND ORDERED PUBLISHED THIS 11th DAY OF January, 1988, AND ORDERED TO BECOME EFFECTIVE 30 DAYS FROM THE DATE OF ADOPTION.

PUBLISHED IN FULL IN "THE LONGMONT TIMES-CALL" ON THE 30th DAY OF January, 1988.

Harvey O. Potts
MAYOR
TOWN OF MEAD

ATTEST:

Bertie R. Wilbur

MEAD TOWN CLERK/ TREASURER