

**Town of Basalt, Colorado
Ordinance No. 01
Series of 2007**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, APPROVING AMENDMENTS TO SECTION 7-1 OF THE BASALT MUNICIPAL CODE TITLED “DEFINITIONS” CONCERNING “ABANDONED VEHICLES”; AND AN ADDITION TO SECTION 7-35 OF THE BASALT MUNICIPAL CODE TITLED “NUISANCES ENUMERATED” CONCERNING “UNLAWFUL TO ABANDON VEHICLE”; AND APPROVING AN AMENDMENT TO SECTION 8-2 OF THE BASALT MUNICIPAL CODE TITLED “AMENDMENTS” CONCERNING “LONG TERM PARKING PROHIBITED”.

RECITALS

A. The Town of Basalt (“Town”), acting by and through its Town Council (“Town Council”), has the power to amend the Municipal Code of the Town of Basalt (“Code”) pursuant to Section 1.3 of the Home Rule Charter of the Town of Basalt.

B. At a public meeting held on January 9, 2007, the Town Council considered the following amendments to the Code on first reading and scheduled a public hearing and second reading for the ordinance for Tuesday, January 23, 2007, for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

C. At a public hearing and second reading on January 23, 2007, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

D. The Town Council finds and determines it is in the best interests of the Town to amend the Code as provided herein. The Town Council finds and determines the amendments contained herein and reasonable and necessary to promote the legitimate public purposes of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO AS FOLLOWS:

1. Section 7-1 of the Basalt Town Code is amended by the addition of the following language:

Addition to “7-1 Definitions”

Abandoned Vehicle: means any automobile, truck, tractor, motorcycle or self-propelled vehicle or trailer that has been left with the intention not to retain possession of or assert ownership over it. The intent need not coincide with the act of leaving. It is prima facie evidence of the necessary intent that notice has been posed upon the vehicle, or the owner thereof has otherwise been notified by a law enforcement agency to remove the motor vehicle, and it has not been removed within three days after such notice has been posted or received; and

a. The motor vehicle has been left for more than seven consecutive days unattended and unmoved; or

b. The motor vehicle meets the definition of “inoperable vehicle” as defined in this section; or

c. License plates or other identifying marks have been removed from the motor vehicle.

2. Addition to Section 7-35. Nuisances Enumerated.

(n) Unlawful to abandon vehicle. It shall be unlawful for any person, partnership, corporation or other agent to leave an abandoned vehicle upon a street, highway, right-of-way, or any other public property without the express consent of the owner or person in lawful charge of that private property.

3. Addition to Section 8-2 Amendments.

(8) Part 12 Section 1204 of the Model Traffic Code, as adopted by the Town, is hereby amended by adding the following subsection (5):

“Long Term Parking Prohibited”

“(5) No vehicle shall remain parked along any roadway in Town without moving for any consecutive period of seventy-two hours or more.

E. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON TUESDAY, JANUARY 23, 2007, by a vote of 7 to 0 on January, 9, 2007.

READ AND ADOPTED by a vote of 7 to 0 on January 23, 2007.

TOWN OF BASALT, COLORADO

By: _____
Leroy Duroux, Mayor

ATTEST:

Pamela K. Schilling, Town Clerk

First Publication on: January 18, 2007
Second Publication on: February 1, 2007
Effective on: February 15, 2007

Or01-ModelTrafficCodeAmends