

TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2024-239

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 8 OF THE JOHNSTOWN MUNICIPAL CODE CONCERNING ABANDONED AND INOPERABLE VEHICLES

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, Article IV of Chapter 8 of the Johnstown Municipal Code regulates abandoned and junked vehicles; and

WHEREAS, Chief Oglesby of the Johnstown Police Department recommends that the Town Council amend the regulation to clarify that, absent limited circumstances: (i) inoperable vehicles are not permitted on public or private property; and (ii) a vehicle is deemed to be inoperable if it lacks a license plate with a valid registration sticker lawfully affixed thereto; and

WHEREAS, pursuant to the recommendation of Chief Oglesby, the Town Council desires to amend Article IV of Chapter 8 of the Johnstown Municipal Code; and

WHEREAS, the Town Council finds, determines and declares that this Ordinance is promulgated under the general police power of the Town and is in the best interests of the Town of Johnstown.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:

Section 1. Article IV of Chapter 8 of the Johnstown Municipal Code is hereby repealed in full and readopted to read as follows:

ARTICLE IV Abandoned and Inoperable Vehicles

Sec. 8-61. Definitions.

For purposes of this Article, the following terms shall have the meanings ascribed to them:

- (a) *Inoperable* means any vehicle that is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, or abandoned; is unable to perform the functions or purpose for which it was originally constructed; or does not have a license plate with a valid registration sticker lawfully affixed thereto.
- (b) *Vehicle* means a self-propelled vehicle which, as originally built, contained an engine, regardless of whether it contains an engine at any other time, including, without limitation,

automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, mopeds, tractors, and golf cars.

Sec. 8-62. Inoperable vehicles prohibited; exceptions.

- (a) Except as otherwise provided in this Article, it shall be unlawful for any person, whether as owner, lessee, or person in possession or control, to park, store or leave, or permit to be parked, stored or left, an inoperable vehicle at any location in the Town unless such vehicle is enclosed in a garage or fully enclosed structure.
- (b) The provisions of this Article shall not apply to:
 - (1) Any person parking one (1) inoperable vehicle on private property for a period of thirty (30) consecutive days or less;
 - (2) Any person parking one (1) inoperable vehicle on public right-of-way or other public property for a period of forty-eight (48) consecutive hours or less;
 - (3) Any vehicle held in connection with a business enterprise operating in compliance with the Town's zoning laws; or
 - (4) Any act that, notwithstanding the foregoing provisions of this Article, constitutes a public nuisance.

Sec. 8-63. Presumption that vehicle is inoperable.

The following conditions shall raise the presumption that a vehicle is inoperable under the provisions of this Article:

- (a) Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports; or
- (b) Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

Section 2. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and, to this end, the provisions and parts of this Ordinance are declared to be severable.

Section 3. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 5 day of February, 2024.

ATTEST:

By: Hannah Hill
Hannah Hill, Town Clerk



TOWN OF JOHNSTOWN, COLORADO

By: Troy D. Mellon
Troy D. Mellon, Mayor

PASSED UPON FINAL APPROVAL, AS AMENDED, AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2024.

ATTEST:

By: _____
Hannah Hill, Town Clerk

TOWN OF JOHNSTOWN, COLORADO

By: _____
Troy D. Mellon, Mayor