

**TOWN OF NEDERLAND, COLORADO**

**ORDINANCE NUMBER 733**

**AN ORDINANCE AMENDING SECTIONS 7-1 AND 7-35 OF THE NEDERLAND MUNICIPAL CODE CONCERNING INOPERABLE VEHICLES**

**WHEREAS**, the Town Board of Trustees (“Board”) has adopted ordinances related to the definition and abatement of nuisances; and

**WHEREAS**, in the interests of best addressing public health, safety and welfare, the Board desires to adopt regulations that are intended to allow citizens to enjoy peace and quiet without unduly stifling business or personal freedoms; and

**WHEREAS**, pursuant to C.R.S. § 31-15-401, the Town of Nederland (“Town”) possesses the authority to regulate the definitions and enforcement of nuisances within its jurisdiction and to prohibit and/or regulate conduct that poses a threat to the public health, safety and welfare; and

**WHEREAS**, pursuant to this authority, the Board previously adopted nuisance provisions related to inoperable vehicles, codified in Chapter 7 of the Nederland Municipal Code (“Code”); and

**WHEREAS**, the Board, after taking into consideration the recommendations of Town staff and all other information it deems prudent, now desires to adopt certain amendments to Chapter 7 of the Code to create inoperable vehicle regulations that more closely meet the goals and vision of the Board, as well as the needs of residents and those who will enforce the regulations, as set forth herein.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Nederland, Colorado, as follows:

**Section 1.** Section 7-1 of the Nederland Municipal Code, setting forth certain definitions applicable to Chapter 7 of the Code, is hereby amended by the amendment of the definition of “Inoperable vehicle” set forth thereunder, as follows:

*Inoperable vehicle* means any automobile, truck, tractor, motorcycle or self-propelled vehicle which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. The existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:

~~a. Absence of an effective registration plate upon such vehicle.~~

a. ~~b.~~ Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports.

b. e. 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.** Subsection (i) of Section 7-35 of the Nederland Municipal Code, concerning enumerated nuisances, is hereby amended as follows:

(i) Removal of inoperable vehicles. It is unlawful for any person, partnership, corporation or other agent, either as owner, lessee, tenant or occupant of any lot or land within the Town to park, store or deposit or permit to be parked, stored or deposited thereon two (2) or more an inoperable vehicles at the same time. Any more than one (1) inoperable vehicle must be enclosed in a garage or other building. The provisions of this subsection shall not apply to any ~~person, partnership or corporation or their agent with one (1) vehicle inoperable for a period of less than thirty (30) consecutive days, or to any person who is conducting a licensed automotive~~ business enterprise in compliance with existing zoning regulations.

**Section 3.** Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

**Section 4.** Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

**INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS 19<sup>TH</sup> DAY OF AUGUST, 2014.**

**TOWN OF NEDERLAND, COLORADO**

  
Joe Gierlach, Mayor

**ATTEST:**

  
Michele Martin, Town Clerk

**APPROVED AS TO FORM:**

  
Carmen Beery, Town Attorney

