

ORDINANCE NO. 12

SERIES 2005

AN ORDINANCE AMENDING THE 1987 CRESTED BUTTE MUNICIPAL CODE TO CLARIFY THE TOWN'S ABILITY TO TOW, IMPOUND AND IMMOBILIZE VEHICLES.

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and

WHEREAS, Article 11-4 of the 1987 Crested Butte Municipal Code (hereafter "Code") establishes the Town's right to tow illegally parked vehicles; and

WHEREAS, additional circumstances exist where it is appropriate to tow, impound and/or immobilize vehicles; and

WHEREAS, the Town Council has determined that it is important to protect the public health, safety and welfare by prohibiting the storage of abandoned or inoperable vehicles on public or private property and to establish procedures for removing from such property any vehicle that is abandoned or inoperable, obstructs traffic, is so defective as to pose a safety hazard, is involved in criminal conduct, or whose impoundment is otherwise authorized; and

WHEREAS, the Town Council has found that the amendment contained herein is in the best interests of the health, safety and welfare of the inhabitants of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Amending Article 11-4 Regarding Towing and Impounding. Article 11-4 is amended by deleting it in its entirety and replacing it with the following:

"Article 11-4

TOWING, IMPOUNDMENT AND IMMOBILIZATION OF VEHICLES

Section 11-4-1. - Legislative Intent. The purpose of this article is to protect the public health, safety, and welfare by prohibiting the storage of abandoned or inoperable vehicles on public property and to establish procedures for removing from public or private property any vehicle that obstructs traffic, is so defective as to pose a safety hazard, is involved in criminal conduct, or whose impoundment is otherwise authorized.

Section 11-4-2. - Authority of Town to Impound Vehicle.

A. A peace officer is authorized to remove or cause to be removed a vehicle from any public or private property when:

(1) A vehicle is situated in a manner that obstructs the normal movement of traffic or creates a hazard to other traffic on a public street, public alley, or public parking lot and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal;

(2) A vehicle being driven on a street is so defective as to pose an imminent hazard to the public safety;

(3) A vehicle is found unattended and situated in a manner that obstructs the commencement or ongoing operation of a public construction, maintenance, or repair project or street closure; seventy-two hours' advance notice of the parking prohibition, the time it is effective, and that vehicles will be towed away at the owner's expense has been conspicuously posted and reasonable efforts have been made to maintain notice on the site;

(4) The driver of a vehicle is taken into custody by the Marshal's Department;

(5) Removal of a vehicle is necessary in the interest of the public health or safety because of fire, flood, snow, storm, or other emergency, and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal;

(6) There is probable cause to believe that the operator's license of the driver of a vehicle is suspended, revoked, denied, or canceled;

(7) There is probable cause to believe that a vehicle is stolen;

(8) A vehicle blocks ingress to or egress from a public or private driveway, and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal;

(9) (A) A vehicle has been found upon a street, public parking lot, or other public property in a signed "tow away zone," and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal;

(B) A vehicle has been found parked at a parking space on a street with parking limits for seventy-two or more hours without being moved, there is a warning on the sign which indicates that such a vehicle may be towed, and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal;

(10) Impoundment is authorized by Sections 11-4-6 and 11-4-7, except

that if, but for a ticket or tickets issued to the vehicle while it was being operated under a lease whose term was less than thirty days, impoundment or immobilization of such vehicle would not have been authorized under said sections, then no such vehicle shall be impounded or immobilized under the authority of this paragraph after the municipal court has been notified of such lease;

(11) A vehicle is parked in a space designated for handicapped parking without displaying the placard or license plate required by that section; such space is also designated as a "tow away" space by any sign or pavement marking on or near the space using the term "tow away," displaying a tow away symbol, or otherwise reasonably indicating that vehicles illegally parked in such space or spaces will be towed away; and the person in possession of the vehicle is not present or is unwilling or unable to provide for its immediate removal;

(12) The Town Manager has posted "tow away" no parking zones within any park, parkway, recreation area, or open space to clear off-street parking areas after designated hours of operation and to clear designated fire roads and other emergency access routes and a vehicle is parked in violation of such traffic control devices; or

(13) There is probable cause to believe that a vehicle is being vandalized or its parts are being stolen, and reasonable inquiries have been made on abutting properties in an effort to locate the person in possession of the vehicle.

B. Within seventy-two hours of the time that a motor vehicle is impounded pursuant to subsection (a) of this section, the Town Manager shall give notice by certified or first class mail to the registered owner of such motor vehicle:

(1) That the motor vehicle has been removed and impounded;

(2) Of the reason therefor;

(3) Of the location of the vehicle;

(4) That the vehicle owner has a right to contest the validity of the impoundment by requesting a prompt hearing within fifteen days from the date on which such notice is mailed;

(5) That if the vehicle is not claimed by the owner or the owner's authorized agent and any accrued removal and storage charges are not paid in full within thirty days of the date on which the notice is mailed, the vehicle will be sold. If the vehicle has been appraised at a reasonable market value of less than \$200.00, the notice shall so state and shall indicate that the period for payment and reclaiming of the vehicle before sale is fifteen days;

(6) If the vehicle is not registered in Colorado, or if the license plate or vehicle identification number is expired, altered, or missing, the Town Manager shall send the notice required in this section as soon as reasonably practicable, but without regard to the seventy-two-hour limit;

(7) If the vehicle was impounded pursuant to Sections 11-4-6 and 11-4-7, the notice shall also specify the total amount of fines, late fees, scofflaw fees, and administrative impound fees which must also be paid before the vehicle may be reclaimed; and

(8) If the vehicle was reclaimed from impoundment or a hearing concerning the impoundment was set before the notice required by this section was sent, then no such notice need be given.

C. Nothing in this chapter shall be deemed to restrict the authority possessed by any peace officer under other provisions of law to seize any motor vehicle or part thereof if it is or contains evidence or is an instrumentality of a crime. Such provisions include, without limitation, the authority to seize a vehicle when there is probable cause to believe that a vehicle has been involved in a hit and run accident or contains stolen parts or when a search of a vehicle has been authorized by court order. The release of any vehicle so seized shall be governed by the provisions of law under which it was seized. When such vehicle is released pursuant to such provisions, its owner shall be notified and shall not be liable for the towing or storage charges attributable solely to such seizure, but shall be liable for such costs to the extent attributable to any charge which arose concurrently under this chapter. Any vehicle not retrieved within seventy-two hours of notice under this subsection shall be deemed abandoned, and the Town manager shall dispose of such vehicle in accordance with Section 11-4-8 "Disposition of Motor Vehicles."

D. This section does not apply to bicycles.

Section 11-4-3. - Abandoned and Inoperable Vehicle.

A. Any vehicle left in one location upon any public property without the consent of the property owner, for a continuous period of more than seventy-two hours constitutes an abandoned vehicle, which is a public nuisance. Proof that the vehicle's odometer shows movement of no more than two-tenths of a mile during a period of at least seventy-two hours shall constitute prima facie evidence that the vehicle was left in one location.

B. Any inoperable vehicle or any parts thereof left on any public property constitutes an inoperable vehicle, which is a public nuisance.

C. If a peace officer has probable cause to believe that a vehicle left unattended on public property is an abandoned or inoperable motor vehicle, the officer shall leave under the windshield wiper or otherwise attach to the vehicle a conspicuous warning notice that:

(1) States the date and the time that the notice was attached to the vehicle;

(2) Orders removal of an inoperable vehicle, as prescribed by subsection (b) of this section, or the moving of an abandoned vehicle, as prescribed by subsection (a) of this section, from the location within seven days of the notice;

(3) Warns that, if the vehicle is still parked in violation of subsection (a) or (b) of this section after seven days from the date of the notice, it may be impounded by order of the police department and that the vehicle owner will be liable for the expenses of such impoundment; and

(4) Advises the person in possession of the vehicle that such person has a right to a prompt hearing to determine whether or not the vehicle has been parked in violation of subsection (a) or (b) of this section, if such person requests such hearing within seven days from the date and time that such notice is attached to the vehicle.

D. Within forty-eight hours of the time that a notice is attached to a vehicle under subsection (c) of this section, the Town Manager shall give written notice by certified or first class mail to the registered owner of the vehicle containing all of the information described in subsection (c) of this section. The notice shall also advise the owner that if the vehicle is towed and is not claimed by the owner or the owner's authorized agent and the amount of any accrued removal and storage charges and the impoundment fee are not paid within thirty days from the date and time that the vehicle is impounded, the vehicle will be sold. If the vehicle has been appraised at a reasonable market value of less than \$200.00, the notice shall so state and shall indicate that the period for payment and reclaiming of the vehicle before sale is fifteen days.

E. If the vehicle is not registered in Colorado, or if the license plate or vehicle identification number is expired, altered, or missing, the Town Manager shall send the notice required in this section as soon as is reasonably practicable, but without regard to the forty-eight-hour limit.

F. If an abandoned or inoperable vehicle or any parts thereof is still parked in violation of subsection (a) or (b) of this section after seven days from the date and time that the notice prescribed by subsection (d) of this section is attached to the vehicle, a peace officer may cause the vehicle and parts thereof to be removed and impounded by a towing carrier, unless a hearing requested pursuant to 11-4-4, is pending or unless a hearing officer has determined that the vehicle is not parked in violation of this section.

G. A vehicle or parts impounded pursuant to this section shall be released to its owner when payment to the Town of an administrative impoundment fee of the amount of \$50.00, and payment to the towing carrier of the costs of towing and storage, unless ordered released as a result of a hearing held pursuant to Section 11-4-4.

H. This section does not apply to bicycles.

Section 11-4-4. - Hearing.

A. The owner of a vehicle impounded by or at the request of the Town pursuant to this chapter or a person in possession of a vehicle at the time it was so impounded is entitled to a hearing regarding the impoundment, if such person requests a hearing within fifteen days from the date the notice of impoundment was mailed or within fifteen days of reclaiming the vehicle from impoundment if no notice was mailed and if such person had no hearing prior to the time of the impoundment. The hearing shall be conducted before a judge or a hearing officer appointed by the presiding judge of the municipal court within five Town business days of the time of request for the hearing, unless the person requesting the hearing waives the five-day requirement. If a person requests a hearing and secures the release of the vehicle pursuant to subsection (b) of this section, and a summons and complaint or parking ticket has been issued which alleges a violation of this article which formed the basis of the impoundment, the hearing officer may schedule the hearing provided by this section to coincide with the trial of the infraction or may continue the hearing to such time. Within forty-eight hours of a request for a hearing under this section, the hearing officer shall obtain from the responsible Town department the records concerning the impound, and shall determine from these records, and from any supplementary affidavits as the responsible department may provide, whether or not probable cause existed for the impoundment of the vehicle. If the hearing officer determines that no probable cause existed for the impoundment based on these written materials, the officer shall so find and shall issue a final order that the vehicle shall be released immediately to the person entitled to possession and shall assess the costs of removal and impoundment against the Town. Copies of such order shall be provided to the responsible Town department and mailed to the person requesting the hearing. If the hearing officer determines that probable cause existed, the hearing officer shall so notify the responsible Town department and the person requesting the hearing at the hearing, but such a finding shall not change the burden of proof at such hearing.

B. A person who requests a post-impoundment hearing may obtain the release of the vehicle prior to the hearing by posting a bond in the amount of the towing and storage charges due as of the date of the request plus \$50.00 in administrative costs. If such person fails to appear at the date and time of the scheduled hearing, the hearing request shall be dismissed with prejudice, and the bond amount shall be forfeited to the Town.

C. The party requesting the hearing bears the burden of establishing that such person has the right to possession of the vehicle. The Town bears the burden of establishing the validity of the proposed or completed impoundment. The standard of proof is a preponderance of the evidence.

D. Failure of any person to request an impoundment hearing within the time provided or attend any such hearing constitutes a waiver of the right to such hearing

and a determination of all issues then existing as supporting the impoundment or immobilization.

E. At a hearing prior to the impoundment of a vehicle allegedly parked in violation of Section 11-4-3, the hearing officer shall determine whether the vehicle is parked in violation of such section. If the hearing officer so finds, the officer shall order the vehicle removed and impounded and assess the costs thereof against the vehicle.

F. At a hearing following the impoundment of a vehicle pursuant to Sections 11-4-2, 11-4-3, or immobilization of a vehicle pursuant to Section 11-4-7, the hearing officer shall determine whether the vehicle was subject to impoundment under Section 11-4-2 or Section 11-4-7, or was parked in violation of Section 11-4-3. If the hearing officer so finds, the officer shall assess the costs of removal and impoundment, including without limitation any administrative impound fee, against the vehicle. If the hearing officer does not so find, the officer shall order the vehicle released immediately to the person entitled to possession and shall assess the costs of removal and impoundment against the Town.

G. This section does not apply to bicycles.

Section 11-4-5. - Failure to Claim Vehicle.

If a vehicle, other than a bicycle, that has been impounded by the Town pursuant to this article is still under impoundment seventy-two hours from the time at which notice prescribed by this article has been mailed to the registered owner and the owner has not requested a hearing pursuant to Section 11-4-4, or obtained the release of the vehicle by paying accumulated removal and impoundment charges, the vehicle shall be deemed abandoned, and the Town Manager shall dispose of such vehicle in accordance with Section 11-4-8. But disposal shall be stayed if a timely request is made for a hearing as provided by this chapter.

Section 11-4-6. - Parking Infractions and Scofflaw List.

A. Any person wishing to pay a fine for a parking infraction may pay the fine before or after the date specified in the parking ticket at the Town Clerk's office. Such payment discharges the obligation to pay the fine and results in dismissal of the case.

B. Courtesy notice of overdue parking ticket.

(1) The Town (hereafter, "Town" shall mean any person or Town department designated by the Town Manager) may give notice by first class mail to the registered owner of any vehicle for which there is an overdue parking ticket, stating that there has been no response to the ticket and:

(a) The date and the nature of the ticket overdue and the amount, including late fees, due;

(b) That a response is due within ten days after the date of mailing;

(c) That the owner shall, by said deadline, respond to the notice by paying the total amount due or by arranging with the Town Clerk for contesting the charges, fees, and amounts due, in which case the owner shall post a cash bond for the total amount due or make other arrangements approved by a judge;

(d) That if the vehicle owner fails to respond within the prescribed time period, the owner will forfeit the right to a trial or hearing to contest the tickets and a default judgment will be entered;

(e) The letter may also explain the scofflaw provisions of this section.

(2) The notice allowed by this subsection is sufficient if mailed to the address provided by a government vehicle registration office. If the Town is unable, after exercising due diligence, to discover any mailing address, then notice is sufficient if it is published once in a newspaper of general circulation in the Town, posted on the vehicle, personally served on the vehicle owner or driver, or provided by any other means that provides due process.

(3) If the date for response specified in the letter passes without payment of the fines and fees or posting of sufficient bond, a default judgment shall be deemed entered upon all tickets specified in the notice.

C. As frequently as practicable, the Town shall prepare and update the scofflaw list (which may also be known as the "pick-up list"), consisting of vehicles involved in such number of overdue parking tickets as the Town shall determine is efficient to include on the pick-up list.

(1) There is hereby imposed upon the owner of every vehicle on the scofflaw list a civil penalty of the amount of \$50.00, to cover administrative costs. This amount may be amended by resolution of the Town Council, as needed. There is also hereby imposed upon the owner of every vehicle on the scofflaw list that is immobilized or impounded a civil penalty of the amount \$50.00, to cover the additional administrative costs. This amount may be amended by resolution of the Town Council, as needed.

(2) The Town shall give notice by first class mail to the registered owner of each vehicle on the scofflaw list, stating that the vehicle is on the scofflaw list and:

(a) The date and the nature of each ticket overdue and the amount due on each;

(b) That a scofflaw list fee in the amount specified in subsection (C)(1) above has been imposed to cover administrative costs;

(c) The total amount currently due;

(d) A specific deadline for response, no less than ten days after the date of mailing;

(e) That the owner shall, by said deadline, respond to the notice. Response shall be by paying the total amount due. But for any ticket for which a courtesy notice has not previously been mailed and a default judgment entered, response may also be by arranging with the Town Clerk for contesting the charges, fees, and amounts due, in which case the owner shall post a cash bond for the total amount due or make other arrangements approved by the municipal judge;

(f) That if the vehicle owner fails to respond within the prescribed time period, the listed vehicle will be subject to immediate immobilization or impoundment. For any ticket for which a courtesy notice has not previously been mailed and a default judgment entered, the notice shall also state that if the date for response specified in the scofflaw notice passes without payment of the fines and fees or posting of sufficient bond, a default judgment shall be deemed entered upon all tickets specified in the notice, and the owner will forfeit the right to a trial or hearing to contest the tickets. If a default judgment has previously been entered, the notice shall so state;

(g) That an immobilization or impoundment fee in the amount specified in subsection (C)(1) above will be imposed upon every vehicle immobilized or impounded to cover administrative costs; and

(h) That if the vehicle is impounded, the owner will also be required to pay the costs of towing and storage.

(3) The notice required by subsection (2) of this section is sufficient if mailed to the address provided by a government vehicle registration office. If the Town is unable, after exercising due diligence, to discover any mailing address, then notice is sufficient if it is published once in a newspaper of general circulation in the Town, posted on the vehicle, personally served on the vehicle owner or driver, or provided by any other means that provides due process.

(4) If the date for response specified in paragraph (2)(d) of this section passes without payment of the fines and fees or, if permitted, posting of sufficient bond, such vehicle may be immobilized or impounded and a default judgment, if not previously entered, shall be deemed entered upon all tickets specified in the notice.

(5) Upon contacting the driver of any vehicle on the scofflaw list for which no response has been made within the deadline stated in the notice while

that vehicle is located upon any public property or private property open to the use of the public, a peace officer shall inform the driver thereof that violations are alleged against the vehicle to which no response has been made and request the driver forthwith to appear with the officer at the Town Clerk's office (or to the Marshal's Office after the office's normal business hours) to respond to the charges in the manner indicated by this section. If such driver fails or refuses to comply with this request forthwith, or if such driver cannot demonstrate that the driver has on the driver's person sufficient cash or other means of payment of a type approved by the municipal court, or if the vehicle located is unattended at the time the officer initially determines that it is subject to impoundment or immobilization, the peace officer shall cause such vehicle to be immobilized or impounded.

(6) If the owner or an agent of the owner pays the fines and fees, including the amount specified above, if any, and all towing and storage charges, if any, or posts a bond to cover such fines, fees, and charges, or arranges any combination of payment and bond to cover the total due, the Town shall remove such vehicle from the scofflaw list and release it from immobilization or impoundment. If any parking ticket not included on the scofflaw list for which the owner is liable becomes overdue before the owner or agent appears to pay or post bond, such subsequent tickets shall also be paid or bond shall be posted therefor before the vehicle is removed from the scofflaw list or released from immobilization or impoundment.

D. The owner of a vehicle that is subject to the procedures of this section and Section 11-4-7, is entitled to:

(1) A trial conducted under the usual procedures for allegations of violation of a parking infraction, to dispute any of the underlying parking tickets not in default. Whether or not the vehicle was parked in violation of the provision alleged shall be the only issue at such a trial;

(2) A hearing, if a motion is filed with the court to set aside the default on any ticket on the ground that the notice required by this section before a default may be entered was not properly given;

(3) An administrative hearing to dispute the applicability of the scofflaw fee on the ground that a parking ticket was not served. Such hearing shall be conducted in the same manner as, and where applicable shall be combined with, the hearing under Section 11-4-4, concerning the immobilization or impoundment fee. The fact that a person is found not guilty of one or all of the underlying parking tickets is not relevant to the issue of the applicability of the scofflaw fee; and

(4) A post-impoundment hearing to challenge the immobilization or impoundment fee as prescribed by Section 11-4-4.

Section 11-4-7. - Booting.

A. At the discretion of a peace officer, any vehicle on the scofflaw list subject to impoundment under Section 11-4-6, may first be immobilized by installing on such vehicle a device known as a "boot," which clamps and locks on to a wheel of the vehicle and impedes movement of such vehicle.

B. The person installing the boot shall leave under the windshield wiper or otherwise attach to such vehicle a notice advising the owner that such vehicle has been booted by the Town of Crested Butte for failure to pay or contest one or more parking tickets, that release of the boot may be obtained by paying the fines and fees due or by posting a bond to cover such amounts, that unless such payments are made, the vehicle will be impounded, and that it is unlawful for any person to remove or attempt to remove the boot, to damage the boot, or to move the vehicle with the boot attached.

C. No parking restriction otherwise applicable to the vehicle applies while the vehicle is immobilized by a boot installed under the provisions of this section.

D. Upon notification that the vehicle has been removed from the scofflaw list, the Town shall promptly remove the boot from such vehicle.

Section 11-4-8. - Disposition of Motor Vehicles.

The Town Manager may dispose of impounded motor vehicles in any of the following ways:

A. By following the procedures provided by state law for disposal of abandoned vehicles; or

B. If the manager determines that some other method of disposal is more efficient, the manager may adopt such a method. Such method shall provide:

(1) Reasonable notice to the owner and any lienholders of record by mail or publication at least thirty days before disposition of the vehicle. But if the vehicle has been appraised to determine its reasonable market value by the chief of police, by any employee of the police department designated by the chief, or by a licensed Colorado motor vehicle dealer as having a value of less than \$200.00, then the vehicle may be disposed of no less than fifteen days after the date of the notice. Notice is deemed given on the date it is delivered, mailed, or published, whichever is earliest. The notice shall indicate whether the holding period is fifteen or thirty days. Before giving notice, the manager shall make inquiry through the licensing authority of the state of registration of the vehicle, if that can be ascertained from the license plate or vehicle identification number, if any, as to the name and mailing address of the owner and lienholders of

record. Notice shall be delivered or sent by first class or certified mail to such persons. If the manager's inquiries produce no information, the manager shall publish the notice at least once in a newspaper of general circulation in the Town. The notice shall state the grounds upon which impoundment was authorized, the location of the vehicle, and the person to whom the owner or lienholder may apply to reclaim the vehicle prior to its disposal. Notice given to the owner pursuant to Section 11-4-2 or 11-4-3, satisfies the requirement of this section for notice to the owner.

(2) For disposition of the vehicle:

(a) If the vehicle has been appraised, and the towing and storage charges at the end of the applicable holding period exceed the appraised value, then the manager may sell the vehicle to the towing and impoundment lot operators, if such were involved, for the amount of the accrued charges;

(b) At a private sale; or

(c) At a public sale.

(3) For delivery of a bill of sale to the purchaser. The manager shall send a copy of such bill of sale, together with a written report of the sale, to the Colorado Department of Revenue. If the appraised value of the vehicle was less than \$200.00, or if, in the case of a vehicle sold without appraisal, the sale was for less than \$200.00, the bill of sale shall state that the vehicle is sold only for the purpose of junking or dismantling the vehicle, and that the purchaser acquires no right to a certificate of title for such vehicle. Such purchaser shall also be given a copy of the report which is sent to the Colorado Department of Revenue.

(4) For disposition of the proceeds from a sale pursuant to subparagraphs (2)(b) or (c) of this subsection in the following manner:

(a) The costs of towing and storage in an impound lot shall be paid to the towing and impound lot operators in accordance with the contract such operators may have with the Town for such services. Such contract may provide, without limitation, that the towing and impound lot operator will receive only a percentage of the proceeds, but not to exceed such costs. If such services were not performed pursuant to a contract with the Town, payment shall be calculated in the manner provided by state law.

(b) From the balance, if any, there shall be deposited into the general fund of the Town reasonable expenses to the Town on account of the abandonment of the vehicle, including without limitation, the costs of the search for owners and lienholders, notice, appraisal, advertising,

sale, and any other fees or penalties, including without limitation, those on account of parking infractions due with respect to the vehicle.

(c) The remaining balance, if any, shall then be paid first to any lienholder of record and, second, to any owner of record as their interests may appear on such records, or to any person submitting proof of an enforceable interest in such vehicle as of the date of sale. If no such person is known to the manager, such balance shall be deposited into the general fund of the Town.

(d) There is no right of redemption from any sale made pursuant to this section. After a vehicle has been sold pursuant to such terms, neither the Town nor any officer, agent, or employee thereof is liable for any failure to deliver such vehicle to any person other than the purchaser at such sale. “

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Savings Clause. Except as hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

**INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS
_____ DAY OF _____, 2005.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC
HEARING THIS _____ DAY OF _____, 2005.**

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James Schmidt, Mayor

ATTEST:

Eileen Hughes, Town Clerk

(SEAL)