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(2) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.

Notice of Violation shall mean a notice mailed via first class mail or personally served to a registered owner of a vehicle involved in any traffic violation detected by an automated vehicle identification system advising that the violation has been detected, or a similar notice mailed to the operator of the vehicle identified by a registered owner of said vehicle.

Civil Penalty Assessment Notice shall mean a notice mailed via first class mail or personally served to a registered owner of a vehicle involved in any traffic violation that has previously received a notice of violation.

Residential Neighborhood means any block on which a majority of the improvements along both sides of the street are residential dwellings and the speed limit is 35 miles per hour or less.

Section 11.05.020 – Notices of Violation in General.

(a) If the City detects any alleged violation of a city traffic regulation or violation through the use of an automated vehicle identification system, then the City shall issue, or cause its vendor to issue, to the registered owner of the motor vehicle involved in the alleged violation, by first-class mail or personal service, a Notice of Violation.

(b) The City may only issue a Notice of Violation for violations that occur:

- (1) Within a school zone;
- (2) Within a Residential Neighborhood;

(3) Within a maintenance, construction, or repair zone designated pursuant to C.R.S. § 42-4-614;

(4) Along a street that borders a City park; or

(5) Along a street, or portions of a street, which the City designates as an automated vehicle identification system corridor as set forth in Section 11.05.050.

(c) The Notice of Violation must be served comply with all requirements of LMC Section 11.05.060(b)

(d) To protest the Notice of Violation, the registered owner must request, in writing, a hearing to dispute the alleged violation. The deadline to request a hearing to dispute the Notice of Violation must be made within 46 days after the date of the Notice of Violation. At a hearing, the City may not require the registered owner to disclose the identity of the driver of the vehicle who is detected through the use of the automated vehicle identification system but may require the registered owner to submit evidence that the owner was not the driver at the time of the alleged violation.

Section 11.05.030 – Speeding.

(a) Violations.

(1) For a speeding violation of Model Traffic Code section 1101, as amended by the City of Longmont, of less than ten (10) miles per hour over the posted speed limit under a City traffic regulation detected through the use of an automated vehicle identification system, the violation shall be cited as follows:

a. For the registered owner's first offense, a written warning with no penalty of surcharge; and

b. For the registered owner's second or subsequent offense, a Notice of Violation.

(2) For a speeding violation of Model Traffic Code section 1101, as amended by the City of Longmont, of more than ten (10) miles per hour over the posted speed limit under a city traffic through the use of an automated vehicle identification system, the City shall issue the registered owner a Notice of Violation.

(3) The maximum civil penalty for a speeding violation under this Section, including any surcharge, is forty dollars (\$40.00), unless the violation is within a school zone, in which case said penalty shall be eighty dollars (\$80.00). However, a violation that occurs within a maintenance, construction, or repair zone designated pursuant to C.R.S. § 42-4-614 may be subject to a civil penalty of eighty dollars (\$80.00).

(c) Signage. The City shall place an appropriate temporary or permanent sign in conspicuous place not fewer than 300 feet before the area in which the automated vehicle identification system is to be used to notify the public that an automated vehicle identification system is in use immediately ahead.

Section 11.05.040– Disobedience to a Traffic Control Signal.

(a) If the City detects a violation of Model Traffic Code section 604(C)(1), as amended by the City of Longmont, for disobedience to a traffic control signal through the use of an automated vehicle identification system, the maximum penalty, including any surcharge, is seventy-five dollars (\$75.00).

(b) The City shall not use an automated vehicle identification system designed to detect disobedience to a traffic control signal or other violation of a local traffic

ordinance unless the City posts a sign notifying the public that an automated vehicle identification system is in use immediately ahead. Such sign shall:

(1) Be placed in a conspicuous location not less than 200 feet and not more than 500 feet before the automated vehicle identification system; and

(2) Use lettering that is at least four (4) inches high for upper case letters and two and nine-tenths (2 and 9/10) inches high for lower case letters.

Section 11.05.050 – Automated Vehicle Identification System Corridors.

(a) Pursuant to C.R.S. § 42-4-110.5(2)(g)(I), the City identifies and authorizes the following as automated vehicle identification system corridors:

(1) Main Street or Highway 287 (within the City of Longmont’s jurisdiction).

(2) Pace Street

(3) Ken Pratt Boulevard or Highway 119 (within the City of Longmont’s jurisdiction).

(4) Hover Road or N. 95th Street (within the City of Longmont’s jurisdiction).

(5) Airport Road or N. 87th Street (within the City of Longmont’s jurisdiction).

(b) Prior to using an automated vehicle identification system on an automated vehicle identification system corridor, the City shall post a permanent sign not fewer than 300 feet before the beginning of such corridor and a permanent sign not fewer than 300 feet before each camera within the corridor or a temporary sign fewer than 300 feet before any mobile camera.

(c) The City shall illustrate, through data collected within the past five (5) years, incidents of crashes, speeding, reckless driving, or community complaints on the streets designated as an automated vehicle identification system corridor.

1 (d) The City will coordinate with the Department of Transportation and
2 Colorado State Patrol in designated corridors.

3 (e) The City will publish a report on its website disclosing the number of
4 citations and revenue generated by the automated vehicle identification system
5 corridor.

6 (f) The City shall not locate an automated vehicle identification system
7 corridor on any highway that is part of the federal interstate highway system.

8 Section 11.05.060 – Civil Penalty Assessment Notices.

9 (a) If the City has not received the prescribed civil penalty or written notice
10 requesting a hearing to dispute the alleged violation by the deadline provided in the
11 Notice of Hearing, then the City shall issue, or cause its vendor to issue, a Civil
12 Penalty Assessment Notice to be served on the registered owner either by first-class
13 mail or personal service.

14 (b) The Civil Penalty Assessment Notice shall contain:

15 (1) The name and address of the registered owner of the motor vehicle involved
16 in the alleged violation;

17 (2) The license plate of the motor vehicle involved in the alleged violation;

18 (3) The date, time, and location of the alleged violation;

19 (4) The provision of the Municipal Code allegedly violated;

20 (5) The amount of the civil penalty prescribed for the alleged violation;

21 (6) The deadline for payment of the prescribed civil penalty; and

22 (7) Information on how to pay the prescribed civil penalty.

1 (c) If the registered owner fails to pay the full prescribed civil penalty by the
2 deadline stated in the Civil Penalty Assessment Notice, a final order of liability
3 shall be entered against the registered owner of the vehicle. The final order must
4 be personally served to the registered owner. Final orders of liability may be
5 appealed as to matters of law and fact to the Longmont Municipal Court.

6 (d) The City may initiate or pursue a collection action against the registered
7 owner of a motor vehicle for debt resulting from the final order of liability.

8 (e) The City shall not report to the Department of Transportation any conviction
9 or entry of judgment against a defendant for a violation of a city traffic regulation
10 if the violation was detected through the use of an automated vehicle identification
11 system.

12 (f) If the registered owner fails to pay the full prescribed civil penalty, the City
13 shall not attempt to enforce the penalty by immobilizing the registered vehicle
14 owner's vehicle.

15 Section 11.05.070 – Vendors.

16 (a) No portion of any fine collected through the use of an automated vehicle
17 identification system may be paid to the manufacturer or vendor of the automated
18 vehicle identification system equipment. The compensation to such vendor by the
19 City shall be based on the value of such equipment and the value of any services
20 provided and may not be based on the number of traffic citations issued or the
21 revenue generated by such equipment or services.

22 Section 11.05.080– Data Retention.

23 (a) The City shall:

1 (1) Program the automated vehicle identification system to retain data only
2 when a violation of a city traffic regulation occurs;

3 (2) Treat all photographs and video collected by the automated vehicle
4 identification system as confidential and exempt from disclosure and inspection
5 pursuant to the "Colorado Open Records Act" part 2 of Article 72, Title 24, C.R.S.;

6 (3) Not use, disclose, sell, or permit access to photographs, video, or personal
7 identifiable data collected by the automated vehicle identification system except to
8 the extent necessary to operate the program, including for purposes of processing
9 violations, for other law enforcement purposes, for transferring data to a new
10 vendor or operating system, or, pursuant to a court order, for use in unrelated legal
11 proceedings; and

12 (4) Destroy any photographs and video of a violation collected by the
13 automated vehicle identification system within three (3) years after the final
14 disposition of the violation unless the photographs or video are maintained in a
15 separate system for other purposes allowed by law.

16 Section 2

17 To the extent only that they conflict with this ordinance, the Council repeals any conflicting
18 ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of
19 any part shall not affect the validity or effectiveness of the rest of this ordinance.

20 Introduced this _____ day of _____, 2024.

21 Passed and adopted this _____ day of _____, 2024.

22 _____
23 MAYOR
24

1 ATTEST:

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4 _____
5 CITY CLERK
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8 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
9 7:00 P.M. ON THE _____ DAY OF _____, 2024, AT THE
10 LONGMONT CITY COUNCIL MEETING.
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12

13 APPROVED AS TO FORM:

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16 _____
17 SENIOR ASSISTANT CITY ATTORNEY

DATE

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20 _____
21 PROOFREAD

DATE

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24 APPROVED AS TO FORM AND SUBSTANCE:

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27 _____
28 ORIGINATING DEPARTMENT

DATE

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30 CA File: 24-003094