

ORDINANCE O-2024-77

A BILL FOR AN ORDINANCE AMENDING CHAPTER 11 OF THE LONGMONT
MUNICIPAL CODE CONCERNING UTILIZING AN AUTOMATED VEHICLE
IDENTIFICATION SYSTEM

THE COUNCIL OF THE CITY OF LONGMONT, COLORADO ORDAINS:

Section 1

The council amends Title 11, Chapter 11 of the Municipal Code of the City of Longmont
by the addition of a new Section 11.05.010 – 11.05.080 to read as follows:

Chapter 11.05– Automated Vehicle Identification System

Section 11.05.010 – Definitions.

For the purposes of this article, the following words shall have the following
meanings:

Automated Vehicle Identification System includes a system to detect violations of
Longmont Traffic Code part 11 imposed by traffic signals or traffic signs, and/or a
system used to detect violations of a bus lane or bicycle lane restrictions. The term
includes a system whereby:

(1) A machine is used to automatically detect a violation of a traffic regulation
and simultaneously record a photograph of the vehicle, the operator of the vehicle,
and the license plate of the vehicle; and

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

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

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

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

12 Section 11.05.020 – Notices of Violation in General.

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

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

- 19 (1) Within a school zone;
20 (2) Within a Residential Neighborhood;
21 (3) Within a maintenance, construction, or repair zone designated pursuant to
22 C.R.S. § 42-4-614;
23 (4) Along a street that borders a City park; or

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

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

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

13 Section 11.05.030 – Speeding.

14 (a) Violations.

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

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

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

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

5 (3) The maximum civil penalty for a speeding violation under this Section,
6 including any surcharge, is forty dollars (\$40.00), unless the violation is within a
7 school zone, in which case said penalty shall be eighty dollars (\$80.00). However,
8 a violation that occurs within a maintenance, construction, or repair zone designated
9 pursuant to C.R.S. § 42-4-614 may be subject to a civil penalty of eighty dollars
10 (\$80.00).

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

15 Section 11.05.040– Disobedience to a Traffic Control Signal.

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

20 (b) The City shall not use an automated vehicle identification system designed
21 to detect disobedience to a traffic control signal or other violation of a local traffic
22 ordinance unless the City posts a sign notifying the public that an automated vehicle
23 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 (within the City of Longmont’s jurisdiction).

(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).

(6) 17th Avenue (within the City of Longmont’s jurisdiction).

(7) Mountain View Avenue (within the City of Longmont’s jurisdiction).

(8) 11th Avenue (within the City of Longmont’s jurisdiction).

(9) 9th Avenue (within the City of Longmont’s jurisdiction).

(10) 3rd Avenue (within the City of Longmont’s jurisdiction).

(11) Pike Road (within the City of Longmont’s jurisdiction).

(12) 21st Avenue (within the City of Longmont’s jurisdiction).

(13) 23rd Avenue (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 not 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.

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

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

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

Section 11.05.060 – Civil Penalty Assessment Notices.

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

(b) The Civil Penalty Assessment Notice shall contain:

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

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

- 1 (3) The date, time, and location of the alleged violation;
- 2 (4) The provision of the Municipal Code allegedly violated;
- 3 (5) The amount of the civil penalty prescribed for the alleged violation;
- 4 (6) The deadline for payment of the prescribed civil penalty; and
- 5 (7) Information on how to pay the prescribed civil penalty.
- 6 (c) If the registered owner fails to pay the full prescribed civil penalty by the
- 7 deadline stated in the Civil Penalty Assessment Notice, a final order of liability
- 8 shall be entered against the registered owner of the vehicle. The final order must
- 9 be personally served to the registered owner. Final orders of liability may be
- 10 appealed as to matters of law and fact to the Longmont Municipal Court.
- 11 (d) The City may initiate or pursue a collection action against the registered
- 12 owner of a motor vehicle for debt resulting from the final order of liability.
- 13 (e) The City shall not report to the Department of Transportation any conviction
- 14 or entry of judgment against a defendant for a violation of a city traffic regulation
- 15 if the violation was detected through the use of an automated vehicle identification
- 16 system.
- 17 (f) If the registered owner fails to pay the full prescribed civil penalty, the City
- 18 shall not attempt to enforce the penalty by immobilizing the registered vehicle
- 19 owner's vehicle.
- 20 Section 11.05.070 – Vendors.
- 21 (a) No portion of any fine collected through the use of an automated vehicle
- 22 identification system may be paid to the manufacturer or vendor of the automated
- 23 vehicle identification system equipment. The compensation to such vendor by the

1 City shall be based on the value of such equipment and the value of any services
2 provided and may not be based on the number of traffic citations issued or the
3 revenue generated by such equipment or services.

4 Section 11.05.080– Data Retention.

5 (a) The City shall:

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

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

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

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

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36

Introduced this 8th day of October, 2024.

Passed and adopted this 19th day of November, 2024.

ATTEST:

NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT 7:00 P.M. ON THE 19TH DAY OF NOVEMBER, 2024, AT THE LONGMONT CITY COUNCIL MEETING.

/s/ Cristi Campbell
PROOFREAD

10/04/2024
DATE

CA File: 24-003094