City of Colorado Springs

Legislation Details (With Text)

File #:	20-681	**Version:** 2	**Name:**		
Type:	Ordinance		**Status:**	Mayor's Office	
File created:	12/4/2020		**In control:**	City Council	
On agenda:	2/9/2021		**Final action:**	2/9/2021	

Title: Ordinance No. 21-17 amending Section 115 (Automated Vehicle Identification System (AVIS)) of Part 1 (General Provisions) of Article 1 (Administration and Enforcement) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to AVIS Procedures.

Presenter:
Vince Niski, Chief of Police
Jeff Strossner, Commander SED

Sponsors:

Indexes:

Code sections:

Attachments: 1. MuniCt-AVIS_AmendmentCh10-1-115-DRAFT.pdf, 2. Signed Ordinance 21-17

Date	Ver.	Action By	Action	Result
2/9/2021	1	City Council	finally passed	Pass
1/26/2021	1	City Council	approved on first reading	Pass
1/11/2021	1	Council Work Session	referred	

Ordinance No. 21-17 amending Section 115 (Automated Vehicle Identification System (AVIS)) of Part 1 (General Provisions) of Article 1 (Administration and Enforcement) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to AVIS Procedures.

Presenter:
Vince Niski, Chief of Police
Jeff Strossner, Commander SED

Summary:
Amend the ordinance to allow non P.O.S.T. certified peace officers to review AVIS violations and issue penalty assessments.

Background:
The Colorado Revised Statutes 16-2.5-105 Police Officer is defined as a "peace officer" who is P.O.S.T. certified. However, CRS 16-2.5-101 Peace Officer - description - general authority defines that a "peace officer" may or may not be P.O.S.T. certified. All police officers are peace officers; however, not all peace officers are police officers.

Municipal Code 8.1.204 "Special Police Officers and Special Investigators," authorizes the Mayor or Chief of Police to appoint "special police officer" or "special investigator" powers to any person.

These special police officers are identified as "peace officers" and are not required to be P.O.S.T. certified.

Currently, Municipal Code 10.1.115 "Automated Vehicle Identification System (AVIS)" states a "police officer" may issue the penalty assessment for either 10.5.104F Exceeding Posted Speed Limit: AVIS Violations or 10.17.105C5 Traffic Control Signal Legend: AVIS Violations. The current language requires that anyone reviewing these types of violations be a P.O.S.T. certified police officer.

This ordinance amends 10.1.115 to change the word "police" to "peace" in order to allow uncertified peace officers to review AVIS violations and issue the penalty assessments. This change would allow the Chief of Police to hire non-certified or retired police officers and issue them limited special police or investigator powers to enforce AVIS violations in the Photo Red Enforcement Program.

Previous Council Action:
City Council approved ordinance 10-47 on June 8, 2010 that authorized the City to use AVIS to detect violations of exceeding the posted speed limit and traffic control signal legends.

Financial Implications:
N/A

City Council Appointed Board/Commission/Committee Recommendation:
N/A

Stakeholder Process:
N/A

Alternatives:
1)   Adopt the Ordinance with no modifications
2)   Modify the Ordinance
3)   Decline to adopt the Ordinance

Proposed Motion:
Move to approve the Ordinance amending Section 115 (Automated Vehicle Identification System (Avis)) of Part 1 (General Provisions) of Article 1 (Administration and Enforcement) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to AVIS Procedures.

An ordinance amending Section 115 (Automated Vehicle Identification System (Avis)) of Part 1 (General Provisions) of Article 1 (Administration and Enforcement) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to AVIS Procedures.