



Legislation Details (With Text)

File #: 21-133 **Version:** 2 **Name:**
Type: Ordinance **Status:** Mayor's Office
File created: 2/10/2021 **In control:** City Council
On agenda: 3/23/2021 **Final action:** 3/23/2021
Title: Ordinance No. 21-33 adding Article 29 (Vehicular Public Nuisances) to Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs.

Presenter:
Vince Niski, Chief of Police
David Edmondson, Commander Sand Creek Division

Sponsors:

Indexes:

Code sections:

Attachments: 1. VehicularPublicNuisanceORD-2021-03_09_Clean, 2. VPNO Procedure Chart, 3. Vehicular Public Nuisance (Version 2), 4. VehicularPublicNuisanceORD-2021-02-08, 5. Signed Ordinance 21-33

Date	Ver.	Action By	Action	Result
3/23/2021	1	City Council	finally passed	Pass
3/9/2021	1	City Council	approved on first reading	Pass
2/22/2021	1	Council Work Session	referred	

Ordinance No. 21-33 adding Article 29 (Vehicular Public Nuisances) to Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs.

Presenter:

Vince Niski, Chief of Police
David Edmondson, Commander Sand Creek Division

Summary:

Article 29 to Chapter 10 (Motor Vehicles and Traffic) creates the section for the civil abatement of vehicular public nuisances

Background:

A core component of the Strategic Plan is to address public safety issues, including section 1.10.1 "Affect positive change in driver behavior through crash data" and section 1.10.4 "Collaborate with the City Attorney's Office to evaluate ordinances that address illegal street racing."

Traffic fatalities set a new record in 2020 with 51 total, including 13 pedestrian fatalities, 15 motorcycle related fatalities and 20 automobile related fatalities. 42 traffic fatalities occurred since June 1st. While street racing cannot be attributed to these, we do know speed was a factor in at least 18 of the 51. This does not include approximately 120 additional felony traffic crashes where there was not a fatality.

In 2020, there were approximately 1,566 calls for service for various forms of street racing or incidents where CSPD officers attempted to make a traffic stop and the vehicles eluded the officers and failed to stop.

Created in collaboration with the City Attorney's office, Article 29 creates the process for civil abatement of vehicular public nuisances. The purpose of this article is not to punish, but to remedy vehicular public nuisances. Current Public Nuisance definition, Municipal Code 9.6.702, does not include vehicles and defines a public nuisance as "Any place where people congregate, which encourages a disturbance of the peace..."

Vehicular Public Nuisance is defined as "Any motor vehicle used to commit, conduct, promote, facilitate or aid the commission of illegal activity." This includes vehicular eluding as prohibited by C.R.S 19-9-116.5; eluding or attempting to elude a police officer as prohibited in C.R.S 42-4-1413 and/or City Code section 10.24.109; and speed contests/speed exhibitions - aiding and facilitating as prohibited in C.R.S. 42-4-1105 and/or City Code section 10.5.107.

This ordinance creates Article 29, 10.29.101 through 10.29.115, within Chapter 10 (Motor Vehicles and Traffic). This addition would allow the Chief of Police and any person designated by the Chief of Police to enforce this ordinance.

Previous Council Action:

N/A

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 creating Article 29 (Vehicular Public Nuisances) to Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs creating the process for civil abatement of vehicular public nuisances.

An ordinance creating Article 29 (Vehicular Public Nuisances) to Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs establishing the civil abatement process for vehicular public nuisances.