



Legislation Text

File #: 22-764, **Version:** 2

Ordinance No. 23-01 repealing and reordaining Article 29 (Vehicular Public Nuisances) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to civil abatement of vehicular public nuisances and providing penalties for the violations thereof.

Presenter:

Adrian Vasquez, Chief of Police
David Edmondson, Deputy Chief - Patrol Operations

Summary:

Article 29 to Chapter 10 (Motor Vehicles and Traffic) created the section for the civil abatement of vehicular public nuisances. This version is a full repeal and replacement of the previously approved version.

Background:

A core component of the Strategic Plan is to address public safety issues, including Strategic Plan §1.10.1 which states police should “Affect positive change in driver behavior through crash data” and Strategic Plan §1.10.4 which states police should “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. 2022 is on pace to exceed 2020.

Created in collaboration with the City Attorney’s office, Article 29 created the process for civil abatement of vehicular public nuisances. The purpose of this article is not to punish, but to remedy and fully abate vehicular public nuisances. Current Public Nuisance definition, City Code § 9.6.702, does not include vehicles, regulates only real property, 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 ... enumerated 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 §10.24.109; and speed contests/speed exhibitions - aiding and facilitating a speed contest or exhibition as prohibited in C.R.S. §42-4-1105 and/or City Code §10.5.107.

This ordinance repeals and replaces Chapter 10 Article 29, replacing City Code §10.29.101 -

10.29.115, with City Code §10.29.101 through 10.29.118.

Previous Council Action:

Previous version approved 9-0 in 2021.

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 New Ordinance

Proposed Motion:

Move to approve the Ordinance repealing and reordaining Article 29 (Vehicular Public Nuisances) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to civil abatement of vehicular public nuisances and providing penalties for the violations thereof.

An ordinance repealing and reordaining Article 29 (Vehicular Public Nuisances) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to civil abatement of vehicular public nuisances and providing penalties for the violations thereof.