

ORDINANCE NO. 296

AN ORDINANCE OF THE BOARD TRUSTEES OF THE TOWN OF HUGO, COLORADO ESTABLISHING AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM

WHEREAS, pursuant to C.R.S. § 42-4-110.5, the Board of Trustees of the Town of Hugo desires to establish the use of an automated vehicle identification system (*e.g.*, photo radar) to detect violations of traffic regulations.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Hugo as follows:

Section 1. The Town of Hugo hereby adopts the following provisions regarding an automated vehicle identification system:

AUTOMATED VEHICLE IDENTIFICATION SYSTEM

Section 1: Application Fee:

The following terms as used in this chapter shall have the meanings hereinafter designated, unless the context specifically indicates otherwise or unless such meaning is excluded by express provision:

"Automated Vehicle Identification System" includes a system to detect traffic violations imposed by traffic signals or traffic signs, 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 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.

"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.

"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.

"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 2: Notices of Violation:

A. If the Town detects any alleged violation of a county or municipal traffic regulation or traffic violation under state law through the use of an automated vehicle identification system, then the Town 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 Town 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 Town park; or
5. Along a street, or portions of a street, which the Town designates as an automated vehicle identification system corridor as set forth in Section 5 of this Ordinance.

C. The Notice of Violation shall be served:

1. Within 30 days after the alleged violation if the motor vehicle involved in the alleged violation is registered in the state; or
2. Within 60 days after the alleged violation if the motor vehicle involved in the alleged violation is registered outside the state.

D. The Notice of Violation shall contain:

1. The name and address of the registered owner of the motor vehicle involved in the alleged violation;
2. The license plate number of the motor vehicle involved in the alleged violation;
3. The date, time, and location of the alleged violation;
4. The amount of the civil penalty prescribed for the alleged violation;
5. The deadline for payment of the prescribed civil penalty and for disputing the alleged violation; and
6. Information on how the registered owner may either appeal the alleged violation or pay the prescribed penalty.

Section 3: Speeding:

A. *Violations.*

1. For a speeding violation of less than ten (10) miles per hour over the reasonable and prudent speed under a county or town traffic regulation, or under state law through the use of an automated vehicle identification system, the violation may be cited as follows:

- a. For the registered owner's first offense, a written warning with no penalty or surcharge; and
- b. For the registered owner's second or subsequent offense, a Notice of Violation.

2. For a speeding violation of more than ten (10) miles per hour over the reasonable and prudent speed under a county or town traffic regulation or under state law through the use of an automated vehicle identification system, the Town shall issue the registered owner a Notice of Violation.

B. *Civil Penalty.* The maximum civil penalty for a speeding violation under this Chapter, including any surcharge, is forty dollars (\$40.00), unless the violation is within a school zone, in which case the maximum penalty shall be eighty dollars (\$80.00). However, these maximum amounts shall not apply to a violation that occurs within a maintenance, construction, or repair zone designated pursuant to C.R.S. § 42-4-614.

C. *Signage.* The Town shall place an appropriate temporary or permanent sign in a 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 4: Disobedience to a Traffic Control Signal:

A. If the Town detects a violation of a municipal traffic regulation or traffic violation under state law 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). However, this maximum amount shall not apply to a violation that occurs within a school zone as defined in C.R.S. § 42-4-615(2) or in a maintenance, construction, or repair zone designated pursuant to C.R.S. § 42-4-614.

B. The Town 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 Town 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 5: Automated Vehicle Identification System Corridors:

A. Pursuant to C.R.S. § 42-4-110.5(2)(g)(I), the Town identifies the following corridors as automated vehicle identification system corridor:

1. [location]

2. [location]

B. Prior to using an automated vehicle identification system on an automated vehicle identification system corridor, the Town 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 Town 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 Town shall coordinate with the Department of Transportation and Colorado State Patrol in designated corridors.

E. The Town may publish a report on its website disclosing the number of citations and revenue generated by the automated vehicle identification system corridor.

F. The Town shall not locate an automated vehicle identification system corridor on any highway that is part of the federal interstate highway system.

Section 6: Notice of Violation Appeals:

A. To protest a Notice of Violation, the registered owner shall submit, in writing, an appeal request within 45 days from the date of issuance of the Notice of Violation.

B. Appeals shall be heard by the Hugo Municipal Court and reviewed *de novo*.

Section 7: Civil Penalty Assessment Notices:

A. If the Town has not received the prescribed civil penalty or written request for an appeal by the deadline, then the Town 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;
3. The date, time, and location of the alleged violation;
4. The amount of the civil penalty prescribed for the alleged violation;
5. The deadline for payment of the prescribed civil penalty; and
6. Information on how to pay the prescribed civil penalty.

C. If the registered owner fails to pay the full prescribed civil penalty by the deadline stated in the Civil Penalty Assessment Notice, a final order of liability shall be entered against the registered owner of the vehicle. The final order shall be personally served to the registered owner. Final orders of liability may be appealed to the Hugo Municipal Court within 10 days of the date of issuance.

D. The Town may initiate or pursue a collection action against the registered owner of a motor vehicle for debt resulting from the final order of liability.

E. The Town shall not report to the Department of Transportation any conviction or entry of judgment against a defendant for a violation of a municipal traffic regulation or traffic violation under state law, if the violation was detected through the use of an automated vehicle identification system.

F. If the registered owner fails to pay the full prescribed civil penalty, the Town shall not attempt to enforce the penalty by immobilizing the registered vehicle owner's vehicle.

Section 8: Vendors:

No portion of any fine collected through the use of an automated vehicle identification system may be paid to the manufacturer or vendor of the automatic vehicle identification system equipment. The compensation to such vendor by the Town shall be based on the value of such equipment and the value of any services provided and may not be based on the number of traffic citations issued or the revenue generated by such equipment or services.

Section 9: Data Retention:

The Town shall:

1. Program the automated vehicle identification system to retain data

only when a violation of a county or municipal traffic regulation or traffic violation under state law occurs;

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

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

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

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that anyone, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety, and welfare.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after publication.

Adopted and ordered published this 9 day of March, 2026.

(Seal)

Kara Emmerling, Mayor

Attest:

Sara Lancaster, Town Clerk Administrator