

ORDINANCE NO. 097, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE FORT COLLINS TRAFFIC CODE TO
IMPLEMENT A NEW AUTOMATED VEHICLE IDENTIFICATION
SYSTEM (AVIS) TO REPLACE THE PREVIOUSLY-APPROVED
AVIS TO SUPPORT THE TRAFFIC SAFETY INITIATIVE

A. The City currently utilizes an approved Automated Vehicle Identification Systems (AVIS) to detect speeding violations and violations of red-light signals. This is currently authorized under Fort Collins Traffic Code Section 615 and Section 1106.

B. Traffic speed and red-light violations are a concerning problem facing the City of Fort Collins. Last year, the City experienced a record-high number of fatal and injury collisions, many of which were associated with people driving beyond posted speed limits.

C. In 2023 and 2024, changes to Colorado law related to the expanded use of unmanned speed enforcement with AVIS, to allow detection of speed violations on sections of roadways designated by the Council as speed corridors and additional locations.

D. To allow for expanded use, the current Traffic Code needs to be updated. Changes to City Traffic Code Section 615 and Section 1106 will align with state law updates signed into law from Senate Bill 23-200 which updated Colorado Revised Statutes (CRS) Section 42-4-110.5, permitting local and state governments to implement AVIS within their jurisdictions along designated speed corridors and expanded locations.

E. The expansion of AVIS will allow the automated system to detect violations of Traffic Code Section 615 for drivers who disobey traffic control signals or traffic signs, and also used to detect speed violations identified in Part 11 of the Fort Collins Traffic Code that occur within a school zone, as defined in CRS Section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to CRS Section 42-4-614; along a street that borders a municipal park; or along a street or portion of a street that the City has designated a *speed corridor* by ordinance adopted by City Council.

F. The expansion of AVIS and designation of speed corridors throughout the city will help promote traffic safety through speed enforcement and supports Vision Zero, the City Council's goal of eliminating Fort Collins roadway fatalities and reducing injury crashes.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 615 of the Fort Collins Traffic Code is hereby repealed in its entirety and re-enacted to read as follows:

615. - Use of Automated Vehicle Identification System.

- (1) Fort Collins Police Services is authorized to use an Automated Vehicle Identification System (“AVIS”) within the city to detect violations of Section 604(1)(c) of the Fort Collins Traffic Code at signalized intersections.
 - (2) (a) As used in this Section, the term “AVIS” or “automated vehicle identification system” means a system whereby:
 - (I) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph or video of the vehicle and the license plate of the vehicle; and
 - (II) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.
 - (b) AVIS includes a system used to detect a violation of Part 11 of the Fort Collins Traffic Code, a system used to detect violations of traffic restrictions imposed by traffic signals or traffic signs, and a system used to detect violations of bus lane or bicycle lane restrictions.
 - (c) “State highway” means any highway that is owned by or maintained by the state. “State highway” does not include a public highway operated by a public highway authority in accordance with the “Public Highway Authority Law”, Part 5 of Article 4 of Colorado Revised Statutes Title 43.
- (3) An AVIS designed to detect disobedience of Section 604(1)(c) of the Fort Collins Traffic Code shall not be used unless the City conspicuously posts a sign notifying the public that an AVIS is in use immediately ahead. The sign shall:
 - (a) Be placed in a conspicuous location not fewer than two hundred (200) feet nor more than five hundred (500) feet before the AVIS; and
 - (b) Use lettering that is at least four (4) inches high for upper case letters and two and nine-tenths (2 9/10) inches high for lower case letters.
 - (4) (a) When a peace officer or employee of the City, based on evidence obtained in whole or part by means of an AVIS, has probable cause to believe that a vehicle has been driven in a manner in violation of Section 604(1)(c) of the Fort Collins Traffic Code, the peace officer or employee of the City 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, personal service, or by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a notice of violation:

- (I) Not less than seven (7) days prior to the time the charged person is required in the notice of violation to appear in Municipal Court.
- (II) Within thirty (30) days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered in the state; or
- (III) Within sixty (60) days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered outside of the state.

(b) The notice of violation must contain:

- (I) The name and address of the registered owner of the motor vehicle involved in the alleged violation;
- (II) The license plate number of the motor vehicle involved in the alleged violation;
- (III) The date, time, and location of the alleged violation;
- (IV) The amount of the civil penalty prescribed for the alleged violation;
- (V) The deadline for payment of the prescribed civil penalty and for disputing the alleged violation; and
- (VI) Information on how the registered owner may either dispute the alleged violation in a hearing or pay the prescribed civil penalty.

(c) (I) If the City does not receive the prescribed civil penalty or a written notice requesting a hearing to dispute the alleged violation by the deadline stated on the notice of violation, which deadline must not be less than forty-five (45) days after the issuance date on the notice of violation, the City shall issue, or cause its vendor to issue, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed,

reliability, and price, a civil penalty assessment notice for the alleged violation to the registered owner of the motor vehicle involved in the alleged violation no later than thirty (30) days after the deadline on the notice of violation.

(II) The civil penalty assessment notice must contain:

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

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

(C) The date, time, and location of the alleged violation;

(D) The amount of the civil penalty prescribed for the alleged violation;

(E) The deadline for payment of the prescribed civil penalty;

(F) Information on how to pay the prescribed civil penalty.

(d) If the registered owner of the motor vehicle fails to request a hearing to dispute the alleged violation by the deadline stated in the notice of violation, the registered owner waives any right to contest the violation or the amount of the prescribed civil penalty.

(e) If the registered owner of the motor vehicle fails to pay in full the 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.

(f) If the registered owner of a motor vehicle involved in a traffic violation under traffic regulations adopted by the City is engaged in the business of leasing or renting motor vehicles, the registered owner remains liable for payment of the civil penalty even if the registered owner was not driving the motor vehicle but may obtain payment from the lessor or renter of the motor vehicle and forward the payment to the City.

(g) Final orders may be appealed as to matters of law and fact to the Municipal Court. The registered owner of the motor vehicle may assert in an appeal that a notice of violation served by first-class mail or other mail delivery service was not actually delivered. The appeal shall be a de novo hearing.

- (h) The City shall not initiate or pursue a collection action against a registered owner of a motor vehicle for a debt resulting from an unpaid penalty assessed pursuant to this Section unless the registered owner is personally served the notice of violation or the final order of liability.
 - (i) If the vehicle is registered in more than one (1) person's name, the notice of violation shall be issued to that registrant or driver who the issuing peace officer or employee of the City determines, under all the facts and circumstances, was the person most likely depicted in the photographs produced by the AVIS. The notice of violation shall contain the signature, or a reasonable facsimile thereof, of the peace officer or employee of the city issuing the notice of violation.
 - (j) If a notice for a violation detected using an AVIS is personally served, the City may only charge the actual costs of service of process that shall be no more than the amount usually charged for civil service of process.
- (5) When a person is served with a notice of violation under this Section, the person shall:
- (a) If admitting the charge, complete the notice of violation form by providing their driver's license number and other pertinent information requested in the form, and return the completed notice of violation form, together with the payment of the fine assessed, to the Municipal Court on or before the time specified in the notice of violation for the charged person to appear in court; or
 - (b) If contesting the charge, appear in Municipal Court at the time specified in the notice of violation for arraignment.
- (6) (a) Proof that a particular vehicle entered an intersection in violation of Section 604(1)(c) of the Fort Collins Traffic Code as detected by an AVIS and as shown by the photographs produced by the AVIS, together with proof that the particular vehicle is registered in the charged person's name, shall raise the evidentiary presumption and constitute prima facie evidence in any prosecution of a violation of Section 604(1)(c) of the Fort Collins Traffic Code of the fact that the charged person was the person driving the vehicle depicted in the photographs. However, such evidence and presumption may be rebutted by the presentation of any probative and competent evidence that the charged person was not the driver shown in the photographs.

- (b) The City shall not require a registered owner of a vehicle to disclose the identity of a driver of the vehicle who is detected through the use of an AVIS. However, the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation.
- (7) In any proceeding in Municipal Court to prosecute a violation of Section 604(1)(c) of the Fort Collins Traffic Code, the photographs produced by AVIS concerning the violation shall be admissible in court as prima facie evidence of a violation of Section 604(1)(c) of the Fort Collins Traffic Code, provided that the peace officer or employee of the City who activated and tested the AVIS prior to the photographs being taken testifies as to the placement of the AVIS and the accuracy of the scene depicted in the photographs, and further testifies that they tested the AVIS for proper operation within a reasonable period of time both before and after the taking of the photograph. Also, to be so admissible in Municipal Court, the photographs must be of sufficient quality to permit identification of the driver of the vehicle.
- (8) Nothing in this Section applies to a violation detected by an AVIS for driving twenty-five (25) miles per hour or more in excess of the reasonable and prudent speed or twenty-five (25) miles per hour or more in excess of the maximum speed limit of seventy-five (75) miles per hour detected by the use of an AVIS.
- (9) If the City detects a violation of a municipal traffic regulation for disobedience to a traffic control signal through the use of an AVIS the maximum civil penalty that the City may impose for such violation, including any surcharge, is seventy-five dollars (\$75).
- (10) If a registered owner fails to pay a penalty imposed for a violation of a municipal traffic regulation detected using an AVIS, the City shall not attempt to enforce such a penalty by immobilizing the registered owner's vehicle.
- (11) The Colorado Department of Motor Vehicles has no authority to assess any points against a license under Colorado Revised Statutes Section 42-2-127 upon entry of a conviction or judgment for a violation of the Fort Collins Traffic Code if the violation was detected through the use of an AVIS. Said Department shall not keep any record of such violation in the official records maintained by the Department under Colorado Revised Statutes Section 42-2-121.
- (12) Notwithstanding any other provision of the statutes to the contrary, the City shall not report to the Colorado Department of Motor Vehicles any

conviction or entry of judgment against a defendant for violation of a Fort Collins Traffic Code if the violation was detected through the use of an AVIS.

- (13) (a) If the City implements a new AVIS that is not a replacement of an AVIS:
- (I) The agency responsible for the AVIS shall publicly announce the implementation of the system through its website for at least thirty (30) days prior to the use of the system; and
 - (II) For the first thirty (30) days after the system is installed or deployed, only warnings may be issued for violations of a municipal traffic regulation detected by the system.
- (b) The City may conduct an extended public information campaign or warning period for systems installed or deployed.
- (14) No portion of any fine collected through the use of AVIS may be paid to the manufacturer or vendor of the AVIS equipment. The compensation paid by the City for such equipment shall be based upon the value of such equipment and the value of any services provided to the City and may not be based upon the number of traffic citations issued or the revenue generated by such equipment or services.
- (15) The City and any vendor operating an AVIS shall, unless otherwise provided in this Section:
- (a) Program the AVIS to retain data only when a violation of a county or municipal traffic regulation or traffic violation under state law occurs;
 - (b) Treat all photographs and video collected by the automated motor vehicle identification system as confidential and exempt from disclosure and inspection pursuant to the "Colorado Open Records Act", Part 2 of Article 72 of Colorado Revised Statutes Title 24;
 - (c) Not use, disclose, sell, or permit access to photographs, video, or personal identifiable data collected by the AVIS 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
 - (d) Destroy any photographs and video of a violation collected by the AVIS 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. Section 1106 of the Fort Collins Traffic Code is hereby repealed in its entirety and re-enacted to read as follows:

1106. - Automated Vehicle Identification System speed enforcement.

- (1) (a) Fort Collins Police Services is authorized to use an Automated Vehicle Identification System (“AVIS”) to detect violations of Part 11 of the Fort Collins Traffic Code within the City that occur within a school zone, as defined in Colorado Revised Statutes Section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to Colorado Revised Statutes Section 42-4-614; along a street that borders a municipal park; or along a street or portion of a street that the City has designated a speed corridor by ordinance adopted by City Council.
 - (b) As used in this Section, the term “AVIS” or “automated vehicle identification system” means a system whereby:
 - (I) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph or video of the vehicle and the license plate of the vehicle; and
 - (II) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.
 - (c) AVIS includes a system used to detect a violation of Part 11 of the Fort Collins Traffic Code, a system used to detect violations of traffic restrictions imposed by traffic signals or traffic signs, and a system used to detect violations of bus lane or bicycle lane restrictions.
 - (d) As used in this Subsection (1), unless the context otherwise requires, “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 thirty-five (35) miles per hour or less.
 - (e) “State highway” means any highway that is owned by or maintained by the State of Colorado. “State highway” does not include a public highway operated by a public highway authority in accordance with the “Public Highway Authority Law”, Part 5 of Article 4 of Colorado Revised Statutes Title 43.
- (2) Before the City designates an automated vehicle identification corridor on a state highway, the City shall notify the Colorado Department of

Transportation, unless the automated vehicle identification corridor on a state highway is designated by ordinance before January 1, 2025.

- (3) After the City designates an automated vehicle identification corridor on a state highway, the City shall coordinate with the Colorado Department of Transportation. Coordination must include demonstrating that the requirements set forth in Subsection (5)(a) of this Section have been met and, if needed, applying for a special use permit to install any devices or signage on department of transportation right-of-way if the segment of the highway in questions is maintained by the State. The City shall alert the Department of Transportation when the automated vehicle identification corridor begins operations or permanently ceases operations on a state highway.
- (4) Before the City begins the operation of an AVIS in an automated vehicle identification corridor on a county road, the City shall notify the Colorado State Patrol.
- (5) (a) Before the City begins operation of an AVIS in an automated vehicle identification corridor, the City must:
 - (I) Post a permanent sign in a conspicuous place not fewer than three hundred (300) feet before the beginning of the corridor; and
 - (II) Post a permanent sign not fewer than three hundred (300) feet before each static camera within the corridor thereafter or a temporary sign not fewer than three hundred (300) feet before any mobile camera; and
 - (III) Illustrate, through data collected within the past five (5) years, incidents of crashes, speeding, reckless driving, or community complaints on a street designated as an automated vehicle identification corridor;
- (b) The City shall publish a report quarterly on its website disclosing the number of citations and revenue collected by Municipal Court by the automated vehicle identification corridor.
- (c) City staff shall provide updates to Council every two years on the performance of the adopted speed corridors and adjust based on data and direction from Council.
- (d) The City shall not locate an AVIS or create an automated vehicle identification corridor on any highway that is a part of the federal interstate highway system.

- (4) (a) When a peace officer or employee of the City, based on evidence obtained in whole or part by means of an AVIS, has probable cause to believe a vehicle has been driven in excess of the legal speed limit, the peace officer or employee of the City 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, personal service, or by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a notice of violation:
- (I) not less than seven (7) days prior to the time the charged person is required in the notice of violation to appear in Municipal Court.
 - (II) Within thirty (30) days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered in the state; or
 - (III) Within sixty (60) days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered outside of the state.
- (b) The notice of violation must contain:
- (I) The name and address of the registered owner of the motor vehicle involved in the alleged violation;
 - (II) The license plate number of the motor vehicle involved in the alleged violation;
 - (III) The date, time, and location of the alleged violation;
 - (IV) The amount of the civil penalty prescribed for the alleged violation;
 - (V) The deadline for payment of the prescribed civil penalty and for disputing the alleged violation; and
 - (VI) Information on how the registered owner may either dispute the alleged violation in a hearing or pay the prescribed civil penalty.
- (c) (I) If the City does not receive the prescribed civil penalty or a written notice requesting a hearing to dispute the alleged violation by the deadline stated on the notice of violation,

which deadline must not be less than forty-five (45) days after the issuance date on the notice of violation, the City shall issue, or cause its vendor to issue, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a civil penalty assessment notice for the alleged violation to the registered owner of the motor vehicle involved in the alleged violation no later than thirty (30) days after the deadline on the notice of violation.

(II) The civil penalty assessment notice must contain:

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

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

(C) The date, time, and location of the alleged violation;

(D) The amount of the civil penalty prescribed for the alleged violation;

(E) The deadline for payment of the prescribed civil penalty;

(F) Information on how to pay the prescribed civil penalty.

(d) If the registered owner of the motor vehicle fails to request a hearing to dispute the alleged violation by the deadline stated in the notice of violation, the registered owner waives any right to contest the violation or the amount of the prescribed civil penalty.

(e) If the registered owner of the motor vehicle fails to pay in full the 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.

(f) If the registered owner of a motor vehicle involved in a traffic violation under traffic regulations adopted by the City is engaged in the business of leasing or renting motor vehicles, the registered owner remains liable for payment of the civil penalty even if the registered owner was not driving the motor vehicle but may obtain payment from the lessor or renter of the motor vehicle and forward the payment to the City.

- (g) Final orders may be appealed as to matters of law and fact to the Municipal Court. The registered owner of the motor vehicle may assert in an appeal that a notice of violation served by first-class mail or other mail delivery service was not actually delivered. The appeal shall be a de novo hearing.
 - (h) The City shall not initiate or pursue a collection action against a registered owner of a motor vehicle for a debt resulting from an unpaid penalty assessed pursuant to this Section unless the registered owner is personally served the notice of violation or the final order of liability.
 - (i) If the vehicle is registered in more than one (1) person's name, the notice of violation shall be issued to that registrant who the issuing peace officer or employee of the City determines, under all the facts and circumstances, is the person most likely depicted in the photograph produced by the AVIS. The notice of violation shall contain the signature, or a reasonable facsimile thereof, of the peace officer or employee of the City issuing the notice of violation.
 - (j) If a notice of violation detected using an AVIS is personally served, the City may only charge the actual costs of service of process that shall be no more than the amount usually charged for civil service of process.
- (5) When a person is served with a notice of violation under this Section, the person shall:
- (a) If admitting the charge, complete the notice of violation form, providing their driver's license number and other pertinent information requested in the form, and return the completed notice of violation form, together with the payment of the fine assessed, to the Municipal Court on or before the time specified in the notice of violation for the charged person to appear in court; or
 - (b) If contesting the charge, appear in Municipal Court at the time specified in the notice of violation for arraignment.
- (6) (a) Proof that a particular vehicle was exceeding the legal speed limit as detected by an AVIS and as shown by the photograph produced by the AVIS, together with proof that the particular vehicle is registered in the charged person's name, shall raise the evidentiary presumption and constitute prima facie evidence in any prosecution of a violation under Part 11 of the Fort Collins Traffic Code of the fact that the charged person was the person driving the vehicle depicted in the photograph. However, such evidence and presumption may

be rebutted by the presentation of any probative and competent evidence that the charged person was not the driver shown in the photograph.

(b) The City shall not require a registered owner of a vehicle to disclose the identity of a driver of the vehicle who is detected through the use of an AVIS. However, the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation.

(7) In any proceeding in Municipal Court to prosecute a violation of this Section, any photograph produced by an AVIS concerning the violation, upon which is printed the vehicle's speed, shall be admissible in court as prima facie evidence of the speed of the vehicle depicted in the photograph, provided that the peace officer or employee of the City who activated the AVIS prior to the photograph being taken testifies as to the placement of the AVIS and the accuracy of the scene depicted in the photograph, and further testifies that they tested the radar unit of the camera radar for proper calibration before and after the taking of the photograph. Also, to be so admissible in Municipal Court, the photograph must be of sufficient quality to permit identification of the driver of the vehicle.

(8) (a) If the City detects a speeding violation of less than ten (10) miles per hour over the reasonable and prudent speed under Part 11 of the Fort Collins Traffic Code through the use of an AVIS, the City may mail the registered owner a warning regarding the violation. No notice of violation will be issued for speeding less than ten (10) miles per hour under the posted speed limit.

(b) The maximum penalty that the City may impose for a violation of Part 11 of the Fort Collins Traffic Code detected by an AVIS, including any surcharge, is forty dollars (\$40).

(c) If any violation under Part 11 of the Fort Collins Traffic Code through the use of an AVIS occurs within a school zone, as defined in Colorado Revised Statutes Section 42-4-615, or a repair zone designated pursuant to Colorado Revised Statutes Section 42-4-614, the maximum penalty that may be imposed shall be doubled.

(9) For detection of a violation by an AVIS for driving twenty-five (25) miles per hour or more in excess of the reasonable and prudent speed or twenty-five (25) miles per hour or more in excess of the maximum speed limit of seventy-five (75) miles per hour detected by the use of an AVIS, a citation will be personally served upon the driver and the maximum penalty in Section (8) do not apply.

- (10) If a registered owner fails to pay a penalty imposed for a violation of the Fort Collins Traffic Code detected using an AVIS, the City shall not attempt to enforce such a penalty by immobilizing the registered owner's vehicle.
- (11) The Colorado Department of Motor Vehicles has no authority to assess any points against a license under Colorado Revised Statutes Section 42-2-127 upon entry of a conviction or judgment for a violation of the Fort Collins Traffic Code if the violation was detected through the use of an AVIS. The Colorado Department of Motor Vehicles shall not keep any record of such violation in the official records maintained by the department under Colorado Revised Statutes Section 42-2-121.
- (12) Notwithstanding any other provision of the statutes to the contrary, the City shall not report to the Colorado Department of Motor Vehicles any conviction or entry of judgment against a defendant for violation of the Fort Collins Traffic Code if the violation was detected through the use of an AVIS.
- (13) (a) If the City implements new AVIS measures beyond those already in operation as of July 26, 2024:
- (I) The agency responsible for the AVIS shall publicly announce the implementation of the new system measures through its website for at least thirty (30) days prior to the use of the new system measures; and
 - (II) For at least the first thirty (30) days after the new measures are installed or deployed, only warnings may be issued for violations of the Fort Collins Traffic Code detected by the new measures.
- (b) The City may conduct an extended public information campaign or warning period for new AVIS measures installed or deployed or corridors as designated by ordinance.
- (14) No portion of any fine collected through the use of AVIS may be paid to the manufacturer or vendor of the AVIS equipment. The compensation paid by the City for such equipment shall be based upon the value of such equipment and the value of any services provided to the City and may not be based upon the number of traffic citations issued or the revenue generated by such equipment or services.
- (15) The City and any vendor operating an AVIS shall, unless otherwise provided in this Section:
- (a) Program the AVIS to retain data only when a violation of a county or municipal traffic regulation or traffic violation under state law occurs;

- (b) Treat all photographs and video collected by the AVIS as confidential and exempt from disclosure and inspection pursuant to the “Colorado Open Records Act”, Part 2 of Article 72 of Colorado Revised Statutes Title 24;
- (c) Not use, disclose, sell, or permit access to photographs, video, or personal identifiable data collected by the AVIS 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
- (d) Destroy any photographs and video of a violation collected by the AVIS 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.

Introduced, considered favorably on first reading on July 2, 2024, and approved on second reading for final passage on the July 16, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: July 26, 2024

Approving Attorney: Dawn Downs