

ORDINANCE NO. 3281

AMENDING CHAPTER 36 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES

RECITALS. The 1977 Model Traffic Code (MTC) which has been adopted by the City and is presently enforced by the City, provides that if a person violates any of the parking regulations a citation shall be issued by affixing the same to the offending motor vehicle when the violation is observed by an officer charged with enforcement of parking regulations.

The Seniors and Law Enforcement Together (SALT) program has volunteered to assist the Grand Junction Police Department (Department) with the enforcement of parking regulations, particularly handicapped parking. The Department has agreed to sponsor a pilot project. As agreed to by the Department and SALT certain of the SALT membership will volunteer to enforce handicapped parking; enforcement efforts will be accomplished by the Department training the volunteers, issuing uniform shirts and equipment the same as or similar to that issued to Trail and Downtown Hosts. SALT will provide the manpower to gather the evidence and act as the complaining witnesses in these cases.

In order for the SALT enforcement effort to be successful the Department has determined that avoiding/reducing the chance for confrontation between the volunteers and violators is of paramount importance. To that end the MTC is being amended to allow for parking violations to be photographically recorded, including but not limited to still photographs, digital imaging and videotape, and based on that photographic evidence the Department and or the City Attorney issuing/prosecuting parking citations. The SALT volunteers are not by this amendment authorized to issue tickets but instead will serve as the complaining witnesses. Because they are not and will not be authorized to issue citations the MTC is being amended to allow for the mailing of the parking citation to the registered owner of the vehicle.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Section 22-12 of the 1977 Model Traffic Code, *Notice on Illegally parked Vehicle*, be amended by the addition of the following provisions:

b) If upon the violation of any of the parking restrictions imposed by this ordinance a person produces photographic evidence of a stopping, standing or parking violation and reports the same to the Municipal law enforcement agency, then the Municipal law enforcement agency or the City Attorney, upon a determination of probable cause to believe that a stopping, standing or parking violation has been committed may issue a penalty assessment notice to the registered owner of the vehicle as otherwise provided in this section 22-12. Upon a determination of the registered owner of the vehicle, a penalty assessment may be mailed to the address of record shown on the current registration for the vehicle.

c) For purposes of this section 22-12 photographic evidence means still photographs, video or digital images which show the violation, the front and rear license plates of the vehicle and the date and time of the violation. The person procuring the photographic evidence shall for the purposes of prosecution be considered the complaining witness. The person procuring the photographic evidence shall in order for

a prosecution thereon to be sustained, be sworn and under oath or affirmation testify that the photographic evidence is true and accurate and faithfully depicts what he/she observed.

That Section 22-13 of the 1977 Model Traffic Code, *Failure to Comply with Notice on Parked Vehicle*, be amended as follows: (additions are in all caps).

If the driver or owner of an unattended motor vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the traffic ordinances of this municipality does not respond within the time specified to a penalty assessment notice affixed to such vehicle OR MAILED TO THE REGISTERED OWNER OF THE VEHICLE, as provided in section 22-12, by appearance and payment at the Traffic Violations Bureau or court having jurisdiction, or by mailing payment by means of the United States mail or by other disposition of the charges as provided by law, the clerk of said court or Traffic Violations Bureau shall send notice by mail to the registered owner of the vehicle to which the PENALTY ASSESSMENT was affixed OR ANOTHER NOTICE TO THE REGISTERED OWNER OF THE VEHICLE TO WHICH THE FIRST MAILED NOTICE WAS SENT, warning him that in the event such notice is disregarded for a period of twenty (20) days from the date of mailing a warrant of arrest will be issued.

Be it further ordained that:

Within one month of the first anniversary of the adoption of this ordinance the City staff shall prepare a written report for the City Council. The report shall examine the effectiveness of this ordinance and otherwise report problems, successes and related issues. Without further action by the City Council, the terms and provisions of this ordinance shall expire on the fifth anniversary of the effective date of this ordinance.

Introduced on first reading this 19th day of July 2000.

Passed and adopted on second reading this 2nd day of August, 2000.

/s/ Gene Kinsey
President of the Council

Attest:

/s/ Stephanie Nye
City Clerk