

**TOWN OF GREEN MOUNTAIN FALLS  
ORDINANCE NO. 2025-05**

**AN ORDINANCE ADDING A NEW ARTICLE IV TO CHAPTER 8 OF THE  
GREEN MOUNTAIN FALLS MUNICIPAL CODE TO ESTABLISH  
REGULATIONS FOR AUTOMATED VEHICLE IDENTIFICATION  
SYSTEMS (AVIS) IN THE TOWN OF GREEN MOUNTAIN FALLS,  
COLORADO**

**WHEREAS**, the Town of Green Mountain Falls seeks to enhance public safety and reduce traffic-related injuries;

**WHEREAS**, Colorado Revised Statutes (C.R.S.) § 42-4-110.5 authorizes municipalities to implement Automated Vehicle Identification Systems (AVIS) for traffic enforcement, subject to specific regulations; and

**WHEREAS**, the Town of Green Mountain Falls desires to establish clear rules for the use of photo enforcement to ensure fairness, transparency, and compliance with state law.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF  
THE TOWN OF GREEN MOUNTAIN FALLS, COLORADO:**

Section 1. A new Article IV to Chapter 8 of the Green Mountain Falls Municipal Code is hereby added to read as follows:

**Section 8-60. - Title and Purpose**

- (a) Title. This Article shall be known as the “Green Mountain Falls Photo Enforcement Regulations.”
- (b) Purpose. To regulate the use of Automated Vehicle Identification Systems (AVIS) for traffic enforcement, promoting public safety while protecting individual rights.

**Section 8-61. - Definitions**

As used within this chapter, the following words and terms shall have the following meaning unless otherwise specified:

- (a) Automated Vehicle Identification System (AVIS): A system to detect traffic violations imposed by traffic signals or traffic signs, and/or a system used to detect violations of 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, the operator 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.
- (b) Notice of Violation: 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 AVIS, 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.
  - (c) Civil Penalty Assessment Notice: 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.
  - (d) Residential Neighborhood: 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) Late Fee for Photo Enforcement Citations: Failure to respond to a photo enforcement Notice of Violation (e.g., for speeding or red-light running) may result in personal service with a summons, which incurs an additional \$60 fee to cover the cost of service. If a default judgment is entered due to failure to respond or pay after personal service, the amount due may increase by **25%** if referred to a collection agency.

#### **Section 8-62. - Notices of Violation – In General**

- (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 AVIS, 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 any streets or highways inside the Town limits with a speed limit of 35 miles per hour or less.

5. Within AVI corridors. AVI Corridors must be approved by CDOT and Colorado State Patrol (CSP) per CRS 2-4-110.5. (See section 6)

(c) The Notice of Violation must be served:

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

(d) The Notice of Violation must 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 dispute the alleged violation at a hearing or pay the prescribed penalty.

(e) To protest a Notice of Violation, the registered owner must request, in writing, a hearing to dispute the alleged violation. The deadline to request a hearing must be received by the Town 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. At the hearing, the Town may not require the registered owner to disclose the identity of the driver of the vehicle detected through the use of the AVIS but may require the registered owner to submit evidence that the owner was not the driver at the time of the alleged violation.

### **Section 8-63. - 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 AVIS, the violation shall 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 AVIS, the Town shall issue, or cause its vendor to issue, a Notice of Violation.
- (b) Civil Penalty: The maximum civil penalty for a speeding violation under this section, 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). A violation that occurs within a maintenance, construction, or repair zone designated pursuant to C.R.S. § 42-4-614 may be subject to a civil penalty of eighty dollars (\$80.00).
- (c) Signage: The Town shall place an appropriate temporary or permanent sign in a conspicuous place not fewer than three hundred feet (300') before the area in which the AVIS is to be used to notify the public that an AVIS is in use immediately ahead.

#### **Section 8-64. - 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 AVIS, the maximum civil penalty, including any surcharge, is seventy-five dollars (\$75.00).
- (b) The Town shall not use an AVIS 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 AVIS is in use immediately ahead. Such sign shall:
  1. Be placed in a conspicuous location not less than two hundred feet (200') and not more than five hundred feet (500') before the AVIS; and

2. Use lettering that is at least four inches (4") for upper case letters and two and nine-tenths inches (2.9") high for lower case letters.

#### **Section 8-65. - 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 AVIS corridors:
  1. Highway 24 inside the Town limits.
- (b) Prior to using an AVIS on an AVIS corridor, the Town shall post a permanent sign not fewer than three hundred feet (300') before the beginning of such corridor and a permanent sign not fewer than three hundred feet (300') before each camera within the corridor or a temporary sign fewer than three hundred feet (300') 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 AVIS corridor.
- (d) The Town will coordinate with the Department of Transportation and Colorado State Patrol in designated corridors.
- (d) The Town will publish a report on its website disclosing the number of citations and revenue generated by the AVIS corridor.
- (f) The Town shall not locate an AVIS corridor on any highway that is a part of the federal interstate highway system.

#### **Section 8-66. - Civil Penalty Assessment Notices**

- (a) If the Town has not received the prescribed civil penalty or written notice requesting a hearing to dispute the alleged violation by the deadline provided in the Notice of Violation, 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 amount of the civil penalty prescribed for the alleged violation;
  4. The deadline for payment of the prescribed civil penalty; and
  5. 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 late fee may be assessed, and a final order of liability shall be entered against the registered owner of the vehicle. The final order of liability must be personally served to the registered owner. Final orders of liability may be appealed as to matters of law and fact to the El Paso or Teller County Court. The Town may initiate or pursue a collection action against the registered owner for debt resulting from the final order of liability. Failure to respond or pay after being personally served, and a default judgment is entered, will increase the amount due by **25%** if referred to a collection agency.
- (d) 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 AVIS.
- (e) 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 owner's vehicle.

#### **Section 8-67. - Vendors**

No portion of any fine collected through the use of an AVIS may be paid to the manufacturer or vendor of the AVIS 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 8-68. - Data Retention**

The Town shall:

1. Program the AVIS 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 AVIS 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 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
4. 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 8-69. - Compensation and Payment**

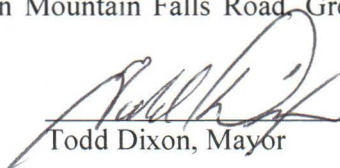
The vendor's compensation for services provided under this Article shall not be based on the number of traffic citations issued or the revenue generated by the equipment or services.

Section 2. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

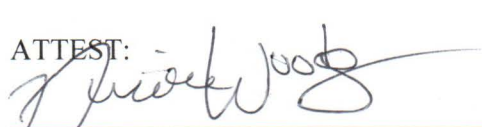
Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of health, safety and welfare of the public.

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

ADOPTED AND ORDERED PUBLISHED on the 2<sup>nd</sup> day of September, 2025, at the Green Mountain Falls Town Hall, 10615 Green Mountain Falls Road, Green Mountain Falls, Colorado 80819.

  
Todd Dixon, Mayor

ATTEST:

  
Nicole Woods, Town Clerk & Treasurer