

ORDINANCE NO. 167, 2005  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING THE CODE OF THE CITY OF FORT COLLINS  
RELATING TO GENERAL PENALTIES

WHEREAS, the City's 2006-2007 biennial budget includes an appropriation for implementation of a new traffic calming program; and

WHEREAS, the aforementioned traffic calming program will add up to two police officer positions for traffic enforcement and may include educational, facility and signage components; and

WHEREAS, the total amount included in 2006 for the traffic calming program is \$240,000; and

WHEREAS, the City Council believes it is reasonable and appropriate that persons who are involved in contributing to the City's traffic problems should also contribute monetarily to the solution through the imposition of a surcharge on moving violations; and

WHEREAS, the estimated revenue likely to be generated by a \$35 surcharge in 2006 would be approximately \$260,000; and

WHEREAS, Council believes that the revenue collected from the proposed surcharge should be used to fund the traffic calming measures and programs developed and implemented by Transportation Services and Police Services associated with the newly created traffic calming program; and

WHEREAS, Council specifically finds and determines that the creation of the traffic calming surcharge is consistent with the City's powers as a home rule municipal corporation, and that the exercise of said powers in the manner set forth herein is in furtherance of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 1-15 the City Code is hereby amended as to read follows:

**Sec. 1-15. General penalty and surcharges for misdemeanor offenses, traffic offenses and traffic and civil infractions.**

...

(b) A violation of any provision of Chapter 28, Vehicles and Traffic, in this Code or the Fort Collins Traffic Code, shall be deemed to be a traffic infraction if, at the time of the commission of the violation, its counterpart violation under the provisions of Article 4 in Title 42 of the Colorado Revised Statutes, if any, is designated by state law as being a traffic infraction. If no counterpart violation exists under state law, the violation shall be deemed to be a traffic infraction. All other violations under Chapter

28 of this Code or the Fort Collins Traffic Code shall be considered misdemeanors punishable as described in paragraph (a) of this Section. Any person against whom judgment is entered for a traffic infraction under this Code shall be subject to the penalty of a fine and any surcharge, the total of which is not to exceed one thousand dollars (\$1,000.) and shall not be subject to imprisonment on account of such judgment.

...

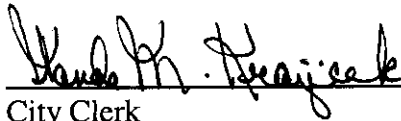
(g) Surcharges.

Assessment of traffic calming surcharge. A surcharge of thirty-five dollars (\$35.00) shall be assessed by the municipal court as set forth in this section and shall be in addition to court fines, costs, other surcharges and fees. Said surcharge shall be assessed against any defendant who, after a trial to the court, referee or jury, is found guilty of any Fort Collins Traffic Code violation to which the state Department of Revenue has assigned one (1) or more points or who pleads guilty or no contest to or who enters an *Alford* plea to such violation pursuant to any plea agreement. If an early payment discount or other plea bargain is accepted, the surcharge will be assessed if the original charge on the summons or penalty assessment carries one (1) or more points. Said surcharge shall be assessed at the time of disposition by the Municipal Court and shall be dedicated by the Finance Department and exclusively spent for traffic calming expenditures, including, but not limited to training, education, signage, facilities, public education and additional traffic enforcement police officers and equipment.

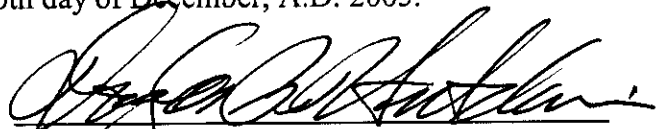
Introduced and considered favorably on first reading and ordered published this 29th day of November, A.D. 2005, and to be presented for final passage on the 20th day of December, A.D. 2005.

  
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Mayor

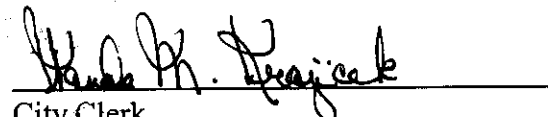
ATTEST:

  
\_\_\_\_\_  
City Clerk

Passed and adopted on final reading this 20th day of December, A.D. 2005.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk