

**TOWN OF DE BEQUE
ORDINANCE NO. 524
(Series 2022)**

**AN ORDINANCE AMENDING TOWN PARKING TICKET
ENFORCEMENT PROCEDURES**

The following describes the intent and purpose of this ordinance.

- a. From time to time the Town of De Beque reviews its existing ordinances to assure that they reflect the current needs of the community.
- b. The Town has experienced a surge in persons who ignore parking tickets or who accumulate multiple unpaid parking tickets.
- c. It is in the best interests of the Town that parking regulations are enforced and persons who violate those regulations face appropriate consequences in order to deter that behavior.
- d. This ordinance clarifies penalty assessment rules for violation of parking regulations.

THEREFORE, the Town **amends** the Municipal Code, with the addition of the following new Chapter 11.06, Parking Enforcement:

Chapter 11.06
PARKING ENFORCEMENT

11.060.010 Parking Violation is Strict Liability Offense: Owner, Driver Liable.

A. A parking violation under the Municipal Ordinances is a strict liability offense. The registered owner, actual owner, and the operator of the vehicle (if known) are jointly and severally liable for fines or penalties for all such violation(s).

B. Each successive day in which a parking violation continues shall be a separate and distinct offense.

11.060.020 Procedure.

A. A person cited for a parking violation must either: i) pay the fine specified on the

ticket to the Municipal Court no later than ten (10) days from issuance; or ii) appear before the Municipal Court on the date specified on the ticket to contest the charge. Failure to appear may result in entry of a default judgment. Payment within the time provided resolves the violation.

11.060.030, Late Fees.

A. Whenever enforcement is initiated by the issuance of a parking ticket and a fine or penalty is not received by the Municipal Court within ten (10) days of the date of issuance of the ticket, or the owner or operator does not appear in the Municipal Court to contest the violation on the date specified in the ticket, the fine or penalty for the parking violation shall be increased, and the judgment for the violation shall be increased, by a late fee to be set by the Court, but which is not less than twenty dollars (\$20) nor more than fifty dollars (\$50).

11.060.040, Failure to Appear.

A. A person who fails to appear for parking violations within the Town of De Beque as directed in the parking ticket may be charged with failure to appear, a Class B municipal offense. The charge shall be initiated by the issuance of a summons in the manner provided for all other misdemeanor offenses.

This ordinance shall take effect immediately upon adoption.

TOWN OF DE BEQUE

Shanelle Hansen
Shanelle Hansen, Mayor

10-25-22
Date

ATTEST:

Lisa M. Rogers
Lisa Rogers, Interim Town Clerk

10-25-2022
Date

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TOWN OF DE BEQUE ORDINANCE NO. 527

(Series 2023)

AN ORDINANCE AMENDING THE DE BEQUE MUNICIPAL CODE TO ENACT THE OFFENSE OF DRIVING UNDER RESTRAINT, REVOCATION, DENIAL, OR SUSPENSION

The following describes the intent and purpose of this ordinance.

- a. From time to time the Town revises its ordinances to address changes in the law or new concerns.
- b. De Beque has enacted the Model Traffic Code (MTC), which governs most traffic offenses. However, the MTC does not cover certain offenses relating to Driving Under Restraint (DUR).
- c. The offense of DUR applies at any time that a person drives on public roads with knowledge that his/her driving privileges are suspended, revoked, denied, or otherwise restrained due to other violations of law, as defined below.
- d. It is in the interest of public safety that persons whose privilege to drive has been revoked are not driving within the Town of De Beque. Enactment of this ordinance will serve to deter that behavior and promote public safety.

THEREFORE, the De Beque Municipal Code is amended by the addition of the following:

Chapter 11.19

DRIVING UNDER RESTRAINT, REVOCATION, DENIAL, OR SUSPENSION

11.19.010 Driving Under Restraint, Revocation, Denial, or Suspension, Penalty. It is unlawful for any person to drive a motor vehicle or off-highway vehicle upon any street or highway in the Town with knowledge that such person's license or privilege to drive, either as a resident or nonresident, is under restraint, revocation, denial, or suspension for any reason other than DUI, DUI per se, DWAI, or UDD. Any person violating this provision is guilty of a Class B Municipal Offense.

11.19.020 Driving Under Restraint, Revocation, Denial, or Suspension--Alcohol Driving Offense, Penalty. It is unlawful for any person to drive a motor vehicle or off-highway vehicle

upon any street or highway in the Town with knowledge that such person's license or privilege to drive, either as a resident or nonresident, is under restraint, revocation, denial, or suspension because of a conviction of DUI, DUI per se, DWAI, or UDD. Any person violating this provision is guilty of a Class A Municipal Offense.

11.19.030 Definitions.

- A. "Knowledge" means actual knowledge from whatever source or knowledge of circumstances sufficient to cause a reasonable person to be aware that such person's license or privilege to drive was under restraint, denial, revocation, or suspension.
- B. "Restraint" means any denial, revocation, suspension, or similar prohibition of a person's license or privilege to drive.

"DUI" means driving under the influence of alcohol as further defined by C.R.S. § 42-4-1301.

"DUI per se" means driving with a blood alcohol (or breath alcohol) content of .08 or more, as further defined by C.R.S. § 42-4-1301.

"DWAI" means driving while ability impaired, as further defined by C.R.S. § 42-4-1301.

"UDD" means underage drinking and driving, as further defined by C.R.S. § 42-4-1301.

11.19.040 Proof. In any prosecution under this Chapter, the fact of a driver's license restraint, revocation, denial, or suspension may be established by admission of a certified government record showing that notice was mailed by first-class mail to the last known address of the defendant, or by delivery of such notice to the last known address of the defendant, or by personal service of such notice on the defendant.

11.19.050 Jurisdiction: Court May Not Waive Point Penalties. The De Beque Municipal Court shall have jurisdiction to enforce and prosecute violations of this Chapter, but the court shall not waive or reduce the point penalty imposed for such a violation(s), as specified by C.R.S. § 42-2-127, as same may be amended from time to time.

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Approved by a majority of the De Beque Board of Trustees, at a regularly scheduled meeting of the Board on January 24, 2023, at which meeting quorum was present. This ordinance shall take effect immediately upon passage.

TOWN OF DE BEQUE

Shanelle Hansen 1-24-23
Shanelle Hansen, Mayor Date

ATTEST:

Lisa Rogers 01/24/2023
Lisa Rogers, Town Clerk Date

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