

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1841
Series of 2014

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A BILL FOR AN ORDINANCE AMENDING SECTION 7-1-13(c) OF THE NORTHGLENN MUNICIPAL CODE REGARDING THE PENALTY FOR VIOLATIONS OF THE COMPULSORY INSURANCE REQUIREMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 7-1-13, subsection (c) of the Northglenn Municipal Code is amended to read as follows:

(c) Exceptions to the penalty provision set forth under subsection (b) of this section 7-1-13 are as follows:

(1) Any violations of Section 1105, Speed Contests; 1401, Reckless Driving; 1413, Eluding or Attempting to Elude Police Officer, of the Model Traffic Code shall be misdemeanor traffic violations punishable by a fine not exceeding THE AMOUNT SET FORTH IN SECTION 1-1-10(a)(2) OF THIS CODE or by imprisonment for a period not exceeding one (1) year, or both such fine and imprisonment; provided that where the person convicted is under the age of eighteen (18) at the time of the offense, such person shall not be subject to imprisonment for or on account of said violation; and provided further that the maximum fine which may be imposed upon any person under the age of eighteen (18) years shall be four hundred ninety-nine dollars (\$499.00).

(2) Whenever any person violates the provisions of either subsection (1), (2) or (3) of section 1409, Compulsory Insurance, either by findings of the court, a plea of guilty or no contest, or an entry of default judgment, such persons shall be PUNISHED BY A MINIMUM MANDATORY FINE OF NOT LESS THAN assessed a civil penalty of not less than one FIVE hundred dollars (\$1500.00). ~~nor more than four hundred and ninety nine dollars (\$499.00). The minimum civil penalty imposed by this subparagraph~~ (2) shall be mandatory, and the court shall not suspend said civil penalty in whole or in part. THE COURT MAY SUSPEND UP TO ONE-HALF OF THE FINE UPON A SHOWING THAT APPROPRIATE INSURANCE AS REQUIRED BY LAW HAS BEEN OBTAINED.

(3) Upon a second or subsequent finding of a violation, plea of Guilty, or plea of No Contest, or entry of a default judgment to a violation under either subsection (1), (2) or (3) of Section 1409, Compulsory Insurance, within a period of ~~two~~ (2) FIVE (5) years following a prior ~~violation~~ CONVICTION under Section 1409, THE DEFENDANT SHALL BE PUNISHED BY A MANDATORY FINE OF ONE THOUSAND DOLLARS (\$1,000.00), AND THE COURT SHALL NOT SUSPEND

SUCH MINIMUM FINE, IN WHOLE OR IN PART, UNLESS IT IS ESTABLISHED THAT APPROPRIATE INSURANCE AS REQUIRED BY LAW HAS BEEN OBTAINED, AND IF PROOF OF APPROPRIATE INSURANCE IS PROVIDED, THE COURT MAY SUSPEND UP TO ONE-HALF OF THE FINE ~~the repeat violator shall be assessed a civil penalty of not less than two hundred dollars (\$200.00) nor more than four hundred and ninety nine dollars (\$499.00). The minimum civil penalty imposed by this subparagraph (3) shall be mandatory, and the court shall not suspend said civil penalty in whole or in part.~~ NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE COURT FROM IMPOSING A FINE GREATER THAN THE MINIMUM MANDATORY FINE.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2014.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2014.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney