

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1892
Series of 2017

1738
Series of 2017

A BILL FOR AN ORDINANCE AMENDING CHAPTER 7, ARTICLES 1 AND 8, OF THE NORTHGLENN MUNICIPAL CODE, AMENDING AND ADDING TRAFFIC OFFENSES IN CONFORMANCE WITH 2017 STATE LEGISLATION

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

Section 1. Section 7-1-6 of the Northglenn Municipal Code is hereby amended by the addition of the new subsection (b.5) to read as follows:

Section 7-1-6. Deletions, Modifications and Additions to the Model Traffic Code.

...

(b.5) Subsections (2), (3) and (6) of Section 239 are hereby amended to read as follows:

(2) A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle. THIS SUBSECTION (2) DOES NOT APPLY TO ACTS SPECIFIED IN SUBSECTION (3) OF THIS SECTION.

(3) A person ~~eighteen years of age or older~~ shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

* * *

(6)(a) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless the operator was under eighteen (18) years of age and a law enforcement officer saw the operator use, as defined in paragraph (c) of subsection (1) of this section, a wireless telephone.

(b) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this section unless ~~the operator was eighteen years of age or older~~ and a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission, IN A MANNER THAT CAUSED THE OPERATOR TO DRIVE IN A CARELESS AND IMPRUDENT MANNER, WITHOUT DUE REGARD FOR THE WIDTH, GRADE, CURVES, CORNERS, TRAFFIC, AND USE OF THE STREETS AND HIGHWAYS AND ALL OTHER ATTENDANT CIRCUMSTANCES, AS PROHIBITED BY SECTION 1402.

Section 2. Section 7-1-13, subsection (c), of the Northglenn Municipal Code is hereby amended to read as follows:

Section 7-1-13. Violations--Penalty.

...

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

* * *

(4) A PERSON WHO OPERATES A MOTOR VEHICLE IN VIOLATION OF SECTION 239(2) SHALL BE PUNISHED BY A MINIMUM MANDATORY FINE OF NOT LESS THAN FIFTY DOLLARS (\$50). A SECOND OR SUBSEQUENT VIOLATION OF SECTION 239(2) SHALL BE PUNISHED BY A MINIMUM MANDATORY FINE OF NOT LESS THAN ONE HUNDRED DOLLARS (\$100).

(5) EXCEPT AS SET FORTH BELOW, A PERSON WHO OPERATES A MOTOR VEHICLE IN VIOLATION OF SECTION 239(3) SHALL BE PUNISHED BY A MINIMUM MANDATORY FINE OF NOT LESS THAN THREE HUNDRED DOLLARS (\$300). IF THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF BODILY INJURY OR DEATH TO ANOTHER, THE PERSON SHALL BE PUNISHED BY A MINIMUM MANDATORY FINE OF NOT LESS THAN THREE HUNDRED DOLLARS (\$300) OR BY IMPRISONMENT FOR A PERIOD FROM TEN (10) DAYS TO 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.

Section 3. Effective August 9, 2017, the Northglenn Municipal Code is hereby amended by the addition of a new Section 7-8-5, reading as follows:

SECTION 7-8-5. DRIVING UNDER RESTRAINT PROHIBITED.

ANY PERSON WHO DRIVES A MOTOR VEHICLE OR OFF-HIGHWAY VEHICLE UPON ANY STREET OR HIGHWAY IN THE CITY OF NORTHGLENN WITH KNOWLEDGE THAT THE PERSON'S LICENSE OR PRIVILEGE TO DRIVE, EITHER AS A RESIDENT OR A NONRESIDENT, IS UNDER RESTRAINT FOR AN OUTSTANDING JUDGMENT IS GUILTY OF A TRAFFIC INFRACTION PUNISHABLE ACCORDING TO SECTION 7-1-13 HEREIN.

INTRODUCED, READ AND ORDERED POSTED this 10th day of July,
2017.



JOYCE DOWNING
Mayor

ATTEST:



JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this 24th day of July,
2017.




JOYCE DOWNING
Mayor

ATTEST:



JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:



COREY V. HOFFMANN
City Attorney