

PART 3 - EMISSIONS INSPECTION

301. Certificate of emissions.

- (1) It shall be unlawful for any person to operate within the City a motor vehicle registered or required to be registered in this State or to allow such motor vehicle to be parked within the City on public property or on private property available for public use, without such vehicle having passed any necessary emission test as required by Part 3 of Article 4 of Title 42, C.R.S.
- (2) The owner of any motor vehicle, which is in violation of Subsection (1) of this Section shall be responsible for payment of any penalty imposed under this Section unless such owner proves that the motor vehicle was in the possession of another person without the owner's permission at the time of the violation.
- (3) Any vehicle owner who violates any provision of Subsection (1) of this Section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished in accordance with Section 1-15 of the City Code. Any nonowner driver who violates this Section is guilty of a misdemeanor traffic offense and upon conviction thereof, shall be punished in accordance with Section 1-15 of the City Code.
 - (a) The owner or driver may, in lieu of appearance, submit to the court, within thirty (30) days after the issuance of the notice and summons, the certification of emissions control form.
- (4) No person shall make, issue or knowingly use any imitation or deceptively similar or counterfeit certification of emissions control form. Nor shall any person possess a certification of emissions control form if such person knows the same is fictitious, was issued for another motor vehicle, or was issued without an emissions inspection having been performed and passed when required by Part 3 of Article 4 of Title 42, C.R.S.
- (5) Any person who violates any provision of Subsection (4) of this Section is guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with Section 1-15 of the City Code.
- (6) The term *certification of emissions control*, as used in this Section, is as defined in Section 42-4-304, C.R.S. (Ord. 016, 2003 §1)

302. Visible emissions from non-diesel-powered motor vehicles.

- (1) It shall be unlawful for any person to cause or permit the emission of any visible air pollutant into the atmosphere from any motor vehicle, including motorcycles, powered by gasoline or any fuel other than diesel.

- (2) As used in this Section, *air pollutant* shall mean any fume, smoke, particulate matter, vapor or gas or any combination thereof which is emitted into or otherwise enters the atmosphere, including, but not limited to, any physical, chemical, biological, radioactive (including source material, special nuclear material and by-product materials substance or matter), but *air pollutant* shall not include water vapor or steam condensation or any other emission exempted by the Colorado Air Quality Control Commission established pursuant to Section 25-7-104, C.R.S., as consistent with the Federal Clean Air Act. Such term shall include any precursors to the formation of any air pollution, to the extent the administrator of the United States Environmental Protection Agency or the Colorado Air Quality Control Commission has identified such precursor or precursors for the particular purpose for which the term air pollutant is used.
- (3) Violations of this Section may be determined by a peace officer's visual observations.
- (4) The provisions of Subsection (1) of this Section shall not apply to emissions of an air pollutant caused by cold engine start up.
- (5) Any person who violates the provisions of Subsection (1) of this Section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished in accordance with Subsection 1-15 of the City Code. (Ord. 016, 2003 §1)