

ORDINANCE NO. 173, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING VARIOUS SECTIONS OF THE FORT COLLINS TRAFFIC CODE

WHEREAS, on February 18, 2003, by Ordinance No. 016, 2003, the City Council adopted the Fort Collins Traffic Code (The "Traffic Code"); and

WHEREAS, at the time of the adoption of the Traffic Code, it was the understanding of staff and the City Council that the Traffic Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Traffic Code remains consistent with Colorado traffic laws; and

WHEREAS, the Colorado General Assembly has amended certain statutory provisions relating to commercial vehicles, motorcycles, misuse of wireless telephones, use of earphones while driving, and operation on approach of emergency vehicles; and

WHEREAS, the Colorado General Assembly has added new statutory provisions including nuisance exhibition of motor vehicle exhaust and driving under restraint due to an outstanding judgment; and

WHEREAS, City staff has reviewed these changes to state law and recommends amending the Traffic Code to be consistent with such changes; and

WHEREAS, staff has also recognized an error in the speed limit provision of the Traffic Code, and recommends amending it to make it clear that no person shall drive a vehicle on a highway at a speed greater than the posted speed limit or an official traffic control device.

WHEREAS, staff has also proposed a clarification to the stopping, standing or parking prohibition in that all measurements shall be calculated laterally along the curb or edge of the roadway to ensure consistent enforcement; and

WHEREAS, the Council has determined that these Traffic Code amendments are in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 235 of the Fort Collins Traffic Code is hereby amended to read as follows:

235. Minimum standards for commercial vehicles.

(1) As used in this Section, unless the context otherwise requires:

- (a) Commercial vehicle means a self-propelled or towed vehicle:
 - (I) bearing an apportioned plate;
 - (II) having a manufacturer's gross vehicle weight rating or gross combination rating of at least sixteen thousand one (16,001) pounds and used in commerce on public highways; or
 - (III) having a manufacturer's gross vehicle weight rating or gross combination rating of at least sixteen thousand one (16,001) pounds and used to transport sixteen (16) or more passengers, including the driver, unless the vehicle is a school bus or a vehicle that does not have a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds and that is owned or operated by a school district so long as the school district does not receive remuneration, other than reimbursement of the school district's costs, for the use of the vehicle.
 - (b) *Department* means the Department of Public Safety.
 - (c) *Motor carrier* means every person, lessee, receiver or trustee appointed by any court whatsoever owning, controlling, operating or managing any commercial vehicle.
- (2) No person shall operate a commercial vehicle on any public highway unless such vehicle is in compliance with the rules and regulations adopted by the Department. Any person who violates a rule or regulation promulgated by the Department commits a traffic offense.

Section 3. That Section 236(c) of the Fort Collins Traffic Code is hereby amended to read as follows:

236. Child restraint systems required – definition- exemptions.

...

- (c) *Motor vehicle* means a passenger car; a pickup truck; or a van, minivan or sport utility vehicle with a gross vehicle weight rating of less than ten thousand (10,000) pounds. *Motor vehicle* does not include motorcycles that are not autocycles, low-power scooters, motorscooters, motorbicycles, motorized bicycles and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

...

Section 4. That Section 237 of the Fort Collins Traffic Code is hereby amended to read as follows:

237. Safety belt systems – mandatory use – exemptions – penalty.

(1) As used in this Section:

...

(b) *Safety belt* system means a system utilizing a lap belt, shoulder belt or any other belt or combination of belts installed in a motor vehicle or an auticycle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

(2) Unless exempted pursuant to Subsection (3) of this Section, every driver of and every front seat passenger in a motor vehicle and every driver and every passenger in an auticycle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway on the City.

...

Section 5. That Section 239 of the Fort Collins Traffic Code is hereby amended to read as follows:

239. Misuse of wireless telephones - definitions.

...

(3) No person shall 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.

...

(5) (a) A person who operates a motor vehicle in violation of Subsection (2) of this Section commits a traffic infraction defined in Section 1-15 of the City Code, and the court shall assess a minimum fine of fifty dollars (\$50).

(b) The court shall assess a fine of one hundred dollars (\$100) upon a second or subsequent violation of Subsection (2) of this Section.

(5.5) (a) A person who operates a motor vehicle in violation of subsection (3) of this Section commits a class 2 misdemeanor traffic offense, and the court shall assess a fine of three hundred dollars (\$300).

(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 a wireless telephone.

- (b) An operator of a motor vehicle shall not be cited for a violation of Subsection (3) of this Section unless 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 6. That Part 3 of the Fort Collins Traffic Code is hereby amended by the addition of a new Section 303 which reads in its entirety as follows:

303. Nuisance exhibition of motor vehicle exhaust – prohibition.

- (1) A person shall not engage in nuisance exhibition of motor vehicle exhaust, which is the knowing release of soot, smoke, or other particulate emissions from a motor vehicle with a gross motor vehicle weight rating of fourteen thousand pounds or less into the air and onto roadways, other motor vehicles, bicyclists, or pedestrians, in a manner that obstructs or obscures another person's view of the roadway, other users of the roadway, or a traffic control device or otherwise creates hazard to a driver, bicyclist, or pedestrian.

a. This prohibition does not apply to:

- (I) A commercial vehicle;
- (II) A common carrier;
- (III) A motor carrier of passengers;
- (IV) A motor carrier of towed motor vehicles;
- (V) A motor carrier of household goods;
- (VI) A motor vehicle used for agricultural purposes; or
- (VII) Any other vehicle used for commercial activities.

- (2) Any person who violates the provisions of Subsection (1) of this Section is guilty of a traffic infraction and will be fined one hundred dollars (\$100).

Section 7. That Section 705(3) of the Fort Collins Traffic Code is hereby amended to read as follows:

705. Operation on approach of emergency vehicles.

...

- (3) A driver in a vehicle shall exhibit due care and caution and proceed as described in Paragraphs (a), ~~and~~ (b) and (c) of this Subsection (3) when approaching or passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by Section 213 or 222; a stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights; or a stationary public utility service vehicle that is giving a visual signal by means of flashing, rotating, or oscillating amber lights.
- (a) On a highway with at least two (2) adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one (1) moving lane apart from the stationary authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in Paragraph (b) of this Subsection (3).
- (b) On a highway that does not have at least two (2) adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in Paragraph (a) of this Subsection (3), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle, weather conditions, road conditions and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.
- (c) Any person who violates Subsection (3) of this Section commits careless driving as described in Section 1402.

Section 8. That Section 1101 of the Fort Collins Traffic Code is hereby amended to read as follows:

1101. Speed limits.

- (1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing and in no event greater than the posted speed limit or a speed limit designated by an official traffic control device.
- (2) Except when a special hazard exists that requires a lower speed, the following speeds are hereby established, and no person shall drive a vehicle in excess of such speed:

Section 9. That Section 1204 of the Traffic Code is hereby amended to read as follows:

1204. - Stopping, standing or parking prohibited in specified places.

- (2) Except as otherwise provided in Subsection (4) of this Section, in addition to the restrictions specified in Subsection (1) of this Section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, emergency services personnel, or an official traffic control device, in any of the following places:
 - (a) Within five (5) feet of a public or private driveway; except
 - (I) Buses engaged as common carriers, school busses or taxicabs may stop in such locations to load and unload passengers.
 - (II) Vehicles being expeditiously loaded and unloaded, provided that the vehicle's flashing emergency lights are activated and the vehicle is not obstructing traffic.
 - (b) Within fifteen (15) feet of a fire hydrant;
 - (c) Within twenty (20) feet of a crosswalk;
 - (d) Within thirty (30) feet upon the approach to any flashing beacon or signal, stop sign, yield sign or traffic control signal located at the side of a roadway;
 - (e) Within twenty (20) feet of the driveway entrance to any fire station or on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of said entrance when properly signposted;
 - (f) With less than two (2) feet of clearance between vehicles;
 - (g) At any other place where official signs or red curb markings are used to prohibit standing or parking.

For purposes of this Subsection (2) and the following Subsection (3), all measurements shall be calculated laterally along the curb or edge of the roadway.

...

Section 10. That a new Section 1402.1 is hereby added to the Fort Collins Traffic Code and reads in its entirety as follows:

1402.1 Driving under restraint.

Any person who drives a motor vehicle or off-highway vehicle upon any highway of this state with knowledge that the person's license or privilege to drive, either as a resident or nonresident, is under restraint for an outstanding judgment is guilty of a traffic infraction. The fine must not be more than one hundred (\$100) dollars, and there may not be a reduction in the three (3) point penalty.

Section 11. That Section 1411 of the Fort Collins Traffic Code is hereby amended to read as follows:

1411. Use of earphones while driving.

- (1) No person shall operate a motor vehicle while wearing earphones.
- (2) For purposes of this Subsection (1), *earphones* includes any headset, radio, tape player or other similar device which provides the listener with radio programs, music or other recorded information through a device attached to the head and which covers all of or a portion of the ears. Earphones do not include speakers or other listening devices that are built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, hand-held telephone.

Section 12. That Section 1502 of the Fort Collins Traffic Code is hereby amended to read as follows:

1502. Riding on motorcycles or low-power scooters – protective helmet.

...

- (4.5) (a) Except as provided in paragraph (c) of this Subsection, a person shall not drive or ride as a passenger on a motorcycle or low-power scooter on a roadway unless:
 - (I) each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of motorcycles;

- (II) the protective helmet conforms to the design and specifications set forth in paragraph (b) of this subsection (4.5); and
 - (III) the protective helmet is secured properly on the person's head with a chin strap while the motorcycle is in motion.
- (b) A protective helmet required to be worn by this subsection (4.5) shall:
- (I) be designed to reduce injuries to the user resulting from head impacts and to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact;
 - (II) consist of lining, padding, and chin strap; and
 - (III) meet or exceed the standards established in the United States department of transportation federal motor vehicle safety standard no. 218, 49 CFR 571.218, for motorcycle helmets.
- (c) A person driving or riding a motorcycle need not wear a helmet if the motorcycle has:
- (I) three wheels;
 - (II) a maximum design speed of twenty-five miles per hour or less;
 - (III) a windshield; and
 - (IV) seat belts.

Section 13. That Section 2002 of the Fort Collins Traffic Code is hereby amended by the addition of a new definition "*Autocycle*" which reads in its entirety as follows:

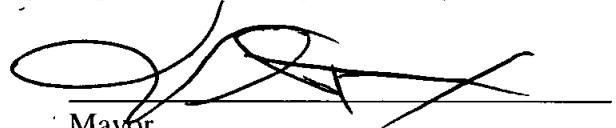
Autocycle. A three-wheeled motorcycle that does not use handlebars or any other device that is directly connected to a single front wheel to steer and in which the driver and each passenger ride in a fully or partly enclosed seating area that is equipped with safety belts for all occupants. For purposes of this subsection, "partially enclosed seating area" means a seating area that is entirely or partly surrounded on the sides by the frame or body of a vehicle but is not fully enclosed.

Section 14. That the definition "*Motorcycle*" contained in Section 2002 of the Fort Collins Traffic Code is hereby amended to read as follows:

Motorcycle. An autocycle or a motor vehicle that uses handlebars or any other device connected to the front wheel to steer and that is designed to travel on not more than three

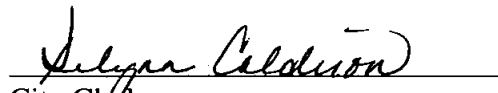
(3) wheels in contact with the ground, except the term does not include a farm tractor, low-speed electric vehicle, or low-power scooter.

Introduced, considered favorably on first reading, and ordered published this 19th day of December, A.D. 2017, and to be presented for final passage on the 2nd day of January, A.D. 2018.



Mayor


ATTEST:



City Clerk




Passed and adopted on final reading on the 2nd day of January, A.D. 2018.



Mayor

ATTEST:



City Clerk

