

ORDINANCE NO. 084, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE VII OF CHAPTER 17 OF THE CODE OF THE
CITY OF FORT COLLINS PERTAINING TO STAYING ON MEDIANS

WHEREAS, in 2011, Fort Collins Police Services encountered persons occupying the medians within the City for extended periods of time and were concerned with the safety risks to pedestrians and motorists; and

WHEREAS, to address those safety concerns, Fort Collins Police Services brought forward, and City Council adopted Ordinance No. 117, 2011, that added a new Section to Article VII of Chapter 17 of the Code of the City of Fort Collins prohibiting persons from standing on medians less than 30 feet wide for longer than reasonably necessary to cross the street; and

WHEREAS, staff has now reviewed the 30-foot width provision in order to craft more narrowly tailored language using specific criteria not only including median width, but also vehicular speed and/or volume of traffic; and

WHEREAS, staff has proposed amending the Code to prohibit persons from standing on medians at locations where such medians are less than eight feet wide, or less than 18 feet wide with adjacent street vehicular volume exceeding 15,000 vehicles a day, or less than 18 feet wide with adjacent street speed limit that is 35 miles per hour or more; and

WHEREAS, such criteria have enabled staff to identify the medians within the City that pose the greatest safety concern to both pedestrians and motorists when persons are standing on such medians longer than reasonably necessary to cross the street; and

WHEREAS, the City Council believes that it would be in the best interests of the City to approve such changes to the City Code.

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 17-122 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-122. - Staying on medians prohibited.

(a) No person shall stand or be upon a median of any street for longer than is reasonably necessary to cross the street.

(b) For the purposes of this Section, *median* shall mean:

(1) The area of a street, generally in the middle, that separates traffic traveling in one direction from traffic traveling in another direction, or that, at intersections, separates traffic turning left from traffic proceeding straight. Such an area is physically defined by curbing, landscaping or other physical obstacles to the area's use by motor vehicles, or by traffic control markings that prohibit use of a portion of the pavement of a street by motor vehicles other than to drive generally perpendicularly across the markings, or to wait there awaiting the opportunity to cross or merge with the opposing lanes of traffic (also known as painted medians, that are wider than a double yellow line); or

(2) The area of a street at an intersection between the streets and a right turn only lane, roughly triangular in shape, and separated from the motor vehicular traffic lanes by curbing, landscaping or other physical obstacles to the area's use by motor vehicles (also known as a right turn island).

(c) This Section shall only apply to:

(1) medians eight (8) feet wide or less, regardless of the volume of traffic around such median;

(2) medians eighteen (18) feet wide or less where the average volume of traffic around such median in either direction is greater than fifteen thousand (15,000) vehicles per day as measured by the Traffic Engineer; or

(3) medians eighteen (18) feet wide or less where the speed limit around such median in either direction is thirty-five (35) miles per hour or greater, regardless of the volume of traffic around such median.

(d) This Section does not apply to persons maintaining or working on the median for either a public entity that owns the underlying right-of-way or ~~for~~ a public utility.

(e) A map of identified medians posted by the Traffic Engineer on the City's website shall constitute prima facie evidence that Subsection (c) applies to that median.

Introduced, considered favorably on first reading, and ordered published this 19th day of June, A.D. 2018, and to be presented for final passage on the 3rd day of July, A.D. 2018.



Mayor

ATTEST:



City Clerk



Passed and adopted on final reading on the 3rd day of July, A.D. 2018.



Mayor

ATTEST:



City Clerk

