

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 14

DATE: October 6, 2009

STAFF: Jim Szakmeister
Terry McElyea

SUBJECT

First Reading of Ordinance No. 097, 2009, Amending Various Provisions of the Fort Collins Traffic Code.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

The Colorado General Assembly amended certain statutory provisions this legislative session relating to state traffic laws. This Ordinance ensures that the Traffic Code is consistent with state traffic laws.

BACKGROUND

This past legislative session, the Colorado General Assembly amended certain statutory provisions relating to a number of traffic restrictions. At the time of the adoption of the Traffic Code, it was the understanding of staff and 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 to ensure that the Traffic Code remains consistent with state traffic laws.

Enforcement officers recommend the Code amendments to provide more effective and efficient traffic enforcement and consistency, and to increase traffic safety.

Staff will submit all the changes to Colorado Department of Transportation (CDOT) for approval pursuant to statute. As the amendments are made to conform to state law and/or are particular to the traffic needs of Fort Collins, it is anticipated CDOT will approve the amendments.

ORDINANCE NO. 097, 2009
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING VARIOUS PROVISIONS OF THE
FORT COLLINS TRAFFIC CODE

WHEREAS, on February 18, 2003, by Ordinance No. 016, 2003, the Council of the City of Fort Collins 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 purposes of clarification and correction of errors, but also to ensure that the Traffic Code remains consistent with State law; and

WHEREAS, the Colorado General Assembly has amended certain statutory provisions relating to restrictions on minor drivers, child restraint and seat belt use, interference with traffic control devices, railroad crossings, exhibition of speed and speed contests, and immobilization of vehicles; and

WHEREAS, it is the City Council's desire to amend the Fort Collins Traffic Code to reflect the changes made by the General Assembly; and

WHEREAS, the City Council has determined that the Traffic Code amendments which have been proposed are in the best interest of the City and are necessary for the health, safety and welfare of its citizens.

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

Section 1. That Section 205 of the Fort Collins Traffic Code is hereby amended to read as follows:

205. Headlamps on motor vehicles.

- (1) Every motor vehicle other than a motorcycle ~~or motor-driven cycle~~ shall be equipped with at least two (2) headlamps with at least one (1) on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in Sections 202 and 204 to 231 where applicable ~~thereto~~.
- (2) Every motorcycle ~~and motor-driven cycle~~ shall be equipped with at least one (1) and not more than two (2) headlamps ~~which shall~~ **that** comply with the requirements and limitations of Sections 202 and 204 to 231.
- (3) Every headlamp upon every motor vehicle, including every motorcycle ~~and motor-driven cycle~~, shall be located at a height measured from the center of

the headlamp of not more than fifty-four (54) inches nor less than twenty-four (24) inches, to be measured as set forth in Section 204(3).

Section 2. That Section 206 of the Fort Collins Traffic Code is hereby amended to read as follows:

206. Tail lamps and reflectors.

...

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted. ~~This Subsection (3) shall not apply to neighborhood electric vehicles.~~

...

(5) Every new motor vehicle sold and operated on and after January 1, 1958, upon a highway shall carry on the rear, whether as a part of the tail lamps or separately, two (2) red reflectors; except that every motorcycle ~~and motor-driven cycle~~ shall carry at least one (1) reflector meeting the requirements of this Section, and vehicles of the type mentioned in Section 207 shall be equipped with reflectors as required in those sections applicable thereto.

...

Section 3. That Sections 208(2) and 208(3) of the Fort Collins Traffic Code is hereby amended to read as follows:

208. Stop lamps and turn signals.

...

(2) No person shall sell or offer for sale or operate on the highways any motor vehicle registered in this State and manufactured or assembled after January 1, 1958, unless it is equipped with at least two (2) stop lamps meeting the requirements of Section 21 (1); except that a motorcycle, ~~motor-driven cycle or truck tractor~~ manufactured or assembled after said date shall be equipped with at least one (1) stop lamp meeting the requirements of Section 215(1).

(3) No person shall sell, offer for sale or operate on the highway any motor vehicle, trailer or semi-trailer registered in this State and manufactured or assembled after January 1, 1958; and no person shall operate any motor vehicle, trailer or semi-trailer on the highways when the distance from the center of the top of the steering post to the left outside limit of the body, cab

or load of such motor vehicle exceeds twenty-four (24) inches, unless it is equipped with electrical turn signals meeting the requirements of Section 215(2). This Subsection (3) shall not apply to any motorcycle or ~~motor-driven cycle~~ **low-power scooter**.

Section 4. That Section 210(2) of the Fort Collins Traffic Code is hereby amended to read as follows:

210. Lamps on parked vehicles.

...

- (2) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended during the hours between sunset and sunrise and there is not sufficient light to reveal any person or object within a distance of one thousand (1,000) feet upon such highway, such vehicle so parked or stopped shall be equipped with one(1) or more operating lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the side of the vehicle which is closer to passing traffic. This Subsection (2) shall not apply to a ~~motor-driven cycle~~ **low-power scooter**.

...

Section 5. That Section 211(4) of the Fort Collins Traffic Code is hereby amended to read as follows:

211. Lamps on farm equipment and other vehicles and equipment.

...

- (4) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall at all times mentioned in Section 204 be equipped with two (2) single-beam head lamps meeting the requirements of Section 216 or 218, respectively, ~~or, as an alternative, Section 220(2)~~ and at least one (1) red lamp visible from a distance of not less than five hundred (500) feet to the rear; but every such self-propelled unit of farm equipment other than a farm tractor shall have two (2) such red lamps or, as an alternative, one (1) such red lamp and two (2) red reflectors visible from all distances within six hundred (600) feet to one

hundred (100) feet when directly in front of lawful upper beams of head lamps.

...

Section 6. That Section 216 of the Fort Collins Traffic Code is hereby amended to read as follows:

216. Multiple-beam road lights.

- (1) Except as provided in this Traffic Code, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles, other than motorcycle or ~~motor-driven cycles~~ **low-power scooter**, shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:
 - (a) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.
 - (b) There shall be a lowermost distribution of light or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading, none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.
- (2) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted for ~~neighborhood electric~~ **low-speed electric** vehicles in lieu of multiple-beam road-lighting equipment specified in this Section if the single distribution of light complies with the requirements of Subsection (1)(b) of this Section.
- (3) ~~Every~~ **A** new motor vehicle, other than a motorcycle or ~~motor-driven cycle~~ **low-power scooter**, that has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

Section 7. That Section 217 of the Fort Collins Traffic Code is hereby amended by the addition of a new subsection (c) which reads in its entirety as follows:

- (c) A low-speed electric vehicle may use the distribution of light authorized in Section 216(2).

Section 8. That Section 220 of the Fort Collins Traffic Code is hereby amended to read as follows:

220. ~~Motorized bicycles — motor-driven cycles~~Low-Power Scooters - lighting equipment - department control - use and operation.

- (1) (a) ~~Every motorized bicycle~~ low-power scooter, when in use at the times specified in Section 204, shall be equipped with a lamp on the front; ~~which shall~~ that emits a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear, of a type approved by the State Department of Revenue, which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.
 - (b) No person shall operate a ~~motorized bicycle~~ low-power scooter unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet; except that a ~~motorized bicycle~~ low-power scooter shall not be equipped with nor shall any person use upon a ~~motorized bicycle~~ low-power scooter a siren or whistle.
 - (c) ~~Every motorized bicycle~~ A low-power scooter shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.
- (2) ~~The head lamp or head lamps upon every motor driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:~~
- (a) ~~Every said head lamp or head lamps on a motor driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred (100) feet when the motor driven cycle is operated at any speed less than twenty-five (25) miles per hour, and at a distance of not less than two hundred (200) feet when the motor driven cycle is operated at a speed of twenty-five (25) miles or more per hour, and at a distance of not less than three hundred (300) feet when the~~

motor driven cycle is operated at a speed of thirty-five (35) or more miles per hour.

~~(b) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps, the upper beam shall meet the minimum requirements set forth in Paragraph (a) of this Subsection (2) and shall not exceed the limitations set forth in Section 216(1)(a), and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in Section 216(1)(b).~~

~~(c) In the event the motor-driven cycle is equipped with a single-beam lamp, said lamp shall be so aimed that when the vehicle is loaded, none of the high-intensity portion of light, at a distance of twenty-five (25) feet ahead, shall project higher than the level of the center of the lamp from which it comes.~~

(32) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower, shall be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

(3) This Section shall not be construed to prohibit the use of any vehicle of simultaneously flashing hazard warning lights as provided in Section 215(7).

(4) No person shall sell or offer for sale, for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer or for use upon any such vehicle, any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required under this Part 2, or parts of any of the foregoing which tend to change the original design or performance thereof, unless of a type which has been approved by the Colorado Department of Motor Vehicles.

(5) No person shall have for sale, sell, or offer for sale, for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, any lamp or device mentioned in this Section unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(6) No person shall use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this Section unless said lamps are mounted, adjusted, and aimed in accordance with State law.

Section 9. That Section 221 of the Fort Collins Traffic Code is hereby amended to read as follows:

221. Bicycle and personal mobility device equipment.

- (1) No other provision of this Part 2 and no provision of Part 3 of this Traffic Code shall apply to ~~bicycles~~ **a bicycle, electrical assisted bicycle, or EPAMD** or to equipment for use on ~~bicycles~~ **a bicycle, electrical assisted bicycle, or EPAMD** except those provisions in this Traffic Code made specifically applicable to ~~bicyclists, bicycles or their equipment~~ **such a vehicle**.
- (2) Every bicycle, **electrical assisted bicycle, or EPAMD** in use at the times described in Section 204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred (500) feet to the front.
- (3) Every bicycle, **electrical assisted bicycle, or EPAMD** shall be equipped with a red reflector of a type approved by the State Department of Revenue, which shall be visible for six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.
- (4) Every bicycle, **electrical assisted bicycle, or EPAMD** when in use at the times described in Section 204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred (600) feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred (500) feet.
- (5) A bicycle, **electrical assisted bicycle, or EPAMD** or its rider may be equipped with lights or reflectors in addition to those required by Subsections (2) to (4) of this Section.
- (6) A bicycle **or electrical assisted bicycle** shall not be equipped with, nor shall any person use upon a bicycle; **or electrical assisted bicycle**, any siren or whistle.
- (7) Every bicycle **or electrical assisted bicycle** shall be equipped with a brake or brakes ~~which~~ **that** will enable its rider to stop the bicycle **or electrical assisted bicycle** within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.
- (8) A person engaged in the business of selling bicycles **or electrical assisted bicycles** at retail shall not sell any bicycle **or electrical assisted bicycle** unless the bicycle **or electrical assisted bicycle** has an identifying number permanently stamped or cast on its frame.

Section 10. That Section 223(1) of the Fort Collins Traffic Code is hereby amended to read as follows:

223. Brakes.

(1) Brake equipment required:

- (a) Every motor vehicle, other than a motorcycle ~~or motor-driven cycle,~~ **electrical assisted bicycle or low-power scooter**, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.
- (b) Every motorcycle ~~or motor-driven cycle, motorized bicycle and bicycle with motor attached,~~ **and low-power scooter** when operated upon a highway, shall be equipped with at least one (1) brake, which may be operated by hand or foot.
- (c) Every trailer or semi-trailer of a gross weight of three thousand (3,000) pounds or more, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from the cab, and said brakes shall be so designed and connected that, in case of an accidental breakaway of the towed vehicle, the brakes shall be automatically applied. The provisions of this Paragraph (c) shall not be applicable to any trailer which does not meet the definition of "commercial vehicle" as that term is defined Section 235(1)(a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, tank trailers not exceeding ten thousand (10,000) pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand (10,000) pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping within the distance specified in Subsection (2) of this Section.
- (d) Every motor vehicle, trailer or semi-trailer constructed or sold in this state or operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle; except that:

- (I) Any trailer or semi-trailer of less than three thousand (3,000) pounds gross weight, or any horse trailer of a capacity of two (2) horses or less, or any trailer which does not meet the definition of "commercial vehicle" as that term is defined in Section 235(1)(a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, or tank trailers not exceeding ten thousand (10,000) pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand (10,000) pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping with a loaded trailer attached in the distance specified by Subsection (2) of this Section need not be equipped with brakes, and any two-wheel motor vehicle need have brakes on only one (1) wheel.
- (II) Any truck or truck tractor manufactured before July 25, 1980, and having three (3) or more axles, need not have brakes on the wheels of the front or tandem steering axles if the brakes on the other wheels meet the performance requirements of Subsection (2) of this Section.
- (III) Every trailer or semi-trailer of three thousand (3,000) pounds or more gross weight must have brakes on all wheels.
- (e) Provisions of this Subsection (1) shall not apply to manufactured homes.

...

Section 11. That Section 224(3) of the Fort Collins Traffic Code is hereby amended to read as follows:

224. Horns or warning devices.

...

- (3) No bicycle, ~~electric-assisted bicycle or motorized bicycle~~ **electrical assisted bicycle or low-power scooter** shall be equipped with, nor shall any person use upon a ~~bicycle, electric-assisted bicycle or motorized bicycle~~ **any such a vehicle**, a siren or whistle.

...

Section 12. That Section 226(2) of the Fort Collins Traffic Code is hereby amended to read as follows:

226. Mirrors - exterior placements.

...

- (2) Whenever any motor vehicle is not equipped with a rear window and rear side windows or has a rear window and rear side windows composed of, covered by or treated with any material or component ~~which~~ **that**, when viewed from the position of the driver, obstructs the rear view of the driver or makes such window or windows nontransparent, or whenever any motor vehicle is towing another vehicle or trailer or carrying any load or cargo or object ~~which~~ **that** obstructs the rear view of the driver, such vehicle shall be equipped with an exterior mirror on each side so located with respect to the position of the driver as to comply with the visual requirement of Subsection (1) of this Section.

Section 13. That Section 227(4) of the Fort Collins Traffic Code is hereby amended to read as follows:

227. Windows unobstructed - certain materials prohibited - windshield wiper requirements.

...

- (4) This Section shall apply to all motor vehicles, except ~~as provided in Section (3)(b)(H) above~~ **that subsection (2) of this Section shall not apply to low-speed electric vehicles.**

Section 14. That Section 232 of the Fort Collins Traffic Code is hereby amended to read as follows:

232. Minimum safety standards for motorcycle and ~~motor-driven cycles~~ **low-power scooters.**

- (1) No person shall operate any motorcycle or ~~motor-driven cycle~~ **low-power scooter** on any public highway in this State unless such person and any passenger thereon is wearing goggles or eyeglasses with lenses made of safety glass or plastic **except that this Subsection (1) shall not apply to a person wearing a helmet containing eye protection made of safety glass or plastic.**
- (2) Any motorcycle or ~~motor-driven cycle~~ **low-power scooter** carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passengers.

Section 15. That Section 234(1) of the Fort Collins Traffic Code is hereby amended to read as follows:

234. Slow-moving vehicles - display of emblem.

- (1) (a) All machinery, equipment and vehicles, except bicycles, **electrical assisted bicycles**, and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five (25) miles per hour on a public highway shall display a triangular slow-moving vehicle emblem on the rear.
- (b) Bicycles, **electric assisted bicycles**, and other human-powered vehicles and neighborhood electric vehicles shall be permitted but not required to display the emblem specified in this Subsection (1).

...

Section 16. That Section 237(1) 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:
 - (a) *Motor vehicle* means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes and pickups. The term does not include motorcycles ~~or motor-driven cycles, motor scooters, motorized bicycles,~~ **low-power scooters**, passenger buses, school buses and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.
 - (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

to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

...

Section 17. That Section 239 of the Fort Collins Traffic Code is hereby amended, effective December 1, 2009, to read as follows:

239. Misuse of mobile communication devices – definitions.

- (1) As used in this Section, unless the context otherwise requires:
 - (a) *Emergency* shall mean a situation in which a person:
 - (I) Has reason to fear for such person's life or safety, or believes that a criminal act may be perpetrated against such person or another person requiring the use of a ~~mobile communication device~~ **wireless telephone** while the car is moving; or
 - (II) Reports a fire, a traffic accident in which one (1) or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency or a person who is driving in a reckless, careless or otherwise unsafe manner.
 - (b) ~~*Mobile communication device* shall mean a cellular telephone or other device that enables a person in a motor vehicle to transmit and receive audio signals to and from a person or audio recording device located outside the motor vehicle.~~ ***Operating a Motor Vehicle* shall mean driving a motor vehicle on a public highway, but *Operating a Motor Vehicle* shall not mean maintaining the instrument of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.**
 - (c) ***Use* shall mean talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.**
 - (d) ***Wireless telephone* shall mean a telephone that operates without a physical, wireline connection to the provider's equipment. The term includes, without limitation, cellular and mobile telephones.**
- (2) ~~No person who holds a temporary instruction permit or a minor's instruction permit pursuant to Section 42-2-106, C.R.S.,~~ **under eighteen (18) years of age shall use a ~~mobile communication device~~ **wireless telephone** while operating a motor vehicle. This Section shall not apply to a person who is using the mobile communication device:**

- ~~(a) To contact a public safety entity;~~
- ~~(b) While the vehicle is lawfully parked; or~~
- ~~(c) During an emergency.~~
- (3) No person eighteen (18) years of age or older 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.
- (4) Subsection (2) or (3) of this Section shall not apply to a person who is using the wireless telephone:
 - (a) to contact a public safety entity; or
 - (b) during an emergency.
- (35) (a) ~~Any~~A person who operates a motor vehicle in violation of Subsection (2) or (3) of this Section commits a traffic infraction defined in Section 1-15 of the Fort Collins 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) or (3) of this Section.
- (46) (a) An operator of a motor vehicle shall not be cited for a violation of Subsection (2) of this Section unless ~~such operator was stopped by the operator was under eighteen (18) years of age and a law enforcement officer for an alleged violation of this Traffic Code other than a violation of this Section~~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 the operator was eighteen (18) 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.
- (7) The provisions of this Section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.
- (8) This Section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the Federal Communications Commission.

Section 18. That Section 240(2) of the Fort Collins Traffic Code is hereby amended to read as follows:

240. License plates.

...

- (2) License plates shall be displayed showing the current registration **month and** year.

...

Section 19. That Section 503(1) of the Fort Collins Traffic Code is hereby amended to read as follows:

503. Projecting loads on vehicles.

- (1) No passenger type vehicle, except a motorcycle, ~~motor-driven cycle or bicycle,~~ **or electrical assisted bicycle** shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side thereof.

...

Section 20. That Section 615(2) of the Fort Collins Traffic Code is hereby amended to read as follows:

...

- (2) As used in this Section, *red-light camera* shall mean a device operated by a peace officer or employee of the City, or by a contractor designated by the City, that is placed in a fixed location at a signalized intersection and that is programmed to automatically produce photographs depicting any vehicle whose driver has violated the provisions of Section 604(1)(c) at the intersection. The photographs depict the vehicle's location in the intersection, the vehicle's license plate and the driver of the vehicle. Printed on the photographs is the date of the violation, the approximate time of the violation and the approximate location of the violation and the speed of the vehicle. In addition, the City shall conspicuously post a sign ~~at a reasonable distance~~ notifying the public that a red-light camera is in use immediately ahead. **The sign shall:**
 - (a) **be placed in a conspicuous place not less than two hundred (200) feet nor more than five hundred (500) feet before the automated vehicle system; and**

- (b) use lettering that is at least four (4) inches high for upper case letters and two and nine-tenths (2 9/10) inches for lower case letters.

...

Section 21. That Section 510 of the Fort Collins Traffic Code is hereby amended by the addition of a new subparagraph (10) which reads in its entirety as follows:

510. Permits for excess size and weight and for manufactured homes.

...

- (10) Any person holding a permit issued pursuant to Section 42-4-510 C.R.S. or any person operating a vehicle pursuant to such permit who violates any provision of Section 42-4-510 C.R.S., any ordinance or resolution of a local authority, or any standards or rules or regulations promulgated pursuant to Section 42-4-510 C.R.S., except the provisions of subparagraph (IV) of paragraph (b) of subsection (2) of Section 42-4-510 C.R.S., commits a class 2 misdemeanor traffic offense and upon conviction thereof, shall be fined Four Hundred Dollars (\$400).

Section 22. That Section 710(3) of the Fort Collins Traffic Code is hereby amended to read as follows:

710. Emerging from or entering alley, driveway or building.

...

- (3) No person shall drive any vehicle other than a bicycle, electrical assisted bicycle, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

Section 23. That Sections 802 (1) and (3) of the Fort Collins Traffic Code are hereby amended, effective July 1, 2010, to read as follows:

802. Pedestrians right-of-way in crosswalks.

- (1) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

...

- (3) No pedestrian shall suddenly leave a curb or other place of safety and ride a bicycle, **ride an electrical assisted bicycle**, walk or run into the path of a moving vehicle ~~which~~**that** is so close as to constitute an immediate hazard.

...

Section 24. That Section 1002 of the Fort Collins Traffic Code is hereby amended to read as follows:

1002. Passing oncoming vehicles.

- (1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and, upon roadways having width for not more than one (1) lane of traffic in each direction, each driver shall give to the other at least one-half (1/2) of the main traveled portion of the roadway as nearly as possible.
- (2) **A driver shall not pass a bicyclist moving in the same direction and in the same lane when there is oncoming traffic unless the driver can simultaneously:**
 - (a) **allow oncoming vehicles at least one-half (1/2) of the main-traveled portion of the roadway in accordance with subsection (1) of this Section; and**
 - (b) **allow the bicyclist at least a three (3) foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.**

Section 25. That Section 1003 of the Fort Collins Traffic Code is hereby amended to read as follows:

1003. Overtaking a vehicle on the left.

- (1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions and special rules stated in this Section and Sections 1004 to 1008:
 - (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left ~~thereof~~**of the vehicle** at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
 - (b) **The driver of a motor vehicle overtaking a bicyclist proceeding in the same direction shall allow the bicyclist at least a three (3) foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.**

- (bc) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the driver's vehicle until completely passed by the overtaking vehicle.

Section 26. That Section 1004 of the Fort Collins Traffic Code is hereby amended to read as follows:

1004. When overtaking on the right is permitted.

- (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - (a) When the vehicle overtaken is making or giving indication of making a left turn;
 - (b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked for two (2) or more lanes of moving vehicles in each direction; or
 - (c) Upon a one-way street or upon any roadway on which traffic is restricted to one (1) direction of movement where the roadway is free from obstructions and marked for two(2) or more lanes of moving vehicles.
- (2) The driver of a motor vehicle upon a one-way roadway with two (2) of more marked traffic lanes, when overtaking a bicyclist proceeding in the same direction and riding on the left-hand side of the road, shall allow the bicyclist at least a three (3) foot separation between the left side of the driver's vehicle, including all mirrors or other projections, and the right side of the bicyclist at all times.
- (23) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

Section 27. That Section 1005(4) of the Fort Collins Traffic Code is hereby amended to read as follows:

1005. Limitations on overtaking on the left.

...

- (4) The provisions of this Section shall not apply;

- (a) Upon a one-way alleyway, street or roadway;
- (b) Under the conditions described in Section 1001(1)(b); or
- (c) To the driver of a vehicle turning left into or from an alley, private road or driveway when such movement can be made in safety and without interfering with, impeding or endangering other traffic lawfully using the highway;
- (d) To the driver of a vehicle passing a bicyclist moving the same direction and in the same lane when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

Section 28. That Section 10 of the Fort Collins Traffic Code is hereby amended by the addition of a new Section 1008.5 which reads in its entirety as follows:

1008.5 Crowding or threatening a bicyclist.

- (1) The driver of a motor vehicle shall not, in a careless or imprudent manner, drive the vehicle unnecessarily close to, toward, or near a bicyclist.
- (2) Any person who violates subsection (1) of this Section commits careless driving as described in Section 1402.

Section 29. That Section 1101 (7) of the Fort Collins Traffic Code is hereby amended to read as follows:

1101. Speed limits.

...

- (7) (a) Notwithstanding any other provisions of this Section, no person shall drive a vehicle on four-lane highways which are on the interstate system, as defined in Section 43-2-101(2), C.R.S., or are freeways or expressways in excess of a maximum lawful speed limit of seventy-five (75) miles per hour.
- (b) The speed limits set forth in Subsection (a) of this Section (7) are maximum lawful speed limits and the City, within its jurisdiction, shall not authorize any speed limit which exceeds seventy-five miles per hour on any highway.
- (c) The provisions of this Subsection (7) are declared to be matters of both local and statewide concern requiring uniform compliance throughout the State.

- (d) Notwithstanding any other provisions of this Section, no person shall drive a low-power scooter on a roadway at a speed in excess of forty miles per hour.

...

Section 30. That Section 1204 (4) of the Fort Collins Traffic Code is hereby amended to read as follows:

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

...

- (4) (a) Paragraph (a) of Subsection (1) of this Section shall not prohibit persons from parking bicycles or electrical assisted bicycles on sidewalks in accordance with the provisions of Section 1412(11)(a) and (11)(b).
- (b) Paragraph (f) of Subsection (1) of this Section shall not prohibit persons from parking two (2) or more bicycles or electrical assisted bicycles abreast in accordance with the provisions of Section 1412(11)(d).
- (c) Paragraphs (a), (c) and (d) of Subsection (2) of this Section shall not apply to bicycles or electrical assisted parked on sidewalks in accordance with Section 1412(11)(a) and (11)(b).

...

Section 31. That Section 1401 of the Fort Collins Traffic Code is hereby amended to read as follows:

1401. Reckless driving.

Any person who drives any motor vehicle, bicycle or motorized bicycle, electrical assisted bicycle, or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle, electric-assisted bicycle or motorized bicycle or electrical assisted bicycle shall not be subject to the provisions of Section 42-2-127, C.R.S.

Section 32. That Section 1402 of the Fort Collins Traffic Code is hereby amended to read as follows:

1402. Careless driving.

~~Any~~A person who drives ~~any~~a motor vehicle, bicycle ~~or motorized bicycle~~, **electrical assisted bicycle or low-power scooter** 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, is guilty of careless driving. A person convicted of careless driving of a bicycle, ~~electric-assisted bicycle or motorized bicycle~~**or electrical assisted bicycle** shall not be subject to the provisions of Section 42-2-127, C.R.S.

Section 33. That Section 1407.5 (3)(g) of the Fort Collins Traffic Code is hereby amended to read as follows:

1407.5 Splash guards - when required.

...

(3) This Section does not apply to:

...

(g) Bicycles **or electrical assisted bicycles**.

Section 34. That Section 1409 of the Fort Collins Traffic Code is hereby amended to read as follows:

1409. Compulsory insurance - penalty.

(1) No owner of a motor vehicle **or low-power scooter** required to be registered in this State shall operate the vehicle or permit it to be operated on the public streets or highways in the City when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

(2) No person shall operate a motor vehicle **or low-power scooter** on the public street or highways in the City without a complying policy or certificate of self-insurance in full force and effect as required by law.

(3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle **or low-power scooter** shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

(4) Any person who violates the provisions of Subsection (1), (2) or (3) of this Section commits a violation of this Traffic Code.

(a) The defendant shall be punished by a minimum mandatory fine of not less than five hundred dollars (\$500). The Court may suspend up to

one-half (½) of the fine upon a showing that appropriate insurance as required pursuant to Section 10-4-619 or 10-4-624, C.R.S., has been obtained.

- (b) Upon a second or subsequent conviction under this Section within a period of five (5) years, the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars (\$1,000). The court may suspend up to one-half (½) of the fine upon a showing that appropriate insurance as required pursuant to Section 10-4-619 or 10-4-624, C.R.S., has been obtained.
- (5) Testimony of the failure of any owner or operator of a motor vehicle **or low-power scooter** to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute *prima facie* evidence, at a trial concerning a violation charged under Subsection (1) or (2) of this Section, that such owner or operator of a motor vehicle violated Subsection (1) or (2) of this Section.
- (6) No person charged with violating Subsection (1), (2) or (3) of this Section shall be convicted if such person produces in court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by law, at the time of the alleged violation.

Section 35. That Section 1412 of the Fort Collins Traffic Code is hereby amended to read as follows:

1412. Operation of bicycles, motorized bicycles and other human-powered vehicles.

- (1) Every person riding a bicycle, ~~electric-assisted bicycle or motorized bicycle~~ **or electrical assisted bicycle** upon a roadway where bicycle, ~~electric-assisted bicycle and motorized bicycle~~ **and electrical assisted bicycle** travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this Traffic Code, except those provisions of this Traffic Code ~~which~~ **that**, by their very nature, can have no application. Said riders shall also comply with special rules set forth in this Section and in Section 220(1)(b) and (1)(c) and Section 221 and, when using streets and highways within the City, shall be subject to local ordinances regulating the operation of bicycles, ~~electric-assisted bicycles and motorized bicycles~~ **and electrical assisted bicycles** as provided in Section 42-4-111, C.R.S. Whenever the word *vehicle* is used in any of the driving rules set forth in this Traffic Code that are applicable to bicycle, ~~electric-assisted bicycle and motorized bicycle~~ **or electrical assisted bicycle** riders, such term shall include bicycles, ~~electric-assisted bicycles and motorized bicycles~~ **and electrical assisted bicycles**.

- (a) These regulations not in conflict with the Rules and Regulations promulgated by Colorado State University pursuant to Sections 23-5-106 and 107, C.R.S. shall apply on the campus of the University.
 - (b) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provision of this Section.
- (2) A person riding a bicycle, ~~electric-assisted bicycle~~ or **electrical assisted bicycle** or ~~motorized bicycle~~ shall not ride other than upon or astride a permanent and regular seat attached thereto.
 - (3) No ~~bicycle, electric-assisted bicycle~~ or **electrical assisted bicycle** or ~~motorized bicycle~~ shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.
 - (4) No person riding upon any bicycle, ~~electric-assisted bicycle~~ **electrical assisted bicycle** or ~~motorized bicycle~~ shall attach the same or himself or herself to any motor vehicle upon a roadway.
 - ~~(5) Any person riding a bicycle, electric-assisted bicycle or motorized bicycle shall ride in the right-hand lane. When being overtaken by another vehicle, such person shall ride as close to the right-hand side as practicable. Where a paved shoulder suitable for bicycle, electric-assisted bicycle or motorized bicycle riding is present, persons operating bicycles, electric-assisted bicycles or motorized bicycles shall ride on the paved shoulder. These provisions shall apply, except under any of the following situations:~~
 - ~~(a) When overtaking and passing another bicycle or vehicle proceeding in the same direction;~~
 - ~~(b) When preparing for a left turn at an intersection or into a private road or driveway;~~
 - ~~(c) When reasonably necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals or surface hazards.~~
 - (5) (a) **Any person operating a bicycle upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:**
 - (I) **If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the right as is reasonably prudent to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.**

- (II) A bicyclist may use a lane other than the right-hand lane when:
 - (A) preparing for a left turn at an intersection or into a private roadway or driveway;
 - (B) overtaking a slower vehicle; or
 - (C) taking reasonably necessary precautions to avoid hazards or road conditions.
 - (III) Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a bicyclist may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist does not intend to turn right.
- (b) A bicyclist shall not be expected or required to:
- (I) ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or
 - (II) ride without a reasonably safety margin on the right-hand side of the roadway.
- (c) A person operating a bicycle upon a one-way roadway with two (2) or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as is reasonably prudent, subject to the following conditions:
- (I) if the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride as far to the left as is reasonably prudent to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.
 - (II) A bicyclist shall not be expected or required to:
 - (A) ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or
 - (B) ride without a reasonable safety margin on the left-hand side of the roadway.

- ~~(6) (a) Persons operating bicycles, electric-assisted bicycles or motorized bicycles on roadways shall ride single file; except that riding no more than two (2) abreast is permitted in the following circumstances:~~
- ~~(I) When riding two (2) abreast will not impede the normal and reasonable movement of traffic; or~~
 - ~~(II) When riding on paths or parts of roadways set aside for the exclusive use of bicycles.~~
- ~~(b) Persons riding two (2) abreast shall ride within a single lane.~~
- (6) (a) Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadway set aside for the exclusive use of bicycles.
- (b) Persons riding bicycles two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.
- (7) A person operating a bicycle, ~~electric-assisted bicycle~~ or electrical assisted bicycle or ~~motorized bicycle~~ shall keep at least one (1) hand on the handlebars at all times.
- (8) (a) A person riding a bicycle, ~~electric-assisted bicycle~~ or electrical assisted bicycle or ~~motorized bicycle~~ intending to turn left shall follow a course described in Sections 901(1), 903 and 1007 or may make a left turn in the manner prescribed in Paragraph (b) of this Subsection (8).
- (b) A person riding a bicycle, ~~electric-assisted bicycle~~ or electrical assisted bicycle or ~~motorized bicycle~~ intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist may proceed in the new direction.
- (c) Notwithstanding the provisions of Paragraphs (a) and (b) of this Subsection (8), the City Traffic Engineer may cause official traffic control devices to be placed on roadways and thereby require and

direct that a specific course be traveled and operators of bicycles; ~~electric-assisted bicycles~~ **or electrical assisted bicycles** and ~~motorized bicycles~~ shall obey the directions of every such device.

- (9) (a) Except as otherwise provided in this Subsection (9), every person riding a bicycle; ~~electric-assisted bicycle~~ **or electrical assisted bicycle** or ~~motorized bicycle~~ shall signal his or her intention to turn or stop in accordance with the provisions of Section 903; except that a person riding a bicycle **or electrical assisted bicycle** may signal a right turn with the right arm extended horizontally.
- (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the bicycle **or electrical assisted bicycle** before turning and shall be given while the bicycle **or electrical assisted bicycle** is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle; ~~electric-assisted bicycle~~ **or electrical assisted** ~~or motorized bicycle~~.
- (10) (a) A person riding a bicycle **or electrical assisted bicycle** upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle in a crosswalk shall do so in a manner that is safe for pedestrians
- (b) A person shall not ride a bicycle **or electrical assisted bicycle** upon and along a sidewalk or across a roadway upon and along a crosswalk where such use of bicycles **or electrical assisted bicycles** ~~is~~are prohibited by official traffic control devices or local ordinances. A person riding a bicycle **or electrical assisted bicycle** shall dismount before entering any crosswalk where required by official traffic control devices or ordinance.
- (c) A person riding or walking a bicycle **or electrical assisted bicycle** upon and along a sidewalk or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including but not limited to the rights and duties granted and required by Section 802.
- (d) ~~Motorized bicycles~~**Low-power scooters** are restricted at all times from riding upon and along a sidewalk, or across a highway or street upon or along a crosswalk, except when the ~~motorized bicycle~~**low-power scooter** operator has dismounted the ~~motorized bicycle~~**low-**

~~power scooter~~ and is walking the ~~motorized bicycle~~ **low-power scooter** under human power.

- (11) (a) A person may park a bicycle, ~~electric-assisted bicycle~~ **or electrical assisted bicycle** ~~or motorized bicycle~~ on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.
- (b) A bicycle, ~~electric-assisted bicycle~~ **or electrical assisted bicycle** ~~or motorized bicycle~~ parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.
- (c) A bicycle, ~~electric-assisted bicycle~~ **or electrical assisted bicycle** ~~or motorized bicycle~~ may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.
- (d) A bicycle, ~~electric-assisted bicycle~~ **or electrical assisted bicycle** ~~or motorized bicycle~~ may be parked on the road abreast of another **such** bicycle or bicycles, ~~motorized bicycle, electric-assisted bicycle or motorized bicycles~~ near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.
- (e) In all other respects, bicycles, ~~electric-assisted bicycles~~ **or electrical assisted bicycles** ~~or motorized bicycles~~ parked anywhere on a highway shall conform to the provisions of Part 11 of this Traffic Code regulating the parking of vehicles.
- (12) Where suitable bike paths, horseback trails or other trails have been established on the right-of-way or parallel to and within one-fourth (¼) mile of the right-of-way of heavily traveled streets and highways, the Colorado Department of Transportation may, subject to the provisions of Section 43-2-135, C.R.S., by resolution or order, and the City Traffic Engineer may, where suitable bike paths, horseback trails or other trails have been established on the right-of-way or parallel to it within four hundred fifty (450) feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, animal rider, animal-drawn conveyance or other class or kind of nonmotorized traffic which is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the Colorado Department of Transportation or the City shall erect appropriate official signs giving notice thereof; except that with respect to controlled access highways, the provisions of Section 42-4-1010(3), C.R.S., shall apply. When such official signs are so erected, no person shall violate any of the instructions contained thereon.

- (13) For the sake of uniformity of bicycle, ~~electric-assisted bicycle~~ **or electrical assisted bicycle** and ~~motorized bicycle~~ safety rules throughout the State, the Colorado Department of Revenue, in cooperation with the Colorado Department of Transportation, shall prepare and make available to all local jurisdictions for distribution to bicycle, ~~electric-assisted bicycle~~ **and electrical assisted bicycle** and ~~motorized bicycle~~ riders therein a digest of state regulations explaining and illustrating the rules of the road, equipment requirements and traffic control devices that are applicable to such riders and their bicycles, ~~electric-assisted bicycles~~ **or electrical assisted bicycles** or ~~motorized bicycles~~. The City Traffic Engineer may supplement this digest with a leaflet describing any additional regulations of a local nature that ~~are applicable~~ **apply** within their respective jurisdictions.
- (14) A person riding a bicycle upon and along a recreational trail, as defined in Section 23-3 of the City Code, shall yield the right-of-way to any pedestrian using the recreational trail and shall give an audible signal or verbal warning before overtaking and passing any such pedestrian.
- (15) **The rider of an electrical assisted bicycle shall not use the electrical motor on a bike or pedestrian path.**

Section 36. That Section 1501 of the Fort Collins Traffic Code is hereby amended to read as follows:

1501. Traffic laws apply to persons operating motorcycles or ~~motor-driven cycles~~ **low-power scooters - special permits.**

- (1) Every person operating a motorcycle or ~~motor-driven cycle~~ **low-power scooters** shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this Traffic Code, except as to special regulations in this Traffic Code and except as to those provisions of this Traffic Code which by their nature can have no application.
- (2) For the purposes of a prearranged organized special event and upon a showing that safety will be reasonably maintained, the Colorado Department of Transportation or the City of Fort Collins Transportation Authority may grant a special permit exempting the operation of a motorcycle or ~~motor-driven cycle~~ **low-power scooter** from any requirement of this Part 15.

Section 37. That Section 1502 of the Fort Collins Traffic Code is hereby amended to read as follows:

1502. Riding on motorcycles or ~~motor-driven cycles~~ - **protective helmet.**

- (1) A person operating a motorcycle or ~~motor-driven cycle~~ **low-power scooter** shall ride only upon the permanent and regular seat attached thereto, and

such operator shall not carry any other person nor shall any other person ride on a motorcycle or ~~motor-driven cycle~~ **low-power scooter** unless such motorcycle or ~~motor-driven cycle~~ **low-power scooter** is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent seat if designed for two (2) persons or upon another seat firmly attached to the motorcycle or motor-driven cycle at the rear or side of the operator.

- (2) A person shall ride upon a motorcycle or ~~motor-driven cycle~~ **low-power scooter** only while sitting astride the seat, facing forward, with one (1) leg on either side of the motorcycle or ~~motor-driven cycle~~ **low-power scooter**.
- (3) No person shall operate a motorcycle or ~~motor-driven cycle~~ **low-power scooter** while carrying packages, bundles or other articles which prevent the person from keeping both hands on the handlebars.
- (4) No operator shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or ~~motor-driven cycle~~ **low-power scooter** or the view of the operator.
- (4.5) (a) A person shall not operate or ride as a passenger on a motorcycle or low-power scooter on a roadway unless:
 - (I) each person under eighteen (18) 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.

Section 38. That Section 1502 of the Fort Collins Traffic Code is hereby amended to read as follows:

1503. Operating motorcycles or ~~motor-driven cycles~~ low-power scooters on roadways laned for traffic.

- (1) All motorcycles or ~~motor-driven cycles~~ low-power scooters are entitled to full use of a traffic lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle or ~~motor-driven cycle~~ low-power scooter of the full use of a traffic lane. This Subsection (1) shall not apply to motorcycles or ~~motor-driven cycles~~ low-power scooters operated two (2) abreast in a single lane.
- (2) The operator of a motorcycle or ~~motor-driven cycle~~ low-power scooter shall not overtake or pass in the same lane occupied by the vehicle being overtaken.
- (3) No person shall operate a motorcycle or ~~motor-driven cycle~~ low-power scooter between lanes of traffic or between adjacent lines or rows of vehicles.
- (4) Motorcycles or ~~motor-driven cycles~~ low-power scooters shall not be operated more than two (2) abreast in a single lane.
- (5) Subsections (2) and (3) of this Section shall not apply to police officers in the performance of their official duties.

Section 39. That Section 1504 of the Fort Collins Traffic Code is hereby amended to read as follows:

1504. Clinging to other vehicles.

No person riding upon a motorcycle or ~~motor-driven cycle~~ low-power scooter shall attach himself or herself or the motorcycle or ~~motor-driven cycle~~ low-power scooter to any other vehicle on a roadway.

Section 40. That Section 1903(2) of the Fort Collins Traffic Code is hereby amended to read as follows:

1903. School buses - stops - signs - passing.

...

- (2) (a) Every school bus as defined in Section 42-1-102 (88), C.R.S., other than a small passenger-type vehicle having a seating capacity of not more than fifteen (15), used for the transportation of school children shall:

(I) Bear upon the front and rear of such school bus plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight (8) inches in height; and

~~(H) Display eight (8) visual signal lights, which shall be two (2) alternating flashing red lights visible to the drivers of vehicles approaching from the front of said bus, two (2) alternating flashing red lights visible to the drivers of vehicles approaching from the rear of said bus, and four (4) visual signal lights mounted near each of the four (4) red lights and at the same level but closer to the vertical center line of the bus and which shall be alternately flashing with two (2) visible to the front and two (2) visible to the rear. These visual signal lights shall be mounted as high as practicable, shall be as widely spaced laterally as practicable, and shall be located on the same level. These lights shall have sufficient intensity to be visible at five hundred (500) feet in normal sunlight.~~

~~(b) (I) When a school bus is equipped only with red visual signal lights, they shall be actuated by the driver of said school bus whenever such vehicle is stopped for the purpose of receiving or discharging schoolchildren and at no other time; but such lights need not be actuated when any said school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary.~~

(II) A school bus shall be exempt from the provisions of Subparagraph (I) of this Paragraph (b) when stopped for the purpose of discharging or loading passengers, who require the assistance of a lift device only when no passenger is required to cross the roadway. Such buses shall stop as far to the right of the roadway as possible to reduce obstruction to traffic.

(cb) The alternating flashing yellow lights shall be actuated at least two hundred (200) feet prior to the point where the bus is to be stopped for the purpose of receiving or discharging school children, and the red lights shall be actuated only at the time the bus is actually stopped.

...

Section 41. That certain definitions in Section 2002 of the Fort Collins Traffic Code are hereby amended to read as follows:

- (5) *Bicycle*. Every ~~any~~ **A** vehicle propelled solely by human power applied to pedals upon which ~~any~~ **a** person may ride, having two (2) tandem wheels or two (2) parallel wheels and one (1) forward wheel, all of which are more than fourteen (14) inches in diameter.
- (13) *Motor vehicle*. Any self-propelled vehicle ~~which~~ **that** is designed primarily for travel on the public highways and ~~which~~ **that** is generally and commonly used to transport persons and property over the public highways, ~~but~~ **except that** the term does not include ~~motorized bicycles as defined in Subsection (15) of this Section~~ **low-power scooters**, wheelchairs as defined by Subsection (41) of this Section, or vehicles moved solely by human power. **Motor vehicle includes a neighborhood electric vehicle.** For purposes of the offenses described in Section 42-4-1401, C.R.S. for farm tractors operated on streets and highways, *motor vehicle* includes a farm tractor, which is not otherwise classified as a motor vehicle.
- (14) *Motorcycle*. Every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground, except ~~any vehicle as may be included within the term~~ **that the term does not include a farm tractor** as herein defined and except a motorized bicycle as defined ~~in Subsection (16) of this Section~~ **or a low-power scooter.**
- (42) *Vehicle*. ~~Any~~ **A** device ~~which~~ **that** is capable of moving itself, or being moved, from place to place upon wheels or endless tracks;. ~~∇~~ **Vehicle includes, any without limitation, a bicycle, electric-assisted bicycle or motorized bicycle electrical assisted bicycle, or EPAMD,** but ~~such term~~ does not include ~~any~~ **a** wheelchair, as defined in Section (41) of this Section; any off-highway vehicles; ~~any snowmobile;~~ ~~any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations;~~ or any device moved by ~~muscular power (except for a bicycle, electric-assisted bicycle or motorized bicycle);~~ moved exclusively over stationary rails or tracks, or designed to move primarily through the air.

Section 42. That the definitions of “*Electric assisted bicycle*”, “*Motor driven cycle*”, “*Motorized bicycle*”, “*Motorized bicycle*”, and “*Motor scooter and motor bicycle*” are hereby deleted as follows:

- ~~(10) *Electric-assisted bicycle*. A vehicle that is designed to be operated on the ground on wheels, has a seat or saddle for use of the rider, is designed with not more than three (3) wheels in contact with the ground, is equipped with a battery-powered electric helper motor having a capacity of not more than one thousand (1,000) watts continuous input power rating, which motor is capable of propelling the bicycle at no more than twenty (20) miles per hour on level pavement, has two (2) fully operative pedals for human propulsion~~

that can act independently of the motor and is not a motorized bicycle within the meaning of Subsection (16) of this Section:

- ~~(15) *Motor-driven cycle.* Every motorcycle, including every motor scooter, with a motor which produces not to exceed six (6) brake horsepower and every bicycle with motor attached, but not trail bikes, mini-bikes, go-carts, golf carts and similar vehicles which are not designed for or approved by the Colorado Department of Transportation for use on the public roads or highways and not motorized bicycles as defined in Subsection (16) of this Section.~~
- ~~(16) *Motorized bicycle.* Every vehicle having two (2) or three (3) wheels, a cylinder capacity not exceeding fifty (50) c.c., and automatic transmission which produces a maximum design speed of not more than thirty (30) miles per hour on a flat surface.~~
- ~~(17) *Motor scooter and motor bicycle.* Every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground, except any such vehicle as may be included within the term *farm tractor* as defined in this Section and any *motorized bicycle* as define in Subsection (16) of this Section, which motor vehicle is powered by an engine of not to exceed six (6) brake horsepower.~~

Section 43. That the following definitions are hereby added to Section 2002 of the Fort Collins Traffic Code in alphabetical order with all definitions within Section 2002 numbered sequentially:

Electrical assisted bicycle. A vehicle having two (2) tandem wheels or two (2) parallel wheels and one (1) forward wheel, fully operable pedals, an electric motor no exceeding seven hundred fifty (750) watts of power, and a top motor-powered speed of twenty (20) miles per hour.

Electric personal assistive mobility device or EPAMD. A self-balancing, non-tandem two (2) wheeled device, designed to transport only one (1) person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty (750) watts.

Low-power scooter. A self-propelled vehicle designed primarily for use on the roadways with not more than three (3) wheels in contact with the ground, no manual clutch, and either of the following:

- (I) a cylinder capacity not exceeding fifty (50) cubic centimeters if powered by internal combustion; or
- (II) a wattage not exceeding four thousand four hundred seventy-six (4,476) if powered by electricity.

Low-power scooter shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility impaired people who use pedestrian rights-of-way.

Toy vehicle. Any vehicle whether or not home-built by the user, that has wheels with an outside diameter of not more than fourteen (14) inches and is not designed, approved, or intended for use on public roadways or highways or for off-road use. *Toy vehicle* includes, but is not limited to, gas-powered or electric-powered vehicles, commonly known as mini bikes, “pocket” bikes, kamikaze boards, go-peds, and stand-up scooters. *Toy vehicle* does not include off-highway vehicles or snowmobiles.

Section 44. That the effective date of Section 239 will be December 1, 2009.

Section 45. That the effective date Section 802 will be July 1, 2010.

Introduced, considered favorably on first reading, and ordered published this 6th day of October, A.D. 2009, and to be presented for final passage on the 20th day of October, A.D. 2009.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 20th day of October, A.D. 2009.

Mayor

ATTEST:

City Clerk