

DATE: September 20, 2011
STAFF: Hal Dean, Joe Olson
Randy Hensley

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

10

SUBJECT

Second Reading of Ordinance No. 119, 2011 Amending Various Provisions of the Fort Collins Traffic Code.

EXECUTIVE SUMMARY

The Colorado General Assembly amended certain statutory provisions this legislative session relating to state traffic laws. This Ordinance, unanimously adopted on First Reading on September 6, 2011, ensures that the Fort Collins Traffic Code is consistent with state traffic laws.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - September 6, 2011
(w/o attachments)

DATE: September 6, 2011
STAFF: Hal Dean, Joe Olson
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AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

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SUBJECT

First Reading of Ordinance No. 119, 2011 Amending Various Provisions of the Fort Collins Traffic Code.

EXECUTIVE SUMMARY

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

During a review of the statutory changes, staff identified additional amendments that would make the Traffic Code more consistent and provide more effective and efficient local enforcement.

BACKGROUND / DISCUSSION

The Colorado General Assembly regularly amends certain statutory provisions relating to traffic laws. At the time of the most recent 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.

This Ordinance reflects proposed changes to the Fort Collins Traffic Code to maintain consistency with state law and also includes changes recommended by City Traffic, Parking, and Police Services staff intended to make the Traffic Code more consistent and to provide more effective and efficient traffic and parking enforcement.

The changes recommended by staff involve providing flexibility for fines in work zones, improving crosswalk safety and clarifying parking regulations within the City as well as the immobilization and impounding of vehicles.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

ORDINANCE NO. 119, 2011
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 expectation of staff and the City Council that the Traffic Code would 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 child restraint and seat belt use, and school bus operation; and

WHEREAS, the City Traffic Engineer and Parking Services have made suggestions for clarifying the provisions of the Traffic Code related to traffic turns, parking, 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 adopt clarifying modifications proposed by the City Traffic Engineer and Parking Services; 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 116(5)(c) of the Fort Collins Traffic Code is hereby amended to read as follows:

116. Restrictions for minor drivers.

...

(5) A violation of this Section is a traffic infraction, and, upon conviction, the violator may be punished as follows:

...

(c) By an assessment of two (2) license suspension points pursuant to Section 42-2-127(5)(kk), C.R.S.

Section 2. That Section 229 of the Fort Collins Traffic Code is hereby amended to read as follows:

229. Safety glazing material in motor vehicles.

- (1) No person shall sell any new motor vehicle, nor shall any new motor vehicle be registered, unless such vehicle is equipped with safety glazing material of a type approved by the State Department of Revenue for any required front windshield and wherever glazing material is used in doors and windows of said motor vehicle. This Section shall apply to all passenger-type motor vehicles, including passenger buses and school vehicles but, in respect to camper coaches and trucks, including truck tractors, the requirements as to safety glazing material shall apply only to all glazing material used in required front windshields and that used in doors and windows in the drivers' compartments and such other compartments as are lawfully occupied by passengers in said vehicles.

...

- (4) No person shall operate a motor vehicle on any highway within this State unless such vehicle is equipped with a front windshield of an approved type as provided in this Section, except as provided in Section 232(1) and except for motor vehicles registered as collectors' items pursuant to state law.

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

236. Child restraint systems required - definitions - exemptions.

- (1) As used in this Section, unless the context otherwise requires:
 - (a) *Child care center* means a facility required to be licensed under the "Child Care Licensing Act", Article 6 of Title 26, C.R.S.
 - (b) *Child restraint system* means any device which is designed to protect, hold or restrain a child in a privately owned noncommercial passenger vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident and which conforms to all applicable federal motor vehicle safety standards.
 - (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, low-power scooters, motorscooters, motorbicycles, motorized bicycles, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(d) *Properly restrained* means, for a child safety restraint system, restrained according to the manufacturer's instructions and with any shoulder belt, if present, crossing the shoulder and chest, and the lap belt crossing the hips and touching the thighs.

(d) *Safety belt* means a lap belt, shoulder belt or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt which is physically a part of a child restraint system. *Safety belt* includes the anchorages, buckles and all other equipment directly related to the operation of safety belts.

(e) *Seating position* means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

(2) (a) (I) Unless exempted pursuant to Subsection (3) of this Section and except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), every child who is under eight (8) years of age, who is being transported in the City in a motor vehicle or in a vehicle operated by a child care center shall be properly restrained in a child restraint system.

(II) If a child is less than one (1) year of age and weighs less than twenty (20) pounds, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle.

(III) If a child is one (1) year of age or older, but less than four (4) years of age, and weighs less than forty (40) pounds but at least twenty (20) pounds, the child shall be properly restrained in a rear-facing or forward-facing child restraint system.

(b) Unless excepted pursuant to Subsection (3) of this Section, every child, who is at least eight (8) years of age but less than sixteen (16) years of age, who is being transported in this City in a motor vehicle or in a vehicle operated by a child

care center, shall be properly restrained in a safety belt or child restraint system.

(c) If a parent is in a motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with, and properly restrained in, a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or children, subject to the requirements of this Section, to ensure that such children are provided with, and that they properly use, a child restraint system or safety belt system.

(3) Except as provided in Section 116(4) of this Traffic Code, the requirement of Subsection (2) of this Section shall not apply to a child who:

(a) Is less than eight (8) years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available; or

(b) Is being transported in a commercial motor vehicle, as defined in Section 42-2-402(4)(a) C.R.S., that is operated by a child care center; or

(c) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in Section 237; or

(d) Weighs more than forty (40) pounds and is being transported in a motor vehicle in which the rear seat of the vehicle was not equipped at the time of manufacture with combination lap and shoulder belts; or

(e) Is being transported in a motor vehicle that is operated in the business of transporting persons for compensation or hire by or on behalf of a motor vehicle carrier as defined in Section 40-10-101(4)(a), C.R.S., a contract carrier by motor vehicle as defined in Section 40-11-101(3), C.R.S., or an operator of a luxury limousine service as defined in Section 40-16-101(3.3), C.R.S.

(4) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this Section, for children under sixteen (16) years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

- (5) The fine may be waived if the defendant presents the court with satisfactory proof of the acquisition, purchase or rental of a child restraint system by the time of the court appearance.
- (6) A minor driver who violates this Section shall be punished in accordance with Section 116(5) of this Traffic Code.

Section 4. That Section 601 of the Fort Collins Traffic Code is hereby amended to read as follows:

601. Local governments to sign highways, where.

The City shall place and maintain such traffic control devices, conforming to the state traffic control manual and specifications for statewide uniformity as provided in Section 42-4-104, C.R.S., upon streets and highways as it deems necessary to indicate and to carry out the provisions of this Traffic Code or to regulate, warn or guide traffic.

Section 5. That Section 606 of the Fort Collins Traffic Code is hereby amended to read as follows:

606. Display of unauthorized signs or devices.

- (1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and
- (2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. The provisions of this section shall not be deemed to prohibit the use of signs providing motorist services information of a general nature on official highway guide signs if such signs do not indicate the brand, trademark, or name of any private business or commercial enterprise offering the service, nor shall this section be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful direction information and of a type that cannot be mistaken for official signs.
- (3) Every such prohibited sign, signal, or marking is declared to be a public nuisance, and the City Engineer is empowered to remove the same or cause it to be removed without notice.

- (4) Any person who violates any provision of this Section commits a Class A traffic infraction.
- (5) The provisions of this Section shall not be applicable to informational sites authorized under Section 43-1-405, C.R.S.
- (6) The provisions of this section shall not be applicable to specific information signs authorized under Section 43-1-420, C.R.S..

Section 6. That Section 802(6) of the Fort Collins Traffic Code is hereby amended to read as follows:

802. Pedestrians right-of-way in crosswalks.

...

- (6) Whenever special pedestrian-control signals exhibiting “Walk” or “Don’t Walk” word or symbol indications are in place, as declared in the traffic control manual adopted by the Colorado Department of Transportation, such signals shall indicate and require as follows:
 - (a) “Walk” (steady): While the “Walk” indication is steadily illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication and shall be given the right-of-way by the drivers of all vehicles.
 - (b) “Don’t Walk” (steady): While the “Don’t Walk” indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.
 - (c) “Don’t Walk” (flashing): Whenever the “Don’t Walk” indication is flashing, no pedestrian shall start to cross the roadway in the direction of such signal indication, but any pedestrian who has partly completed his or her crossing during the “Walk” indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.

Section 7. That Section 901(1) of the Fort Collins Traffic Code is hereby amended to read as follows:

901. Required position and method of turning.

- (1) The driver of a motor vehicle intending to turn shall do so as follows:

- (a) **Right turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (b) **Left turns.** The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to such vehicle. Whenever practicable, the left turn shall be made from the left of the center of the intersection and completed in the extreme left-hand lane lawfully available to such vehicle on the roadway being entered.
- (c) **Two-way left-turn lanes.** Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices in the manner prescribed in the state traffic control manual, a left turn shall not be made from any other lane, and a vehicle shall not be driven in said special lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

Section 8. That Section 1013 of the Fort Collins Traffic Code is hereby amended to read as follows:

1013. Driving on roadways with designated bicycle lanes.

Whenever a bicycle lane has been established on a roadway, any person operating a motor vehicle on such roadway shall not drive in the bicycle lane except to park where parking is permitted, to enter or leave the highway or to prepare for a turn. Any person operating a motor vehicle shall not enter a bicycle lane as provided by this Section until yielding the right-of-way to all bicycles lawfully within the bicycle lane.

Section 9. That Section 1107(2) of the Fort Collins Traffic Code is hereby amended to read as follows:

1107. Designation of highway maintenance, repair or construction zone signs - increase in penalties for speeding violations.

...

- (2) The City Traffic Engineer may designate by erecting or placing an appropriate sign that a maintenance, repair or construction activity is taking place or will be taking place within four (4) hours. Such sign shall notify the public that increased penalties for speeding violations are in effect in such zone. The City Traffic Engineer shall erect or place a second sign after such zone indicating that the increased penalties for speeding violations are no longer in effect. A maintenance, repair or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

...

Section 10. That Section 1204(1) and (2) of the Fort Collins Traffic Code is hereby amended to read as follows:

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

- (1) Except as otherwise provided in Subsection (4) of this Section, no person shall stop, 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 official traffic control device, in any of the following 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:

...

- (c) Within twenty (20) feet of a crosswalk;

...

- (g) At any other place where official signs or red curb markings are used to prohibit standing.

Section 11. That Section 1205.5 of the Fort Collins Traffic Code is hereby amended to read as follows:

1205.5 Obedience to angle parking sign or markings.

On those streets which the City Traffic Engineer has approved and has signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings, and within lined markings, with the vehicle's appropriate front tire adjacent to the correspondent curb or edge of the roadway except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or other emergency services personnel.

Section 12. That Section 1208 of the Fort Collins Traffic Code is hereby amended to read as follows:

1208. Parking privileges for persons with disabilities.

- (1) As used in this Section:
 - (a) *License plate or placard* means a license plate or placard issued pursuant to State law.
 - (b) *Person with a disability* has the meaning provided for such term pursuant to State law.
- (2) A vehicle with a license plate or a placard obtained pursuant to Section 42-3-204, C.R.S., or as otherwise authorized by Subsection (4) of this Section may be parked in public parking areas along public streets regardless of any time limitation imposed upon parking in such area; except such privilege shall not apply to zones or times of day in which:
 - (a) Stopping, standing or parking of all vehicles is prohibited;
 - (b) Only special vehicles may be parked;
 - (c) Parking is not allowed during specific periods of the day.
- (3) (a) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities, whether on public property or private property available for public use. A placard or license plate obtained pursuant to Section 42-3-204, C.R.S., or as otherwise authorized by Subsection (4) of this Section shall be displayed at all times on the vehicle while parked in such space.

...

- (5) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property that is clearly identified by an official sign or pavement markings as being reserved for use by persons with disabilities unless:
 - (a) Such person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the space reserved for use by persons with disabilities; and
 - (b) A license plate or placard obtained pursuant to Section 42-3-204, C.R.S., or as otherwise authorized by Subsection (4) of this Section is displayed in such vehicle.

...

- (7) Any person who is not a person with a disability and who uses a license plate or placard issued to a person with a disability pursuant to Section 42-3-204, C.R.S., in order to receive the benefits or privileges available to a person with a disability under this Section, commits a traffic offense.

...

Section 13. That Section 1214(1) of the Fort Collins Traffic Code is hereby amended to read as follows:

1214. Parking certain vehicles in a residential zone prohibited.

- (1) No motor vehicle exceeding twenty (20) feet in length, or any trailer coach, recreational vehicle, mobile home, trailer, semi-trailer or truck tractor, or part of such vehicle, shall be parked or stored upon the street adjacent to any lot zoned Urban Estate District (U-E); Residential Foothills District (R-F); Low Density Residential District (R-L); Low Density Mixed-Use Neighborhood District (L-M-N); Medium Density Mixed-Use Neighborhood District (M-M-N); Neighborhood Conservation Low Density district (N-C-L); Neighborhood Conservation Medium Density District (N-C-M); Neighborhood Conservation Buffer District (N-C-B); or High Density Mixed-Use Neighborhood District (H-M-N), except:

...

Section 14. That Section 1408 of the Fort Collins Traffic Code is hereby amended to read as follows:

1408. Operation of motor vehicles on property designated as parks, natural areas or recreation areas under the control of or owned by the City.

- (1) It is unlawful for any person to operate or park a motor vehicle in any natural area, park or recreation area owned by or under the control of the City unless otherwise authorized by City Code.
- (2) A vehicle owner's liability for violation of Subsection (1) of this Section pertaining to any parking restrictions shall be the same as set forth in Section 1209 of this Traffic Code.

Section 15. 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.

...

- (14) A person riding a bicycle or electrical assisted bicycle upon and along a recreational trail 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 or on a recreational trail unless otherwise authorized by the City Code.

Section 16. That Section 1503 of the Fort Collins Traffic Code is hereby amended to read as follows:

1503. Operating motorcycles or low-power scooters on roadways laned for traffic.

- (1) A person operating a motorcycle is entitled to full use of a traffic lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a traffic lane. This Subsection (1) shall not apply to motorcycles operating two (2) abreast in a single lane.
- (2) A person operating a low-power scooter upon a roadway shall ride as close to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (3) The operator of a motorcycle shall not overtake or pass in the same lane occupied by the vehicle being overtaken.

- (4) No person shall operate a motorcycle or low-power scooter between lanes of traffic or between adjacent lines or rows of vehicles.
- (5) Motorcycles shall not be operated more than two (2) abreast in a single lane.
- (6) Subsections (3) and (4) of this Section shall not apply to police officers in the performance of their official duties.

Section 17. That Section 1801 of the Fort Collins Traffic Code is hereby amended to read as follows:

1801. Authority to impound and immobilize.

...

- (4) If the owner of a motor vehicle does not respond to a notice sent to him or her by the Clerk of the Court, Municipal Court Clerk's Office, or Parking Services pursuant to this Traffic Code and any Parking Services personnel, code enforcement officer, community service officer or police officer finds such vehicle standing upon any portion of a street or highway right-of-way or other public property within the City, then such employee is authorized to immobilize such vehicle by installing on or attaching to such vehicle a device designed to restrict the normal movement of the vehicle. In such event, officer the employee shall attach to the vehicle a notice advising the owner, driver or person in charge of the vehicle that the vehicle was immobilized due to the failure to respond to a previous notice regarding alleged violation(s) of the Traffic Code. Said notice shall also include information regarding the procedure for releasing the vehicle from such immobilization or impoundment, which may be obtained by contacting the Office of Parking Services. . Arrangements for release must be made within seventy-two (72) hours of immobilization. If no arrangements are made within that time period, an immobilized vehicle may be impounded. Before a vehicle may be released from immobilization or impoundment, all fines, fees and other penalties applicable to such vehicle, including fees established for immobilizing and impounding the vehicle, must be paid in full.
- (5) The owner of a motor vehicle may request an administrative hearing to contest whether, at the time the vehicle was immobilized or impounded, reasonable grounds existed to immobilize or impound the vehicle by:

- (a) Paying the total amount of the fines, fees, and penalties, including fees for immobilization and impoundment, to Parking Services within seventy-two (72) hours of immobilization; and
- (b) Filing a motion with the Municipal Court Parking Referee to contest the reasonable grounds within forty-eight (48) hours after payment, on a form approved by the court.

Failure to timely pay said fines, fees, and penalties and file the motion required under this provision will constitute a waiver of the administrative hearing.

- (6) The Municipal Court Parking Referee shall hold an administrative hearing only on the following questions:
 - (a) Whether the Municipal Court Parking Referee has jurisdiction;
 - (b) Whether the claimant is the owner of the motor vehicle, or presently entitled to possession; and
 - (c) Whether probable cause existed to immobilize or impound the vehicle.

The Municipal Court Parking Referee shall not enter orders or findings on any other issue of fact or law, including but not limited to, the validity of the charges, the amount charged, or the constitutionality of ordinances or statutes.

- (7) No vehicle which has been immobilized pursuant to this Section shall be moved by any person without first obtaining a release from such immobilization from Parking Services, nor shall any person deface, injure, tamper with or open, or willfully break, destroy or impair the usefulness of any immobilization device attached to a vehicle pursuant to this Section or remove or attempt to remove said device from such vehicle.
- (8) Any person who violates Subsection (7) of this Section is guilty of a misdemeanor punishable under Section 1-15(a) of the City Code.
- (9) Subsections (7) and (8) of this Section shall not apply to city employees acting in the performance of their official duties.

Section 18. That Section 1903 of the Fort Collins Traffic Code are hereby amended to read as follows:

1903. School buses - stops - signs - passing.

...

- (2) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. For the purposes of this Section, *highway with separate roadways* means a highway that is divided into two (2) or more roadways by a depressed, raised or painted median or other intervening space serving as a clearly indicated dividing section or island.

Section 19. That Section 2002 of the Fort Collins Traffic Code is hereby amended by the addition of a new definition "*School Vehicle*" which reads in its entirety as follows with all subsequent definitions being renumbered accordingly:

2002. Definitions.

...

- (28) *School Vehicle.* A motor vehicle, including but not limited to a school bus, that is owned by or under contract to a public or private school and operated for the purpose of transporting school children to or from school or a school-related activity; provided, however, that such transportation shall not include informal or intermittent arrangements such as the sharing of actual gasoline expense or participation in a car pool for the transportation of children to or from school or any school-sponsored activity, or motor vehicles owned by or under contract to a child care center, as defined in section 26-6-102(1.5), C.R.S., and used for the transportation of children who are served by the child care center.

Introduced, considered favorably on first reading, and ordered published this 6th day of September, A.D. 2011, and to be presented for final passage on the 20th day of September, A.D. 2011.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 20th day of September, A.D. 2011.

Mayor

ATTEST:

Chief Deputy City Clerk