

AGENDA ITEM SUMMARY

City Council

December 3, 2013

STAFF

Randy Hensley, Parking Services Manager
Joe Olson, City Traffic Engineer
Joel Tower, Police Sergeant

SUBJECT

First Reading of Ordinance No. 172, 2013, Amending Various Provisions of the Fort Collins Traffic Code.

EXECUTIVE SUMMARY

The purpose of this Ordinance is to ensure that the Fort Collins Traffic Code (the "Traffic Code") is consistent with state traffic laws, and to implement amendments identified by staff that would make the Traffic Code more consistent and provide more effective and efficient local enforcement.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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 Parking Services, Traffic Operations, Transport, 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 modifications and clarifications to infractions such as weight of vehicles, flashing signals, bus stopping at railroad grade crossings, obstruction of traffic or highway maintenance, permitted parking and impoundment, and methods to present compulsory motor vehicle insurance.

ORDINANCE NO. 172, 2013
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 City Council adopted the Fort Collins Traffic Code (the “Traffic Code”); and

WHEREAS, at the time of the adoption of the Traffic Code, it was the 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 proof of insurance and the gross weight of vehicles or vehicle combinations; and

WHEREAS, City staff has made suggestions for clarifying the provisions of the Traffic Code related to parking and definition changes to be consistent with state law; 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 to adopt the clarifying modifications proposed by the City staff; 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 508 of the Fort Collins Traffic Code is hereby amended to read as follows:

508. Gross weight of vehicles and loads.

(1) Except as provided in Subsection (2) of this Section, ~~no~~ a person shall not move or operate a vehicle or combination of vehicles ~~shall be moved or operated on any highway or bridge when the gross weight thereof~~ upon any one (1) axle of a vehicle exceeds the limits ~~specified-prescribed~~ below:

(a) ~~(H)~~ The gross weight upon any one (1) axle of a vehicle shall not exceed the limits ~~prescribed in Section 507~~ set forth in Section 507.

~~(H) Subject to the limitations prescribed in Section 507, the gross weight of a vehicle having two (2) axles shall not exceed thirty-six thousand (36,000) pounds.~~

~~(III) Subject to the limitations prescribed in Section 507, the gross weight of a single vehicle having three (3) or more axles shall not exceed fifty-four thousand (54,000) pounds.~~

(b) Subject to the limitations prescribed in Section 507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula $W = 1,000 (L + 40)$, where W represents the gross weight in pounds, and L represents the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles; ~~but except that,~~ in computation of this formula, ~~no~~ the gross vehicle weight shall not exceed eighty-five thousand (85,000) pounds. For the purposes of this Section, where a combination of vehicles is used, ~~no~~ a vehicle shall not carry a gross weight of less than ten (10) percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten (10) percent of the weight of the combination. The limitations provided in this Section shall be strictly construed and enforced.

(c) Notwithstanding any other provisions of this Section, except as may be authorized under Section 510, ~~no~~ a person shall not move or operate a vehicle or combination of vehicles ~~shall be moved or operated~~ on any highway or bridge ~~which~~ that is part of the national system of interstate and defense highways, also known as the interstate system, when the gross weight of such vehicle or combination of vehicles exceeds the following specified limits: amount determined by the formula $W = 500 [(LN/N-1) + 12N + 36]$, up to a maximum of eighty thousand (80,000) pounds, where W represents the overall gross weight on any group of two (2) or more consecutive axles to the nearest five hundred (500) pounds, L represents the distance in feet between the extreme of any group of two (2) or more consecutive axles, and N represents the number of axles in the group.

~~(I) Subject to the limitations prescribed in Section 507, the gross weight of a vehicle having two (2) axles shall not exceed thirty-six thousand (36,000) pounds.~~

~~(II) Subject to the limitations prescribed in Section 507, the gross weight of a single vehicle having three (3) or more axles shall not exceed fifty-four thousand (54,000) pounds.~~

~~(III) (A) Subject to the limitations prescribed in Section 507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula $W = 500 [(LN/N - 1) + 12N + 36]$.~~

~~(B) In using the formula in Sub-subparagraph (A) of this Subparagraph (III), W equals overall gross weight on any group of two (2) or more consecutive axles to the nearest five hundred (500) pounds, L equals distance in feet between first and last axles of such vehicle or combination of vehicles, and N equals number of axles; but in computations of this formula no gross vehicle weight shall exceed eighty thousand (80,000) pounds, except as may be authorized under Section 510 or state law.~~

~~(IV) For the purposes of this Subsection (1), where a combination of vehicles is used, no vehicle shall carry a gross weight of less than ten (10) percent of the overall gross weight of the combination of vehicles; except that this limitation shall not apply to specialized trailers whose specific use is to haul poles and whose axles may carry less than ten (10) percent of the weight of the combination.~~

(d) For the purposes of this Subsection (1) of this Section, where a combination of vehicles is used, each vehicle shall carry a gross weight of at least ten (10) percent of the overall gross weight of the combination of vehicles; except that this requirement shall not apply to specialized trailers whose specific use is to haul poles and whose axles are not capable of carrying ten (10) percent of the weight of the combination.

(2) The gross weight limits provided in Subsection (1) of this Section are increased by one thousand (1,000) pounds for any vehicle or combination of vehicles that if the vehicle or combination of vehicles contains an alternative fuel system and operates on alternative fuel or both alternative and conventional fuel. The provisions of this Subsection (2) apply only when the vehicle or combination of vehicles is operated on a highway that is not on the interstate system as defined in Section 43-2-101, C.R.S. For the purposes of this Subsection (1.52), *alternative fuel* has the same meaning provided in Section 25-7-106.8(1)(a), C.R.S.

Section 2. That Section 605(1) of the Fort Collins Traffic Code is hereby amended to read as follows:

605. Flashing signals.

...

(b) When a circular yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may cautiously proceed past ~~such the~~ signal and through enter the intersection or other hazardous location only with cautions long as the driver's contemplated action is not prohibited by other official traffic control devices.

Drivers shall yield the right-of-way to pedestrians and bicyclists lawfully within the associated crosswalk, and to other vehicles lawfully within or approaching the intersection.

(c) When a yellow arrow signal is illuminated with rapid intermittent flashes, drivers of vehicles may cautiously proceed past the signal and enter the intersection only to make the movement indicated by the arrow. Drivers shall yield the right-of-way to pedestrians and bicyclists lawfully within a crosswalk and to other vehicles lawfully within or approaching the intersection. In addition, vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction which are within the intersection or are so close thereto as to constitute an immediate hazard.

...

Section 3. That Section 707 of the Fort Collins Traffic Code is hereby amended to read as follows:

707. Certain vehicles must stop at railroad grade crossings.

...

(2) This Section shall not apply at street railway grade crossings within a business district.

(2) When stopping as required at such railroad crossing, the driver shall keep as far to the right of the roadway as possible and shall not form two (2) lanes of traffic unless the roadway is marked for four (4) or more lanes of traffic.

(3) Subsection (1) of this Section shall not apply at:

(a) Any railroad grade crossing at which traffic is regulated by a traffic control signal;

(b) Any railroad grade crossing at which traffic is controlled by a police officer, emergency services personnel or human flag person;

(4) For the purposes of this Section, the definition of hazardous materials shall be the definition contained in the rules and regulations adopted by the Chief of the Colorado State Patrol pursuant to Section 42-20-108, C.R.S.

Section 4. That Section 1203 of the Fort Collins Traffic Code is hereby amended to read as follows:

1203. ~~Parking not to obstruct traffic~~ Obstructing traffic or highway maintenance prohibited.

No person shall park any vehicle upon any street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or ~~proper~~ street or highway maintenance.

Section 5. That Section 1214.5 of the Fort Collins Traffic Code is hereby amended to read as follows:

1214.5. Permitted Parking.

(1) Unless official traffic control devices provide otherwise, only vehicles that have been properly permitted pursuant to ~~Section 24-164 of the City Code may be parked within a residential parking permit zone.~~ the following provisions may park in those areas:

(a) Section 24-164 of the City Code for parking within a residential parking permit zone.

(b) Section 23-140 of the City Code for use of facilities owned or operated by the City, including but not limited to public parking areas.

...

(5) After vacating a time-restricted parking space in a residential parking permit zone, no person shall return and park, or direct another person to return and park, that same vehicle in that same residential parking zone within a twenty-four (24) hour period, regardless of whether the maximum time restriction has elapsed.

Section 6. That Section 1409(3) of the Fort Collins Traffic Code is hereby amended to read as follows:

1409. Compulsory insurance - penalty.

...

(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~~ an 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.

(a) As used in this Section, "evidence of a complying policy or certificate of self-insurance in full force and effect" includes the presentation of such a policy or certificate upon a cell phone or other electronic device.

(b) If an operator of a motor vehicle or low-power scooter uses a cell phone or other electronic device to present evidence of a complying policy or certificate of self-insurance in full force and effect as described in this Section:

(I) The law enforcement officer to whom the operator presents the device shall not explore the contents of the cell phone or other electronic device other than to examine the operator's policy or certificate of self-insurance; and

(II) The law enforcement officer to whom the operator presents the device and any law enforcement agency that employs the officer are immune from any civil damages resulting from the officer dropping or otherwise unintentionally damaging the cell phone or other electronic device.

...

Section 7. That Section 1801(5) of the Fort Collins Traffic Code is hereby amended to read as follows:

1801. Authority to impound and immobilize.

...

(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 or impoundment; and

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Introduced, considered favorably on first reading, and ordered published this 3rd day of December, A.D. 2013, and to be presented for final passage on the 17th day of December, A.D. 2013.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 17th day of December, A.D. 2013.

Mayor

ATTEST:

City Clerk