

AGENDA ITEM SUMMARY

February 4, 2020

City Council

STAFF

Sara Lynd, Police Sergeant
Bronwyn Scurlock, Legal

SUBJECT

First Reading of Ordinance No. 025, 2020, Amending Various Sections of the Fort Collins Traffic Code.

EXECUTIVE SUMMARY

The purpose of this item is to ensure that the Fort Collins Traffic Code is consistent with Colorado traffic laws.

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 Traffic Code to be consistent with amended or recently adopted statutory provisions relating to inoperable or malfunctioning traffic control signals and parking in electric motor vehicle charging stations. Further, staff has added a section to the careless driving provision to make it consistent with state law.

ORDINANCE NO. 025, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING VARIOUS SECTIONS OF THE FORT COLLINS TRAFFIC CODE

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

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

WHEREAS, the Colorado General Assembly has amended certain statutory provisions relating to inoperable or malfunctioning traffic control signals; and

WHEREAS, the Colorado General Assembly has added new statutory provisions related to parking in electric motor vehicle charging stations; and

WHEREAS, staff has added a section to the careless driving provision to make it consistent with state law; and

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

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

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

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

Section 2. That Section 612 of the Traffic Code is hereby amended to read as follows:

612. When signals are inoperative or malfunctioning.

- (1) ~~Whenever~~ **When** a driver approaches an intersection and faces a traffic control signal ~~which that~~ is inoperative, ~~or which that~~ remains on steady red or steady yellow during several time cycles, **or that does not recognize a motorcycle that is operated by the driver,** the ~~rules~~ **provisions** controlling entrance to a through street or highway from a stop ~~street~~ **sign** or highway, as provided under Section 703, ~~shall~~ apply until a police officer or emergency services personnel assumes control of traffic or until **the traffic control signal resumes** normal operation ~~is resumed~~. ~~In the event that any~~ **If** a traffic control signal at a place other than an intersection ~~should cease~~ to operate or ~~should malfunction as set~~

forth in this Section **malfunctions**, drivers may proceed **through** **past** the ~~inoperative or malfunctioning~~ signal only with caution, as if the signal were ~~one of~~ flashing yellow.

...

Section 3. That Section 705 of the Traffic Code is hereby amended to read as follows:

705. Operation on approach of emergency vehicles.

...

(3) A driver in a vehicle ~~that is approaching or passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating or oscillating red, blue or white lights as permitted by Section 213 or 222~~ shall exhibit due care and caution and proceed as described in ~~Paragraphs (a) and (b) of this Subsection (3)~~ **Subsections (4) and (5) of this Section when approaching or passing: Any person who violates this Subsection (3) of this Section commits careless driving as described in Section 1402.**

(a) A stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by Section 213 or 222;

(b) A stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights; or

(c) A stationary public utility service vehicle that is giving a visual signal by means of flashing, rotating, or oscillating amber lights.

~~(a)~~ On a highway with at least two (2) adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle, **stationary towing carrier vehicle, or stationary public utility service vehicle** is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one (1) moving lane apart from the stationary authorized emergency vehicle, **stationary towing carrier vehicle, or stationary public utility service vehicle** unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in **Subsection (5) of this Section.** ~~paragraph (b) of this Subsection (3).~~

~~(b)~~ On a highway that does not have at least two (2) adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, or if the movement by the driver of the approaching vehicle into an adjacent moving lane, as described in Paragraph (a) of this Subsection (3), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary authorized vehicle, **stationary towing vehicle, or stationary public utility service**

vehicle, weather conditions, road conditions and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(e6) Any person who violates this Subsection (3) of this Section commits careless driving as described in Section 1402.

Section 4. That a new Section 1228 is hereby added to the Traffic Code which reads in its entirety as follows:

1228. Parking in electric motor vehicle charging stations.

(1) As used in this Section:

(a) *Official sign* shall mean a sign identifying a parking space for electric motor vehicle charging that cites this section.

(b) *Plug-in electric motor vehicle* shall mean a motor vehicle that has received an acknowledgment of certification from the Federal Internal Revenue Service that the vehicle qualifies for the plug-in electric drive vehicle credit set forth in 26 U.S.C. Sec. 30D, as amended, or any successor statute; or any motor vehicle that can be recharged from an external source of electricity and that uses electricity stored in a rechargeable battery pack to propel or contribute to the propulsion of the vehicle's drive wheels.

(2) The owner of public or private property may install official signs that identify a parking space as a dedicated charging station. The installation operates as a waiver of any objection the owner may assert concerning enforcement of this section. A police officer or specially-commissioned officer may enforce this section on private property.

(3) (a) A person shall not park a motor vehicle within a parking space designated for charging a plug-in electric motor vehicle unless the motor vehicle is a plug-in electric motor vehicle.

(b) Except as provided in subsection (4) of this section, a person shall not park a plug-in electric motor vehicle in a parking space with a dedicated charging connector for the parking space unless the person is parked in the charging station for the purpose of charging the plug-in electric motor vehicle.

(c) A plug-in electric motor vehicle is rebuttably presumed to not be charging if the motor vehicle is:

(I) parked in a charging station parking space with a dedicated charging connector for the space; and

(II) not continuously and electrically connected to the charger for longer than thirty (30) minutes.

(4) (a) A person may park a plug-in electric motor vehicle at a charging station after the motor vehicle is fully charged in a parking lot:

(I) that serves a lodging business if the person is a client of the lodging business and has parked the plug-in electric motor vehicle in the lot to charge overnight;

(II) that serves an airport if the person is a client of the airport and has parked the plug-in electric motor vehicle in the lot to charge when traveling; or

(III) between the hours of 11 p.m. and 5 a.m.

(b) The exception in subsection (4)(a) of this section is an affirmative defense to a violation of subsection (3) of this section.

(5) A person who violates this section commits a traffic infraction.

Section 5. That Section 1402 of the Traffic Code is hereby amended to read as follows:

1402. Careless driving.

(1) A person who drives a motor vehicle 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.

(2) Any person who violates any provision of this Section commits a misdemeanor traffic offense.

Introduced, considered favorably on first reading, and ordered published this 4th day of February, A.D. 2020, and to be presented for final passage on the 18th day of February, A.D. 2020.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 18th day of February, A.D. 2020.

Mayor

ATTEST:

City Clerk