

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

ITEM NUMBER: 12

DATE: August 16, 2005

STAFF: Tony Benavides

### SUBJECT

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First Reading of Ordinance No. 085, 2005, Amending Various Provisions of the Fort Collins Traffic Code.

### RECOMMENDATION

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Staff recommends adoption of the Ordinance on First Reading.

### EXECUTIVE SUMMARY

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This legislative session the Colorado General Assembly amended certain statutory provisions relating to traffic regulations. 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 for the purpose of ensuring that the Traffic Code remains consistent with state traffic laws. The proposed amendments will:

- Provide the following restrictions on minor drivers: (a) no non-family minor passengers in a vehicle driven by a minor driver until the driver has held a license for 6 months; (b) only one non-family minor passenger until the driver has held a license for at least one year; and (c) no driving between midnight and 5 am until the driver has held a license for at least one year (with exceptions).
- Delete a portion of the lighting equipment requirements for motorized bicycles.
- Limit the circumstances in which a volunteer fire or ambulance may use its light and siren systems in non-emergencies, and require a permit from the fire chief or ambulance service chief executive officer for a volunteer to equip a private automobile with emergency lights and sirens.
- Prohibit the use and possession of red and blue lights in non-authorized vehicles.

- Prohibit minor or temporary driver's license holders from use of cell phones while driving (with exceptions for emergencies and use while vehicle is parked). This prohibition is a secondary offense.
- Add certain other violations of the traffic code that occur in construction zones to be subject to doubled fines.
- Add rules setting forth the duty of drivers approaching or passing a stationary emergency vehicles. This amendment designates a violation of that duty as careless driving.
- Add containers of human waste as materials that may not be littered on highways.
- Clarify exceptions to the type of loads which must be secured or covered to prevent load spills on streets.
- Provide additional rules for pedestrians and bicyclists regarding impeding the flow of traffic, signaling right turns, and crossing at cross walks.
- Prohibit the use, possession or sale of radar jamming devices.

One amendment corrects the inadvertent inclusion of trailers in the section involving parking in residential zones when the Traffic Code was originally adopted.

Staff will submit the changes to Colorado Department of Transportation (CDOT) for approval pursuant to statute. As the amendments are made to conform to state law, it is anticipated that CDOT will approve.

ORDINANCE NO. 085, 2005  
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. 16, 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 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 State traffic laws; and

WHEREAS, the Colorado General Assembly has amended certain statutory provisions relating to use of blue and red lights, traffic violations in construction zones, restrictions on minor drivers, driver duty on approaching emergency vehicles, horns and warning devices, littering human waste, spilling loads on highways, pedestrian and bicycle rules, radar jamming devices, and cell phone use by minor drivers; and

WHEREAS, Section 1214 relating to parking in residential zones was adopted with the word "trailers" inadvertently added. This error has caused confusion in enforcing Section 1214 and should be deleted from the Code provision; and

WHEREAS, the Council has determined that the Traffic Code amendments which have been proposed are in the best interest of the City and its citizens; and

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

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

Section 1. That the Fort Collins Traffic Code is hereby amended by the addition of two new Subsections 115 and 116 which read in their entirety as follows:

**115. Reserved.**

**116. Restrictions for minor drivers.**

- (1) (a) Except as provided in Paragraph (c) of this Subsection (1), a minor driver shall not operate a motor vehicle containing a passenger who is under twenty-one (21) years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least six (6) months.

- (b) Except as provided in Paragraph (c) of this Subsection (1), a minor driver shall not operate a motor vehicle containing more than one (1) passenger who is under twenty-one (21) years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least one (1) year.
  - (c) Paragraphs (a) and (b) of this Subsection (1) shall not apply if:
    - (I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in Section 42-2-108, CRS;
    - (II) The motor vehicle contains an adult twenty-one (21) years of age or older who currently holds a valid driver's license and has held such license for at least one (1) year;
    - (III) The passenger who is under twenty-one (21) years of age is in the vehicle on account of a medical emergency;
    - (IV) All passengers who are under twenty-one (21) years of age are members of the driver's immediate family and all such passengers are wearing a seatbelt.
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- (2) (a) Except as provided in Paragraph (b) of this Subsection (2), a minor driver shall not operate a motor vehicle between 12 midnight and 5 a.m. until such driver has held a driver's license for at least one (1) year.
  - (b) This Subsection (2) shall not apply if:
    - (I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in Section 42-2-108, CRS;
    - (II) The motor vehicle contains an adult twenty-one (21) years of age or older who currently holds a valid driver's license and has held such license for at least one (1) year;
    - (III) The minor is driving to school or a school-authorized activity when the school does not provide adequate transportation, so long as the driver possesses a

signed statement from the school official containing the date the activity will occur;

- (IV) The minor is driving on account of employment when necessary, so long as the driver possesses a signed statement from the employer verifying employment;
- (V) The minor is driving on account of a medical emergency; or
- (VI) The minor is an emancipated minor.

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

- (a) By the imposition of not less than eight (8) hours nor more than twenty-four (24) hours of community service for a first offense and not less than sixteen (16) hours nor more than forty (40) hours of community service for a subsequent offense;
- (b) By the levying of a fine of not more than fifty dollars (\$50) for a first offense, a fine of not more than one hundred dollars (\$100) for a second offense, and a fine of one hundred fifty dollars (\$150) for a subsequent offense;
- (c) By an assessment of two (2) license suspension points pursuant to Section 42-2-127 (5) (kk), CRS.

(4) For the purposes of this Section:

- (a) "Emancipated minor" shall mean an individual under eighteen (18) years of age whose parents or guardian has surrendered parental responsibilities, custody, and the right to the care and earnings of such person, and are no longer under a duty to support such person.
- (b) "Minor driver" shall mean a person who is operating a motor vehicle and who is under eighteen (18) years of age.

(5) No driver in a motor vehicle shall be cited for a violation of this Section unless such driver was stopped by a law enforcement officer for an alleged violation of this Code other than a violation of this Section.

Section 2. That Section 220 of the Fort Collins Traffic Code is hereby amended to read as follows:

**220. Motorized bicycles – motor-driven cycles - lighting equipment - department control - use and operation.**

...

(3) (a) 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.

~~(b) No person shall equip, drive or move any vehicle or equipment upon any highway with any lamp or device thereon capable of displaying a red or blue light visible from directly in front of the center thereof. This Section shall not apply to any vehicle upon which such lights visible from the front are expressly authorized or required by this Traffic Code.~~

Section 3. That Section 222 of the Fort Collins Traffic Code is hereby amended to read as follows:

**222. Volunteer firefighters - volunteer ambulance attendants - special lights and alarm systems.**

(1) All members of volunteer fire departments regularly attached to the fire departments organized within incorporated towns and cities and fire protection districts and all members of a volunteer ambulance service regularly attached to a volunteer ambulance service within an area ~~which the which~~ **that** the ambulance service would be reasonably expected to serve may have their private automobiles equipped with a signal lamp or a combination of signal lamps capable of displaying flashing, oscillating or rotating red lights visible to the front and rear at five hundred (500) feet in normal sunlight. In addition to the red light, flashing, oscillating or rotating signal lights may be used that emit white or white in combination with red lights. At least one (1) of such signal lamps or combination of signal lamps shall be mounted on the top of the automobile. Said automobiles may be equipped with audible signal systems such as sirens, whistles or bells. Said lights,

together with any signal systems authorized by this Section, may be used only when a member of any fire department is responding to or attending a fire alarm or other emergency or when the member of an ambulance service is responding to an emergency requiring the member's services. Neither such lights nor such signals shall be used for any other purpose than those set forth in this Section. If used for any other purpose, such use shall constitute a violation of this Section.

- (b) A fire engine collector or member of a fire department may use the signal system authorized by this Section in a funeral, parade, or for other special purposes if the circumstances would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.
- (c) A member of a volunteer fire department or volunteer ambulance service may equip his or her private automobile with the equipment described in Paragraph (a) of this Subsection only after receiving a permit for the equipment from the fire chief or chief executive officer of the ambulance service through which the volunteer serves.

Section 4. That Section 224 of the Fort Collins Traffic Code is hereby amended to read as follows:

**224. Horns or warning devices.**

- (1) Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound, except as provided in Section 213(1) in the case of authorized emergency vehicles **or as provided in Section 222**. The driver of a motor vehicle, when reasonably necessary to **ensure** safe operation, shall give audible warning with the horn but shall not otherwise use such horn when upon a highway.
- (2) No vehicle shall be equipped with nor shall any person use upon a vehicle any audible device except as otherwise permitted in this Section. It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as a warning signal unless the alarm device is a required part of the vehicle. Nothing in this Section is meant to preclude the use of audible warning devices ~~which~~ **that** are activated when the vehicle is backing. Any authorized emergency vehicle may be equipped with an audible signal device under Section

213(1), but such device shall not be used except when such vehicle is operated in response to an emergency call or in the actual pursuit of a suspected violator of the law or for other special purposes, including, but not limited to, funerals, parades and the escorting of dignitaries. **Such device shall not be used for such special purposes unless the circumstance would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.**

...

Section 5. That Section 238 of the Fort Collins Traffic Code is hereby renumbered as Section 240:

**~~238~~240. License plates.**

...

Section 6. That the Fort Collins Traffic Code is hereby amended by the addition of new Section 238 which reads in its entirety as follows:

**238. Red and blue lights-illegal use and possession.**

- (1) A person shall not be in actual physical control of a vehicle, except an authorized emergency vehicle as defined in Section 42-1-102(6), C.R.S., that the person knows contains a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible directly in front of the center of the vehicle.
- (2) It shall be an affirmative defense that the defendant was:
  - (a) A peace officer as described in Section 16-2.5-101, C.R.S.; or
  - (b) In actual physical control of a vehicle expressly authorized by a chief of police or sheriff to contain a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible from directly in front of the center of the vehicle; or
  - (c) A member of a volunteer fire department or a volunteer ambulance service who possesses a permit from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves to operate a vehicle pursuant to Section 42-4-222(1)(b), C.R.S.; or
  - (d) A vendor who exhibits, sells, or offers for sale a lamp or



device designed to display, or that is capable of displaying, if affixed or attached to the vehicle, a red or blue light.

(e) A collector of fire engines, fire suppression vehicles, or ambulances and the vehicle to which the red or blue lamps were affixed is valued for the vehicle's historical interest or as a collector's item.

(3) A violation of this Section is a class 1 misdemeanor.

Section 7. That a new Section 239 of the Fort Collins Traffic Code is hereby added 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 while the car is moving; or

(II) reports a fire, a traffic accident in which one 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.

(2) No person who holds a temporary instruction permit or a minor's instruction permit pursuant to Section 42-2-106, C.R.S., shall use a mobile communication device 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) Any person who operates a motor vehicle in violation of Subsection (2) of this Section commits a traffic infraction.
- (4) 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 a law enforcement officer for an alleged violation of this Code other than a violation of this Section.

Section 8. That Section 614 of the Fort Collins Traffic Code is hereby amended to read as follows:

**614. Barricades and temporary regulations for emergency or special conditions and construction zones.**

...

- (3) If maintenance, repair, or construction activities are occurring or will be occurring within four hours on a portion of a highway, the City may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits violation of Sections 603 - 609, 611, 612, 701-705, 801-808, 901-903, 1001-1009, 1211, 1401-1403, 1405-1407, 1410, and 1501-1504, in a maintenance, repair, or construction zone that is designated pursuant to this Section is subject to doubled fines.
  - (a) The City shall designate a maintenance, repair, or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for violations are in effect in such zone. The City shall erect or place a second sign after such zone indicating that the increased penalties for 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 9. That Section 705 of the Fort Collins 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). Any person who violates Subsection (3) of this Section commits careless driving as described in Section 1402.
  - (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 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, 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 Paragraph (c) 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 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, 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.

Section 10. That Section 802 of the Fort Collins Traffic Code is hereby amended to read as follows:

**802. Pedestrians right-of-way in crosswalks.**

...

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

...

Section 11. That Section 1214 of the Fort Collins Traffic Code is hereby amended to read as follows:

**1214. Parking certain vehicles in a residential zone prohibited.**

...

- (b) Motor coaches, trailer coaches; **or** mobile homes ~~or trailers~~ when parked for a period less than forty-eight (48) hours.

...

Section 12. That Section 1406 of the Fort Collins Traffic Code is hereby amended to read as follows:

**1406. Foreign matter on highway prohibited.**

- (1) (a) No person shall drop, throw or deposit upon **or along** any street or highway any glass bottle, glass, stones, nails, tacks, wire, cans, **container of human waste** or other substance likely to injure any person, animal or vehicle upon **or along** such highway.

...

- (5) Except as provided ~~in Subsection (6) of this Section~~**below**, any person who violates any provision of this Section commits a traffic infraction.

- (a) **Any person who violates Paragraph (a) of Subsection (1) of this Section by throwing or depositing a container of human waste upon or along any highway shall be punished by a fine of five hundred dollars (\$500).**

- (~~6~~b) Any person who violates any provision of Paragraph (b) of Subsection (1) of this Section is guilty of a misdemeanor, and

upon conviction thereof, shall be punished in accordance with Section 1-15 of the City Code.

(6) As used in this Section:

- (a) "Container" shall include, without limitation, a bottle, a can, a box, or a diaper.
- (b) "Human waste" shall mean urine or feces produced by a human.

Section 13. That Section 1407 of the Fort Collins Traffic Code is hereby amended to read as follows:

**1407. Spilling loads on highways prohibited - prevention of aggregate, trash and recyclable spills.**

...

- (2) (a) No vehicle shall be driven or moved on any highway for a distance of more than two (2) miles if the vehicle is transporting aggregate material with a diameter of one (1) inch or less, trash or recyclables unless **at least one (1) of the following conditions is met:**
  - (I) The load is covered by a tarp or other cover in a manner that prevents the **load** from blowing, dropping, sifting, leaking or otherwise escaping from the vehicle; **or**
  - (II) The vehicle utilizes other technology that prevents the ~~aggregate material~~ **load** from blowing, dropping, sifting, leaking or otherwise escaping from the vehicle; **or**
  - (III) **The load is required by to be secured and complies with 49 CFR 392 or 393; or**
  - (IV) **The vehicle is loaded in such a manner or the load itself has physical characteristics such that the contents will not escape from the vehicle. Such a load may include, but is not limited to, heavy scrap metal or hydraulically compressed scrap recyclables.**

...

Section 14. 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.**

...

- (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 there is no motor vehicle traffic approaching from the rear within a distance of three hundred (300) feet and the sight distance on the roadway at the time and place and under the conditions then existing is a minimum of three hundred (300) feet to the front and to the rear of the bicyclists or motorized bicyclists~~ riding two (2) abreast will not impede the normal and reasonable movement of traffic; or

...

- (9) (a) Except as otherwise provided in this Subsection (9), every person riding a bicycle, electric-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 may signal a right turn with the right arm extended horizontally.~~

...

- (10) (a) A person riding a 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 upon and along a sidewalk or across a roadway upon and along a crosswalk where such use of bicycles is prohibited by official traffic control devices or local ordinances. ~~A person riding a bicycle shall dismount before entering any crosswalk where required by official traffic control devices or ordinance.~~

- (c) A person riding or walking a 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) A person riding a bicycle upon and along a sidewalk shall dismount before entering any roadway and, when crossing any such roadway, shall observe all the rules and regulations applicable to pedestrians. After dismounting, a person may ride his or her bicycle across the roadway upon and along any existing crosswalk so long as there is no official traffic control device prohibiting such use of bicycles in the crosswalk.~~

...

Section 15. That Section 1415, "Use of dyed fuel on highways prohibited", of the Fort Collins Traffic Code is hereby repealed in its entirety and reenacted to read as follows:

~~1415. Use of dyed fuel on highways prohibited.~~

~~No person shall operate a motor vehicle upon any highway of this State using diesel fuel dyed to show that no taxes have been collected on the fuel. (Ord. No. 016, 2003 §1)~~

**1415. Radar jamming devices prohibited - penalty.**

- (1) (a) No person shall use, possess, or sell a radar jamming device.
- (b) No person shall operate a motor vehicle with a radar jamming device in the motor vehicle.
- (2) (a) For purposes of this Section, "radar jamming device" shall mean any active or passive device, instrument, mechanism, or equipment that is designed or intended to interfere with, disrupt, or scramble the radar or laser that is used by law enforcement agencies and peace officers to measure the speed of motor vehicles. "Radar jamming device" shall include, without limitation, devices commonly referred to as "jammers" or "scramblers".
- (b) For purposes of this Section, "radar jamming device" shall not include equipment that is legal under FCC regulations, such as a citizens' band radio, ham radio, or any other similar electronic equipment.

- (3) Radar jamming devices shall be subject to seizure by any peace officer and may be confiscated and destroyed by order of the court in which a violation of this Section is charged.
- (4) A violation of Subsection (1) of this Section is a misdemeanor traffic offense.
- (5) The provisions of Subsection (1) of this Section shall not apply to peace officers acting in their official capacity.

Introduced and considered favorably on first reading and ordered published this 16th day of August, A.D. 2005, and to be presented for final passage on the 6th day of September, A.D. 2005.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 6th day of September, A.D. 2005.

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Mayor

ATTEST:

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City Clerk