

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 10

DATE: August 15, 2006

**STAFF: Sgt. Russell Reed /
Officer Scott Crumbaker /
Randy Hensley**

SUBJECT

Second Reading of Ordinance No. 109, 2006, Amending Various Provisions of the Fort Collins Traffic Code.

RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

EXECUTIVE SUMMARY

The Colorado General Assembly amended certain statutory provisions this legislative session relating to various provisions in state traffic laws. This Ordinance, which was unanimously adopted on First Reading on July 18, 2006, ensures that the Traffic Code is consistent with state traffic laws.

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 21

DATE: July 18, 2006

STAFF: Sgt. Russell Reed /
Officer Scott Crumbaker /
Randy Hensley

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SUBJECT

First Reading of Ordinance No. 109, 2006, 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 various provisions in state traffic laws. This Ordinance ensures that the Traffic Code is consistent with state traffic laws.

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BACKGROUND

STATE LAW CHANGES

This legislative session the Colorado General Assembly 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. 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. The proposed amendments will:

1. Require all occupants in motor vehicles driven by a minor to be properly restrained, prohibit more than one passenger to occupy the front seat, and prohibit more passengers than there are seat belts in the back seat.
2. Impose a minimum of eight hours of community service, a \$50 fine and two points against a minor's driver's license as a penalty for child restraint or seatbelt violations.

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3. Require a mandatory fine of \$1000 for a person convicted of using an electronic device to change a traffic control signal when such use is the proximate cause of bodily injury to another and also prohibits the sale or possession of such electronic devices.
4. Specify that commercial vehicles transporting passengers must stop at railroad crossing grades and deletes the exemption for those crossings controlled by crossing gates and flashing lights.
5. Allow immobilization of vehicles as a penalty for repeat violators of speed contests and exhibition of speed, and provide a definition of speed contest and exhibition of speed. The state law amendment also reduced the points to be assessed against a driver's license for exhibition of speed to five points from twelve points.

HAZARD MATERIALS TRANSPORTATION

The state prohibits the transportation of hazardous waste except on certain designated routes with various exceptions. C.R.S §42-20-106 allows local governments to adopt regulations or ordinances relating to the transportation of hazardous materials so long as the provisions and penalties are no more stringent than state law. Chapter 11 of the City Code currently specifies procedures for regulating hazardous materials transportation; however, the City Code section pertaining to deviation from authorized routes could be interpreted as being more stringent than the state law, as a violation of any provision of Chapter 11 of the City Code section is a criminal misdemeanor violation and the penalty includes the possibility of both a fine and jail sentence.

In addition, the Colorado Department of Transportation has deemed Highway 287 unsuitable for the transportation of hazardous materials, and that such materials should not be coming through the City of Fort Collins. Currently state traffic laws deal with the transportation of hazardous materials on designated routes and the City of Fort Collins would benefit from a Traffic Code provision, so that this issue can continue to be handled on a local level. The fines collected from this charge over time could help offset the clean-up of a hazardous material spill if one did occur in Fort Collins.

OTHER CHANGES

Enforcement officers recommend the following Code amendments to provide more effective and efficient traffic enforcement and add to an increase in traffic safety. These amendments will:

1. Require commercial trucks to vehicles to seek out and obtain clearance at the nearest port of entry to ensure compliance with vehicle load weights. Overweight commercial vehicles are a significant factor in road deterioration needing repair by the City. A local provision dealing specifically with this issue will help ensure that commercial vehicles are the proper weight, and the fines generated by violators would help offset some of the cost associated with repairs from these large vehicles.
2. Provide clarification and procedures regarding failure to pay for parking in City-owned or leased structures, surface lots and pay station spaces in order to improve enforceability.

3. Require license plates to be visible from a distance of 50 feet and require plates to show the current registration year. This amendment will aid in the successful prosecution of such violations.
4. Shorten the time frame in which court appearance dates may occur on issued citations from thirty days to 14 days.

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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.

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ORDINANCE NO. 109, 2006
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 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 Council's desire to amend the Fort Collins Traffic Code to reflect the changes made by the General Assembly; and

WHEREAS, the state prohibits the transportation of hazardous waste except on certain designated routes with various exceptions. C.R.S. §42-20-106 allows local governments to adopt regulations or ordinances relating to the transportation of hazardous materials so long as the provisions and penalties are no more stringent than state law; and

WHEREAS, state law also requires commercial trucks to seek out and obtain clearance at the nearest port of entry to ensure compliance with vehicle loadweight; and

WHEREAS, Section 1227 relating to parking in surface lots and parking garages has, in practice, been difficult to utilize and enforce, and Parking Services has requested that the section be amended to clarify the section; and

WHEREAS, successful prosecution of license plate violations relating to visibility requires a distance measure; and

WHEREAS, the 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 of the Fort Collins Traffic Code is hereby amended by the addition of a new Subsection (3) and (4) and the remaining Subsections renumbered accordingly to read as follows:

116. Restrictions for minor drivers.

...

- (3) Occupants in motor vehicles driven by a minor driver shall be properly restrained or wear seat belts as required in Sections 236 and 237.
- (4) No more than one (1) passenger shall occupy the front seat of a motor vehicle driven by a minor driver and the number of passengers in any back seat(s) of such vehicle shall not exceed the number of seatbelts.
- (5) 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 C.R.S. §42-2-127(5)(hh), C.R.S.

Section 2. That Section 236 of the Fort Collins Traffic Code is hereby amended to read as follows:

236. Child restraint systems required - definitions - exemptions.

...

- (6) A minor driver who violates this Section shall be punished in accordance with Section 116(5).

Section 3. That Section 237 of the Fort Collins Traffic Code is hereby amended to read as follows:

237. Safety belt systems - mandatory use - exemptions - penalty.

...

- (7) A minor driver who violates this Section shall be punished in accordance with Section 116(5).

Section 4. That Section 240 of the Fort Collins Traffic Code is hereby amended by the addition of a new subparagraph (2) and the following Subsections renumbered accordingly to read as follows:

240. License plates.

...

- (1) License plates assigned to a self-propelled vehicle other than a motorcycle or street rod vehicle shall be attached thereto, one (1) in the front and the other in the rear. The number plate assigned to a motorcycle, street rod vehicle, trainer or semi-trailer, any other vehicle drawn by a motor vehicle or any item of mobile machinery or self-propelled construction equipment shall be attached to the rear thereof.
- (2) License plates shall be displayed showing the current registration year.
- (3) Every license plate shall at all times be securely fastened to the vehicle to which it is assigned, so as to prevent the plate from swinging, and shall be horizontal at a height not less than twelve (12) inches from the ground measuring from the bottom of such plate, in a place and position clearly visible from a distance of fifty (50) feet away, and shall be maintained free from foreign materials and in a condition to be clearly legible.

Section 5. That Section 509 of the Fort Collins Traffic Code is hereby amended to read as follows:

509. Vehicles weighed - excess removed.

...

- (4) No owner or operator of a motor vehicle subject to the provisions of Section 42-8-105, C.R.S., relating to clearance at ports of entry, shall fail or refuse to obtain valid clearance. Every such owner or operator shall seek out a port of entry to obtain such valid clearance, whether or not such port of entry weigh station is located on the route that the owner or operator is following, unless a valid clearance or a valid special permit from the State department of revenue has previously been secured .

...

Section 6. That a new Section 514 is hereby added to the Fort Collins Traffic Code and reads in its entirety as follows:

514. Hazardous materials transport-deviation from authorized route - penalty.

- (1) No person shall transport hazardous materials by motor vehicle contrary to any route designation approved by the Chief of Police or State Patrol unless such action is necessary to service a motor vehicle or to make a local pickup or delivery of hazardous materials or unless such action is required by emergency conditions which would make continued use of authorized routes unsafe or by the closure of an authorized route, and, in such circumstances, the motor vehicle shall remain on authorized routes whenever possible and shall minimize the distance traveled on restricted routes. A person transporting hazardous materials by motor vehicle may make successive local pickups and deliveries without returning to the authorized route between each pickup or delivery when such return would be unreasonable. A person transporting hazardous materials shall not utilize residential streets unless there is no other reasonable route available to reach the destination and the person has obtained an exemption permit pursuant to Section 11-5 of the City Code.
- (2) Any person who transports hazardous materials by motor vehicle in a manner inconsistent with the provisions of Subsection (1) of this

section commits a misdemeanor traffic offense and shall be assessed a penalty of two hundred fifty dollars (\$250) for each separate violation. A person who commits a second or subsequent violation within a twelve (12) month period of transporting hazardous materials by motor vehicle in a manner inconsistent with the provisions of Subsection (1) of this section commits a misdemeanor traffic offense and shall be issued a summons and complaint, and upon conviction thereof, shall be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500).

- (3) For purposes of this Section, "hazardous materials" means those materials as defined in Section 42-20-103(3), C.R.S.

Section 7. That Section 607 of the Fort Collins Traffic Code is hereby amended to read as follows:

607. Interference with official devices.

- (1) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, remove or interfere with the effective operation of any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon or any other part thereof.
- (2) No person shall use an electronic or other device, without lawful authority, that causes a traffic light to change.
 - (a) Any person who violates Subsection (2) commits a traffic infraction except that a person who violates Subsection (2) and thereby proximately causes bodily injury to another person commits a misdemeanor traffic offense and in addition to any other penalty, the Court shall impose a fine of one thousand dollars (\$1000).
- (3) No person shall possess or sell, without lawful authority, any electronic device that is designed to cause a traffic light to change.

Section 8. 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.

- (1) Except as otherwise provided in this Section, the driver of any commercial vehicle that is transporting passengers, any school bus carrying any school child, or any vehicle carrying hazardous materials which is required to be placarded in accordance with regulations issued pursuant to Section 42-20-108, C.R.S., before crossing at grade any tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this Section and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not manually shift gears while crossing the tracks.

...

- (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;

...

Section 9. That Section 1101(4) of the Fort Collins Traffic Code is hereby amended to read as follows:

- (4) In every charge of violating Subsection 1 and 2 of this Section, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the alleged reasonable and prudent speed or the posted speed limit applicable at the specified time and location of the alleged violation.

Section 10. That Section 1105 of the Fort Collins Traffic Code is hereby amended to read as follows:

1105. Speed contests, exhibition of speed-immobilization.

- (1) No person shall engage in any motor vehicle speed contest on a street or highway, and no person shall aid or abet in any such motor vehicle speed contest on any street or highway.
 - (a) For the purposes of this Section, “speed contest” shall mean the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding reasonable and prudent speeds for streets and existing traffic conditions, vying for position, or performing one (1) or more lane changes in an attempt to gain advantage over one or more of the other race participants.
- (2) No person shall engage in any motor vehicle speed exhibition on a street or highway, and no person shall aid or abet in any such motor vehicle speed exhibition on any street or highway.
 - (a) For purposes of this Section, speed exhibition shall mean the operation of a motor vehicle to present a display of speed or power. “Speed exhibition” includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage or leaving visible tire acceleration marks on the surface of the roadway or ground.
- (3) No person shall, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or exhibition upon a street or highway, in any manner obstruct or place any barricade or obstruction or assist or participate in placing any such barricade or obstruction upon any street or highway.
- (4) The provisions of this Section shall not apply to the operation of a motor vehicle in an organized competition according to accepted rules on a designated and duly authorized race track, race course, or drag strip.
- (5) In addition to any sentence imposed on a second or subsequent conviction for violation of this Section, the court may order the motor

vehicle involved in the speed contest or exhibition immobilized pursuant to Section 42-4-1105(5) through (9), C.R.S.

Section 11. That Section 1227 of the Fort Collins Traffic Code is hereby amended to read as follows:

1227. Failure to pay parking structure or surface fees.

- (1) A person shall not take or drive a vehicle out of a City-operated parking structure or surface lot or any space for which payment for parking is required without paying the parking fee.
- (2) If the person cannot pay the parking fee upon exiting the parking structure or surface lot at which a parking services attendant is present, said person shall sign and provide the attendant with a written promise to return within forty-eight (48) hours to pay the parking fee. If the parking fee is not paid within the forty-eight (48) hours, a citation for failure to pay the parking fee shall be mailed to the registered owner of the offending vehicle pursuant to Section 1209(2) of this Traffic Code.
- (3) No vehicle shall be parked in a space regulated by a pay station without paying the parking fee indicated on the pay station, nor shall any vehicle be parked in excess of the time purchased from a pay station, except during those times indicated on the pay station when payment is not required.
- (4) Failure to pay the fine for a "failure to pay" citation may subject the vehicle to immobilization and impoundment pursuant to Part 18 of this Traffic Code.

Section 12. That Section 1707(2)(a) of the Fort Collins Traffic Code is hereby amended to read as follows:

- (2) If a peace officer issues and serves a summons and complaint to appear in Municipal Court upon the defendant as described in Subsection (1) of this Section, any defect in form in such summons and complaint regarding the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, the date and approximate location thereof, and the date the summons and complaint is served on the defendant may be cured by amendment at any time prior to trial or any time before verdict or findings upon an oral motion by the prosecuting attorney after notice to the defendant and an opportunity

for a hearing. No such amendment shall be permitted if substantial rights of the defendant are prejudiced. No summons and complaint shall be considered defective so as to be cause for dismissal solely because of a defect in form in such summons and complaint as described in this Subsection (2).

- (a) The date and time specified in the summons portion of a summons and complaint must be at least fourteen (14) days after the date such summons and complaint is served, unless the defendant shall demand through the Municipal Court an earlier court appearance date.

Section 13. That Section 1707(3)(c) of the Fort Collins Traffic Code is hereby amended to read as follows:

- (3) (a) . . .
- (c) The time specified in the summons portion of said penalty assessment notice must be at least fourteen (14) days but not more than ninety (90) days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

Section 14. That Section 1801 of the Fort Collins Traffic Code is hereby amended to read as follows:

1801. Authority to impound and immobilize.

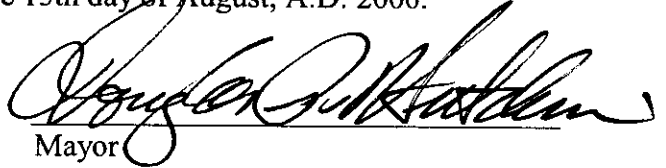
- (1) Definitions. As used in this Section:

- (a) *Abandoned vehicle* means:

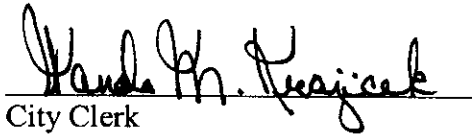
- . . .
- III. Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the City that is not registered or does not have a license plate with a current registration sticker attached thereto in violation of Sections 42-3-121 and 42-3-114 , C.R.S., except as provided for in Section 42-3-103, C.R.S.; or
- . . .

- V. A motor vehicle fitted with an immobilization device that is on public property and deemed to be abandoned pursuant to Section 42-4-1105 (7) (c), C.R.S.

Introduced, considered favorably on first reading, and ordered published this 18th day of July, A.D. 2006, and to be presented for final passage on the 15th day of August, A.D. 2006.


Mayor

ATTEST:


City Clerk

Passed and adopted on final reading on the 15th day of August, A.D. 2006.

Mayor

ATTEST:

City Clerk