

**CITY OF BOULDER  
TRANSPORTATION ADVISORY BOARD  
AGENDA ITEM**

**MEETING DATE: July 14, 2014**

**AGENDA TITLE:** Staff briefing and TAB input regarding proposed transportation-related ordinance changes.

**PRESENTER/S:**

Bill Cowern, Transportation Operations Engineer  
Commander Carey Weinheimer, Boulder Police Department  
Kurt Matthews, Manager Parking Services  
Janet Michels, City Attorney's Office

**EXECUTIVE SUMMARY:**

The purpose of this memorandum is to brief the Transportation Advisory Board (TAB) on several proposed transportation-related changes to the Boulder Revised Code (BRC) and to receive input on these proposed changes.

City staff is recommending several amendments to the BRC, which are transportation-related. Generally, these changes are intended to address enforceability or operational issues. Changes range from technical corrections to updating the code to be consistent with state law to achieving consistency with local initiatives already underway, such as recognizing the operation of a shared street. Staff is seeking input on these proposed amendments from the TAB. City Council consideration of the proposed amendments is currently scheduled for September 2014.

The draft BRC amendments are provided in **Attachment A**.

**Other Board and Commission feedback:** None

**Public feedback:** These proposed amendments are being reviewed by Community Cycles at their July 7, 2014 meeting. Staff will provide a summary of their comments to the TAB following their meeting. No other public outreach is planned.

**Analysis:**

The proposed amendments to the BRC include twenty three distinct changes. Some of these proposed changes are clerical, while others include more substantive changes to the BRC. The proposed changes include:

- Changes to the definition of an Abandoned Vehicle, in several sections of the B.R.C., which support proposed changes to 7-6-2 which make it easier to tow vehicles parked in restricted parking areas.
- Changes to Section 2-2-11 which remove the existing limitation on the amount of time that the “Traffic Engineer” may allow a roadway to be closed for community events and bicycle or pedestrian races. There are a number of special events wanting to close the roadway for longer than these limitations currently allow and staff does not believe there are any operational reasons to have these limitations.
- The creation of a definition for a “Shared Street” which is needed due to the reference to a “Shared Street” in several proposed B.R.C. modifications.
- Changes to Section 7-2-12 which clarify the conditions under which emergency vehicles are exempt from certain roadway requirements (i.e. parking, stopping, speed, wrong way travel, etc...)
- Changes to Section 7-3-3 which ensure that the Colorado Department of Transportation may not issue an oversize vehicle permit for roadways within the city of Boulder which are not state highways.
- A small change to Section 7-4-7 which clarifies the potential opposing traffic control for a driver facing a flashing yellow lens.
- Changes to Section 7-4-64 which clarify the flashing red light display requirements for school buses to establish a requirement for vehicles to stop. This change ensures that vehicles in both directions are required to stop for school buses when the bus’ stop placard is displayed and the flashing red light are active.
- Changes to Section 7-4-66 which modifies the responsibilities of drivers approaching emergency vehicles. State law already provides these requirements so these modifications establish conformity between state and local regulation.
- Adding new Section 7-4-78 “Misuse of a Wireless Telephone” to provide regulation around the use of hand-held electronic device use when driving. These changes will preclude cell-phone use for those under the age of 18 and preclude texting and driving for all drivers. State law already provides these requirements so these modifications establish conformity between state and local regulation.
- Modifications to several BRC Sections (5-6-15; 7-5-4; 7-5-17; 7-5-19; and 7-5-20) which establish that standard rules of the road for pedestrians and bicyclists are exempted when a roadway is designated as a “Shared Street”. These changes are needed to allow pedestrians and bicyclists to use a shared street as it is intended.

- Adding language to Section 7-5-14 which clarifies that a pedestrian or cyclist cannot legally step into the path of a motor vehicle, even if they have the right-of-way unless they give the driver of that vehicle sufficient opportunity to stop for them.
- Changes to Section 7-5-15 which clean up the language associated with pedestrian indication at traffic signals and additional language which allows a pedestrian to enter a crosswalk when a countdown pedestrian indicator is counting down the time remaining to cross, as long as they can complete the crossing of the intersection in that time.
- Changes to Section 7-5-16 which add rules for pedestrians crossing at a flashing yellow signal display, and change the rules so that pedestrians crossing in crosswalks at intersections with these displays do have right-of-way as if it were a standard crosswalk, rather than not having right-of-way and having to wait for gaps in traffic. These changes bring the B.R.C. into compliance with the newest version of the Manual on Uniform Traffic Control Devices.
- Changes to Section 7-6-2 which allow motor vehicles to be impounded when parked in a metered parking area, when they have parked in violation of a traffic control device, when such device was provided 24 hours in advance of the restriction, rather than the standard 72 hours of notice. This is due to vehicles not being legally allowed to park at a metered parking space for much less time than the standard 72 hour restriction that exists city-wide.
- Changes to Section 7-6-13 which assist with the allowance of impounding vehicles parked as metered parking spaces (see bullet for Section 7-6-2) and clarify that buses are allowed to park in bus stops.
- Changes to Section 7-6-21 which remove the stipulation that a vehicle cannot park for longer than 3 minutes in a passenger loading zone and allow the Traffic Engineer to establish different limits using traffic control devices. This change simply allows passenger loading zones longer than 3 minutes.
- Changes to Section 7-6-24 which reinforce the existing restriction on parking a camper or recreational vehicle in the public right-of-way and allowing this offense to be cited as a parking ticket as well as a code violation. This restriction is currently codified in BRC 9-9-6 (h) but only as a code violation.
- Changes to Section 7-7-2 which assist with the allowance of impounding vehicles parked at metered parking spaces (see bullet for Section 7-6-2).

A group of city staff from the Police Department, Public Works, Planning and Development Services, Parking Services and the City Attorney's Office were gathered to review and assist in the final wording of these proposed amendments. The amendments being proposed in this document are the result of that workgroup's efforts.

**Requested TAB Feedback:**

Staff is seeking TAB input on the proposed BRC amendments.

**Next Steps:**

The next step in this process is for the City Council to review these proposed changes. City Council First Reading is scheduled for Tuesday, September 16, 2014 and Second Reading on Tuesday, October 14, 2014.

**Attachments:**

A – Proposed BRC transportation-related amendments

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTERS 1-2, 2-2, SECTION 5-6-15, B.R.C. 1981, TITLE 7, B.R.C. 1981, AND ADDING A NEW SECTION 7-4-78, B.R.C. 1981, CONCERNING THE AUTHORITY OF THE TRAFFIC ENGINEER, REGULATION OF VEHICLES, PEDESTRIANS AND TRAFFIC, PARKING INFRACTIONS, AND VEHICLE IMPOUNDS, AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
COLORADO:

Section 1. Section 1-2-1(b), B.R.C. 1981, is amended to read:

"Abandoned motor vehicle" means any motor vehicle that is left in one location on public property or on private property without the consent of the owner thereof for twenty-four hours or more than the time limited by any signs, meters, pay stations or pavement markings that apply to that location, or for a continuous period of more than seventy-two hours at any otherwise unregulated location.

Section 2. Section 2-2-11, B.R.C. 1981, is amended to read:

**2-2-11 Traffic Engineering.**

- (a) The city manager is appointed as traffic engineer for the City to perform the responsibilities provided in this section and other applicable ordinances of the City. It is the general duty of the traffic engineer to plan the installation, timing, and maintenance of traffic control devices; to plan and direct the operation and parking of traffic on the streets of the City; to conduct investigations of traffic conditions; to represent the City in dealing with officials of other governments on traffic and street improvements; to make agreements dividing responsibility for maintenance of streets and traffic control devices over which authority is exercised jointly with other governments; and to take such steps as are reasonably necessary and proper to carry out these plans subject to the availability of funds.
- (b) In addition to other duties prescribed by this code or other ordinances of the City, the city manager may, without limitation:

...

1 (15) Close streets or portions of streets temporarily for community or neighborhood  
2 events, if the manager finds that the public safety and convenience would not be  
3 thereby adversely affected and subject to such conditions as the manager deems  
4 reasonable to protect public health, safety, and welfare; and

5 (16) Approve use of all or a portion of streets for bicycle or pedestrian racing events,  
6 and temporarily close all or a portion of such areas as reasonably necessary for the  
7 safety of racers, spectators, and those who would otherwise use the facility, if the  
8 manager also determines that:

9 Section 3. Section 7-1-1(a), B.R.C. 1981, is amended to read:

10 "Abandoned vehicle" means any vehicle other than a bicycle that is left in one location on public  
11 property or on private property without the consent of the owner thereof for twenty-four hours  
12 more than the time limited by any signs, meters, pay stations or pavement markings that apply to  
13 that location, or for a continuous period of more than seventy-two hours at any other unregulated  
14 location.

15 "Shared Street" means a roadway that minimizes demarcations between vehicle traffic and  
16 pedestrians by removing features such as curbs, road surface markings, and certain regulations.  
17 Through a variety of treatments including landscaping, traffic calming, pavement features and  
18 pedestrian amenities, it is made accessible and designed to be shared equally by all modes of  
19 transportation. The street is intended to be used for open space and pedestrian circulation as well  
20 as typical transportation purposes. Many of the rules restricting a pedestrian or cyclists use of  
21 the roadway are suspended on this roadway.

22 Section 4. Section 5-6-15, B.R.C. 1981, is amended to read:

23 **5-6-15. Pedestrian Interference in Roadway Prohibited.**

24 Every pedestrian crossing or otherwise within a roadway shall yield the right of way to and avoid  
25 any interference with all vehicles upon or approaching the roadway. This section does not apply  
to pedestrians on shared street, crossing in crosswalks or in accordance with Subsection [7-5-15\(d\)](#), B.R.C. 1981.

26 Section 5. Section 7-2-12, B.R.C. 1981, is amended to read:

27 **7-2-12 Exemptions For Authorized Emergency Vehicles.**

28 (a) The driver of an authorized emergency vehicle, while responding to an emergency call,  
29 while in pursuit of an actual or suspected violator of the law, or while responding to but not  
30 returning from a fire alarm may exercise the privileges set forth in this section. The driver of  
31 any authorized emergency vehicle may:

- 1 (1) Park or stop, irrespective of the provisions of this title;
- 2 (2) Proceed past a red or stop traffic control signal or sign, but only after slowing down as
- 3 may be necessary for reasonably safe operation;
- 4 (3) Exceed a speed limit so long as life or property is not unreasonably endangered thereby;
- 5 and
- 6 (4) Disregard regulations governing direction of movement, turning in specified directions,
- 7 or driving in a particular place.
- 8 (b) The provisions of this section and section 7-2-13, "Exemptions For Maintenance Vehicles,"
- 9 B.R.C. 1981, do not relieve the privileged driver of the duty to drive with due regard for the
- 10 safety of all persons, nor do such provisions protect the driver from the consequences of
- 11 such driver's reckless disregard for the safety of others.
- 12 (c) The exemptions granted in this section apply only while the authorized emergency vehicle,
- 13 other than a bicycle, is making use of audible or visible signals meeting the requirements of
- 14 section 42-4-213 or 42-4-222, C.R.S., as amended, unless using such visual signals would
- 15 cause an obstruction to the normal flow of traffic. But an authorized emergency vehicle
- 16 being operated as a police vehicle while responding to or in actual pursuit of a suspected
- 17 violator of any provision of this title, Title 5, Boulder Revised Code, or Title 18, Colorado
- 18 Revised Statutes, need not display or make use of audible or visible signals as long as such
- 19 pursuit is being made to obtain verification of or evidence of the guilt of the suspected
- 20 violator. Where paragraph (a)(1) of this section is concerned, only such lights or other
- 21 measures need to be taken as are reasonably necessary to warn of the special hazard, if any,
- 22 presented by such parking or stopping.

23 Section 6. Section 7-3-3, B.R.C. 1981, is amended to read:

24 **7-3-3 Height, Length, and Weight of Vehicles.**

25 (a) No person shall drive, move, stop, or park on any street any vehicle or vehicles of a size, weight, or load that exceeds that permitted for such vehicle or vehicles under sections 42-4-502 through 42-4-509, C.R.S., as amended.

...

(c) It is a specific defense to a charge of violating this section that the driving, moving, stopping, and parking occurred on a street that was not a state highway, and

(1) Was in compliance with a permit issued under the provisions of subsection (d) of this section; or

1 (2) Was in compliance with a permit or exclusion under section 42-4-510, C.R.S., as  
2 amended, and that the vehicle was being driven on a street that is also a state highway as  
3 provided in section 43-2-135, C.R.S.

4 (d) The city manager shall issue a one time permit allowing a vehicle or vehicles that are, when  
5 loaded, oversize or overweight or both to travel so loaded over city streets upon application  
6 therefor if the manager finds that:

7 Section 7. Section 7-4-7, B.R.C. 1981, is amended to read:

8 **7-4-7. Flashing Yellow Signal.**

9 (a) A driver facing a traffic control signal when the circular yellow lens of the signal is  
10 illuminated with rapid intermittent flashes is thereby warned:

11 (1) At an intersection, that cross traffic has a flashing red light.

12 (2) At any other location, that a special hazard exists, and drivers of all vehicles shall  
13 proceed past such signal and through the hazardous location only with caution.

14 (b) A driver facing a traffic control signal when the yellow arrow lens of the signal is  
15 illuminated with rapid intermittent flashes is thereby warned that opposing traffic has the  
16 right of way and the driver should proceed with caution.

17 (c) This section does not apply to railroad signs or signals.

18 Section 8. Section 7-4-52, B.R.C. 1981, is amended to read:

19 **7-4-52 Careless Driving.**

20 (a) No person shall drive:

21 (1) In a careless, inattentive, negligent, or imprudent manner without due regard for the  
22 width, grade, curves, corners, traffic, and use of the streets or other places, or any other  
23 attendant circumstances; or

24 (2) In such a manner as to violate two or more of the specific sections of this title regulating  
25 the driving of vehicles for which penalty points are assessed against the driving privilege  
under the statutes of the state in a single driving episode. This paragraph does not limit the  
application of paragraph (a)(1) of this section.

1 (b) Any person who violates any provision of this section commits the offense of careless  
2 driving, and upon conviction thereof shall be punished by a fine of no more than \$1,000.00, jail  
of no more than ninety days, or both such fine and jail.

3 Section 9. Section 7-4-64, B.R.C. 1981, is amended to read:

4  
5 **7-4-64 Stop for School Bus Required.**

6 (a) A driver meeting or overtaking from either direction a school bus stopped upon a street shall  
7 stop before reaching the school bus, if there is displayed on the school bus two or more  
8 alternately flashing red lights, and shall not proceed until the school bus resumes motion or the  
9 flashing red lights are no longer displayed. But the driver of a vehicle that is on a different  
10 roadway of a divided street than the school bus is not required by this section to stop upon  
meeting or passing a school bus. For the purposes of this section, divided street includes division  
by a painted median serving as a clearly indicated dividing island.

11 (b) Any person who violates any provision of this section commits the offense of failure to stop  
12 for school bus and upon conviction thereof shall be punished by a fine of no more than  
\$1,000.00, jail of no more than ninety days, or both such fine and jail.

13 Section 10. Section 7-4-66, B.R.C. 1981, is amended to read:

14 **7-4-66 Operation of Vehicle on Approach of Authorized Emergency Vehicle.**

15 (1) Upon the immediate approach of an authorized emergency vehicle making use of audible or  
16 visual signals meeting the requirements of section 42-4-213 or 42-4-222, C.R.S., as amended, the  
17 driver of every other vehicle shall yield the right-of-way and where possible shall immediately  
18 clear the farthest left-hand lane lawfully available to through traffic, shall drive to a position  
19 parallel to and as close as possible to the right-hand curb of a roadway clear of any intersection,  
and shall stop and remain in that position until the authorized emergency vehicle has passed,  
except when otherwise directed by a police officer or firefighter or the driver of the authorized  
emergency vehicle.

20 (2)(a) A driver in a vehicle that is approaching or passing a stationary authorized emergency  
21 vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or  
22 white lights as permitted by [section 42-4-213](#) or [42-4-222](#) or a stationary towing carrier vehicle  
23 that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights shall  
exhibit due care and caution and proceed as described in paragraphs (b) and (c) of this subsection  
(2).

24 (b) On a highway with at least two adjacent lanes proceeding in the same direction on the same  
25 side of the highway where a stationary authorized emergency vehicle or stationary towing carrier  
vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care

1 and caution and yield the right-of-way by moving into a lane at least one moving lane apart from  
2 the stationary authorized emergency vehicle or stationary towing carrier vehicle, unless directed  
3 otherwise by a peace officer or other authorized emergency personnel. If movement to an  
4 adjacent moving lane is not possible due to weather, road conditions, or the immediate presence  
5 of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the  
6 manner described in paragraph (c) of this subsection (2).

7 (c) On a highway that does not have at least two adjacent lanes proceeding in the same direction  
8 on the same side of the highway where a stationary authorized emergency vehicle or stationary  
9 towing carrier vehicle is located, or if movement by the driver of the approaching vehicle into an  
10 adjacent moving lane, as described in paragraph (b) of this subsection (2), is not possible, the  
11 driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the  
12 location of the stationary authorized vehicle or stationary towing carrier vehicle, weather  
13 conditions, road conditions, and vehicular or pedestrian traffic and proceed with due care and  
14 caution, or as directed by a peace officer or other authorized emergency personnel.

15 (2.5)(a) A driver in a vehicle that is approaching or passing a maintenance, repair, or  
16 construction vehicle that is moving at less than twenty miles per hour shall exhibit due care and  
17 caution and proceed as described in paragraphs (b) and (c) of this subsection (2.5).

18 (b) On a highway with at least two adjacent lanes proceeding in the same direction on the same  
19 side of the highway where a stationary or slow-moving maintenance, repair, or construction  
20 vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care  
21 and caution and yield the right-of-way by moving into a lane at least one moving lane apart from  
22 the vehicle, unless directed otherwise by a peace officer or other authorized emergency  
23 personnel. If movement to an adjacent moving lane is not possible due to weather, road  
24 conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the  
25 approaching vehicle shall proceed in the manner described in paragraph (c) of this subsection  
(2.5).

(c) On a highway that does not have at least two adjacent lanes proceeding in the same direction  
on the same side of the highway where a stationary or slow-moving maintenance, repair, or  
construction vehicle is located, or if movement by the driver of the approaching vehicle into an  
adjacent moving lane, as described in paragraph (b) of this subsection (2.5), is not possible, the  
driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the  
location of the stationary or slow-moving maintenance, repair, or construction vehicle, weather  
conditions, road conditions, and vehicular or pedestrian traffic, and shall proceed with due care  
and caution, or as directed by a peace officer or other authorized emergency personnel.

(2.6) (a) A driver in a vehicle that is approaching or passing a motor vehicle where the tires are  
being equipped with chains on the side of the highway shall exhibit due care and caution and  
proceed as described in paragraphs (b) and (c) of this subsection (2.6).

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same  
side of the highway where chains are being applied to the tires of a motor vehicle, the driver of  
an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-

1 way by moving into a lane at least one moving lane apart from the vehicle, unless directed  
2 otherwise by a peace officer or other authorized emergency personnel. If movement to an  
3 adjacent moving lane is not possible due to weather, road conditions, or the immediate presence  
4 of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the  
5 manner described in paragraph (c) of this subsection (2.6).

6 (c) On a highway that does not have at least two adjacent lanes proceeding in the same direction  
7 on the same side of the highway where chains are being applied to the tires of a motor vehicle, or  
8 if movement by the driver of the approaching vehicle into an adjacent moving lane, as described  
9 in paragraph (b) of this subsection (2.6), is not possible, the driver of an approaching vehicle  
10 shall reduce and maintain a safe speed with regard to the location of the motor vehicle where  
11 chains are being applied to the tires, weather conditions, road conditions, and vehicular or  
12 pedestrian traffic, and shall proceed with due care and caution, or as directed by a peace officer  
13 or other authorized emergency personnel.

14 (b) Any person who violates any provision of this section commits the offense of interference  
15 with an emergency vehicle and upon conviction thereof shall be punished by a fine of no more  
16 than \$1,000.00, jail of no more than ninety days, or both such fine and jail.

17 Section 11. Adding new Section 7-4-78, "Misuse of a Wireless Telephone," B.R.C. 1981  
18 to read:

19 **7-4-78. Misuse of a Wireless Telephone.**

20 (a) As used in this section, unless the context otherwise requires:

21 (1) "Emergency" means a situation in which a person:

22 (A) Has reason to fear for such person's life or safety or believes that a criminal act  
23 may be perpetrated against such person or another person, requiring the use of a wireless  
24 telephone while the car is moving; or

25 (B) 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.

(2) "Operating a motor vehicle" means driving a motor vehicle on a public highway, but  
"operating a motor vehicle" shall not mean maintaining the instruments of control while the  
motor vehicle is at rest in a shoulder lane or lawfully parked.

(3) "Use" means talking on or listening to a wireless telephone or engaging the wireless  
telephone for **text** messaging or other similar forms of manual data entry or transmission.

1 (4) "Wireless telephone" means a telephone that operates without a physical, wireline  
2 connection to the provider's equipment. The term includes, without limitation, cellular and  
mobile telephones.

3 (b) A person under eighteen years of age shall not use a wireless telephone while operating a  
4 motor vehicle.

5 (c) A person eighteen years of age or older shall not use a wireless telephone for the purpose of  
6 engaging in text messaging or other similar forms of manual data entry or transmission while  
operating a motor vehicle.

7 (d) Subsection (b) or (c) of this section shall not apply to a person who is using the wireless  
telephone:

8 (1) To contact a public safety entity; or

9 (2) During an emergency.

10 (e) A person who operates a motor vehicle in violation of subsection (b) or (c) of this section  
11 commits a traffic infraction, and the court shall assess a fine of fifty dollars. A second or  
12 subsequent violation of subsection (b) or (c) of this section shall be a traffic infraction and the  
court shall assess a fine of one hundred dollars.

13  
14 (f) An operator of a motor vehicle shall not be cited for a violation of subsection (b) of this  
15 section unless the operator was under eighteen years of age and a law enforcement officer saw  
16 the operator use, as defined in paragraph (4) of subsection (a) of this section, a wireless  
telephone.

17 (g) An operator of a motor vehicle shall not be cited for a violation of subsection (c) of this  
18 section unless the operator was eighteen years of age or older and a law enforcement officer saw  
19 the operator use a wireless telephone for the purpose of engaging in text messaging or other  
similar forms of manual data entry or transmission.

20 (h) The provisions of this section shall not be construed to authorize the seizure and forfeiture of  
21 a wireless telephone, unless otherwise provided by law.

22 (i) This section shall not apply to peace officers as defined in this Code or in section 16-2.5-101,  
23 C.R.S., as amended, in the performance of their official duties.

24 Section 12. Section 7-5-4, B.R.C. 1981, is amended to read:

25 **7-5-4. Bicycle to Be Driven to Right.**

1 (a) Every person driving a bicycle or electric assisted bicycle upon a roadway at a speed so  
2 slow as to impede or block the normal and legal forward movement of traffic proceeding  
3 immediately behind such bicycle shall drive within the right four feet of the right-hand  
4 through lane of the roadway, except under any of the following conditions:

4 . . .

5 (b) A bicycle or electric assisted bicycle may be driven on a paved shoulder if such driving  
6 does not violate any section of this title for passing or direction of travel.

7 (c) The provisions of this section do not apply to roadways designated as shared streets.

8  
9 Section 13. Section 7-5-14, B.R.C. 1981, is amended to read:

10  
11 **7-5-14. Pedestrian or Bicyclist Entering Roadway.**

12 No pedestrian or bicyclist shall suddenly leave a curb or other place of safety and walk, run,  
13 or drive into the path of a moving vehicle that is so close as to constitute an immediate  
14 hazard.

15 Section 14. Section 7-5-15, B.R.C. 1981, is amended to read:

16 **7-5-15 Pedestrian Obedience to Traffic Signal Required.**

17 (a) Except as otherwise directed by a pedestrian traffic control signal as described in subsection  
18 (b), no pedestrian shall enter the roadway at an intersection controlled by a steady traffic control  
19 signal unless a circular green signal is displayed governing the direction of travel.

20 (b) Where a pedestrian traffic control signal is in place and operating, no pedestrian shall enter  
21 the roadway except where the illuminated symbols described in this subsection are displayed  
22 governing the direction of travel:

23 (1) A walking person (symbolizing “Walk”) signal indication means that, exercising due  
24 caution, a pedestrian facing the signal indication may start to cross the roadway in the  
25 direction of the signal indication.

(2) Except as provided in subsection (4), a flashing upraised hand (symbolizing “Don’t  
Walk”) signal indication means that a pedestrian shall not start to cross the roadway

1 in the direction of the signal indication, but that any pedestrian who has already  
2 started to cross on a “Walk” signal indication may complete crossing the roadway.

3 (3) A steady “Don’t Walk” signal indication means that a pedestrian shall not enter the  
4 roadway in the direction of the signal indication.

5 (4) A countdown display showing the number of seconds remaining in the pedestrian  
6 change interval means that a pedestrian facing the signal indication may start to cross  
7 the roadway in the direction of the signal indication, but only if such pedestrian is  
8 able to safely walk completely across the street prior to the signal changing to assign  
9 the right of way to any conflicting traffic movement.

10 (c) The prohibitions of this section apply to a pedestrian crossing in the crosswalk, in the  
11 intersection, or within fifty feet of the crosswalk.

12 (d) Whenever a traffic control signal provides for the stopping of all vehicular traffic and the  
13 exclusive movement of pedestrians and "Walk" and "Don't Walk" symbol indications control  
14 such pedestrian movement, pedestrians may cross in any direction between corners of the  
15 intersection offering the shortest route within the boundaries of the intersection while the walk  
16 indication is exhibited.

17 (e) Any pedestrian who has lawfully entered a crosswalk governed by traffic control signals may  
18 complete crossing the roadway notwithstanding any indication subsequently displayed.

19 (f) No pedestrian shall enter a roadway where an operable audible or visual warning device is  
20 located unless such device is activated. However, a pedestrian possessing the right of way who  
21 fails to activate a warning device or who is within the cross walk upon the expiration of such  
22 warning continues to possess the right of way.

23 Section 15. Section 7-5-16, B.R.C. 1981, is amended to read:

24 **7-5-16. Pedestrian at Flashing Yellow or Red Light.**

25 Pedestrians facing any flashing yellow or red signal indicator at an intersection, unless otherwise  
directed by a pedestrian signal indicator or other traffic control device, are permitted to proceed  
across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield  
the right of way to vehicles lawfully within the intersection at the time that the flashing yellow or  
red signal indicator is first displayed.

1  
2        Section 16. Section 7-5-17, B.R.C. 1981, is amended to read:

3  
4        **7-5-17. Pedestrian Crossing at Other Than Crosswalk.**

5        (a) No pedestrian shall cross a roadway other than by a route at right angles to the curb or by  
6        the shortest route to the opposite curb.

7        (b) Where a traffic control signal is in operation at an intersection, no pedestrian shall cross a  
8        roadway within fifty feet of the crosswalk at the intersection except in the crosswalk in  
9        conformance with Section [7-5-15](#), "Pedestrian Obedience to Traffic Signal Required," B.R.C.  
10       1981.

11       (c) The provisions of this section do not apply to pedestrians crossing in crosswalks or in  
12       accordance with Subsec-tion [7-5-15](#)(d), B.R.C. 1981, or pedestrians walking along and upon  
13       streets designated as shared streets.

14       Section 17. Section 7-5-19, B.R.C. 1981, is amended to read:

15       **7-5-19. Pedestrian to Use Sidewalks on Main Streets.**

16       (a) Where a sidewalk is provided on or adjacent to any street that is a state highway, a street  
17       with four or more lanes for moving motor vehicular traffic, or a street in a district zoned BT,  
18       BC, or BR and its use is practicable for walking, no person shall walk along and upon an  
19       adjacent roadway.

20       (b) Where no such sidewalk is provided on such a street, pedestrians shall walk along a road  
21       shoulder, if present, as far as practicable from the edge of the roadway.

22       (c) The provisions of this section do not apply to pedestrians walking along and upon streets  
23       designated as shared streets.

24       Section 18. Section 7-5-20, B.R.C. 1981, is amended to read:

25       **7-5-20. Pedestrian to Walk Facing Traffic.**

1 A pedestrian walking along and upon a roadway shall walk as near as practicable to an  
2 outside edge of the roadway and, if on a two-way street, shall walk only on the left side  
3 facing approaching traffic. The provisions of this section do not apply to pedestrians walking  
4 along and upon roadways designated as shared streets.

5 Section 19. Section 7-6-2, B.R.C. 1981, is amended to read:

6  
7 **7-6-2. Parking Penalties and Impoundment.**

8 Violations of any of the provisions of this chapter are traffic infractions. Every person who is  
9 convicted of, who admits liability for, or against whom a judgment is entered for such a  
10 traffic infraction shall be fined or penalized according to the following schedule:

11 ...

12 (g) Where specific penalties are otherwise provided, those penalties apply.

13 (h) In addition to any penalties authorized by this section, any vehicle parked for twenty-four  
14 hours or more than the time limited by any signs, meters, pay stations or pavement markings,  
15 or for a continuous period of more than seventy-two hours at any otherwise unregulated  
16 location, is subject to towing and impoundment.

17 Section 20. Sections 7-6-13(b)(6) and (8), B.R.C. 1981, are amended to read:

18 **7-6-13 Stopping or Parking Prohibited in Specified Places.**

19 ...

20 (b) No vehicle may be parked:

21 ...

22 (6) In a bus stop unless the vehicle is a bus used by a mass transit district, a mass transit  
23 authority, or any other public entity authorized under the laws of this state to provide mass  
24 transportation services to the general public;

25 ...

1 (8) In a manner that obstructs the commencement or ongoing operation of a public  
2 construction, maintenance, or repair project, or a street closure, after twenty-four hours'  
3 advance notice of the parking prohibition (i) in any location where permitted parking time is  
4 limited by any signs, meters, pay stations or pavement markings that apply to that location, or (ii) after  
5 seventy-two hours' advance notice of the parking prohibition at any otherwise unregulated  
6 location, and the time the parking prohibition is effective has been conspicuously posted and  
7 reasonable efforts have been made to maintain notice on the site.

8 ...

9 Section 21. Section 7-6-21, B.R.C. 1981, is amended to read:

10 **7-6-21 Parking in Loading Zone Prohibited.**

11 (a) No vehicle shall be parked in a loading zone for any purpose or period of time except:

12 (1) In a passenger loading zone, for the visible loading or unloading of passengers for a period  
13 indicated by a traffic control sign; or

14 (2) In any other loading zone, for the visible unloading and delivery or pick-up and loading of  
15 property for a period not in any case to exceed thirty minutes, or such shorter time indicated by a  
16 traffic control sign, or loading or unloading of passengers for a period not in any case to exceed  
17 three minutes.

18 (b) All alleys in a district zoned BT, BC, BR, or I are a loading zone. On all other streets, traffic  
19 control signs indicate loading zones.

20 Section 22. Section 7-6-24, B.R.C. 1981, is amended to read:

21 **7-6-24. All-Night Parking of Commercial Vehicle, Camper or Motor Home, or Trailer Prohibited.**

22 (a) No commercial vehicle shall be parked on any street in any district of the city zoned RR-1,  
23 RR-2, RE, RL-1, RL-2, RM-1, RM-2, RM-3, RMX-1, RMX-2, RH-1, RH-2, RH-3, RH-4, RH-5,  
24 MH, P, or A for more than thirty minutes between 8 p.m. and 7 a.m. The penalty for a first  
25 violation of this section is \$40. The penalty for a second violation of this section by the same  
vehicle or the same registered owner of a vehicle is \$50. The penalty for a third and any  
subsequent violation of this section by the same vehicle or the same registered owner of a vehicle  
is \$60.

(b) No camper, motor home or trailer shall be parked on any street for more than twenty four  
hours. The penalty for a first violation of this section is \$40. The penalty for a second violation  
of this section by the same vehicle or the same registered owner of a vehicle is \$50. The penalty  
for a third and any subsequent violation of this section by the same vehicle or the same registered  
owner of a vehicle is \$60.

1  
2  
3 Section 23. Section 7-7-2(a), B.R.C. 1981, is amended to read:  
4

5 **7-7-2 Authority of City to Impound Vehicle.**

6 (a) A peace officer is authorized to remove or cause to be removed a vehicle from any public or  
7 private property when:

8 ...

9 (3) A vehicle is found unattended and situated in a manner that obstructs the commencement or  
10 ongoing operation of a public construction, maintenance, or repair project or street closure and

11 (i) in any location where permitted parking time is limited by any signs, meters, pay  
12 stations or pavement markings that apply to that location, twenty-four hours' advance notice of  
13 the parking prohibition, the time the parking prohibition is effective has been conspicuously  
14 posted and reasonable efforts have been made to maintain notice on the site; or

15 (ii) in any otherwise unregulated location, seventy-two hours' advance notice of the  
16 parking prohibition, the time it is effective, and that vehicles will be towed away at the owner's  
17 expense has been conspicuously posted and reasonable efforts have been made to maintain  
18 notice on the site;

19 ...

20 (9) Parking on public property.

21 (A) A vehicle has been found upon a street, public parking lot or other public  
22 property in a signed "tow away zone," and the person in possession of the vehicle is  
23 not present or is unwilling or unable to provide for its immediate removal;

24 (B) A vehicle has been found parked at a metered parking space on a street or a  
25 metered parking space in a public parking lot for twenty-four hours or more than the  
time limited by any signs, meters, pay stations or pavement markings that apply to  
that location, or for seventy-two or more hours at any otherwise unregulated location  
without being moved, there is a warning on the parking meter or a sign which  
indicates that such a vehicle may be towed, and the person in possession of the  
vehicle is not present or is unwilling or unable to provide for its immediate removal;

1            Section 24. Section 7-7-3(a), B.R.C. 1981, is amended to read:

2  
3    **7-7-3. Abandoned and Inoperable Vehicle.**

4            (a) Any vehicle left in one location upon any public property or on any private property,  
5            without the consent of the property owner, for a continuous period of more than seventy-two  
6            hours constitutes an abandoned vehicle, which is a public nuisance. Proof that the vehicle's  
7            odometer shows movement of no more than two-tenths of a mile during a period of at least  
8            seventy-two hours shall constitute prima facie evidence that the vehicle was left in one  
9            location.

10           Section 25. This ordinance is necessary to protect the public health, safety, and welfare  
11           of the residents of the city, and covers matters of local concern.

12           Section 26. The city council deems it appropriate that this ordinance be published by title  
13           only and orders that copies of this ordinance be made available in the office of the city clerk for  
14           public inspection and acquisition.

15           INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
16           TITLE ONLY this \_\_\_\_ day of \_\_\_\_\_, 2014.

17  
18           \_\_\_\_\_  
19           Mayor

20           Attest:

21           \_\_\_\_\_  
22           City Clerk

23           READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED  
24           PUBLISHED BY TITLE ONLY this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Mayor

Attest:

\_\_\_\_\_  
City Clerk

DRAFT