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CHAPTER 28
VEHICLES AND TRAFFIC

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**ARTICLE I.
IN GENERAL**

Secs. 28-1—28-15. Reserved.

**ARTICLE II.
TRAFFIC**

Sec. 28-16. Adoption of the Fort Collins Traffic Code.

(a) Pursuant to the Charter and the laws of the State, there is hereby adopted the "Fort Collins Traffic Code." The subject matter of the Fort Collins Traffic Code relates primarily to comprehensive traffic control regulations for the City.

(b) The purpose of this Article and the Fort Collins Traffic Code, as adopted herein and as subsequently amended, is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation.

(c) One (1) copy of the Fort Collins Traffic Code adopted herein shall be kept on file in the office of the City Clerk and may be inspected during regular business hours. The Fort Collins Traffic Code, together with any subsequent amendments thereto, is adopted as if set out at length and the provisions thereof shall be controlling within the City.

(Code 1972, § 114-1; Ord. 16, 2003, § 2, 2-18-03; Ord. 036, 2009, § 4, 5-5-09)

Sec. 28-17. Violations and penalties.

(a) It is unlawful for any person to violate any of the provisions of the Fort Collins Traffic Code as adopted in this Article and as subsequently amended.

(b) Every person convicted of a violation of any provision of the Fort Collins Traffic Code as adopted or amended shall be punished by a fine not exceeding one thousand dollars (\$1,000.), by imprisonment not exceeding three hundred sixty-five (365) days, or by both such fine and imprisonment as provided in § 1-15.

(Code 1972, § 114-3; Ord. 16, 2003, § 4, 2-18-03)

Sec. 28-18. Applicability.

This Article shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of §§ 606, 1211, 1401, 1402, 1409, 1413, and part 16 of the Fort Collins Traffic Code, as adopted and subsequently amended, which refer, respectively to unauthorized devices, limitations on backing, reckless driving, careless driving, insurance compliance, eluding an officer and accident investigation, shall apply not only to public places and ways but throughout the City.

(Code 1972, § 114-4; Ord. 16, 2003, § 5, 2-18-03)

Sec. 28-19. Construal of provisions.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and adopted Fort Collins Traffic Code shall not be deemed to govern, limit, modify or in any way affect the scope, meaning or extent of the provisions of any article or section thereof.

(Code 1972, § 114-6; Ord. 16, 2003, § 6, 2-18-03)

Secs. 28-20—28-35. Reserved.

ARTICLE III. RAILROADS

Sec. 28-36. Speed of railroad trains within City.

The speed limit for any railroad train locomotive engine within the City shall be thirty (30) miles per hour, except that on the railroad track from Prospect Street to College Avenue and on the railroad tracks from Lincoln Street to College Avenue such speed limit shall be fifteen (15) miles per hour. It shall be unlawful for any person, including a railroad company, or any person or persons in their employ to move, propel or cause to be moved, propelled or driven any railroad train locomotive engine at a speed in excess of the speed limits set forth above. Such speed limits shall apply only to the engine at the front of any train, and after such engine has passed into a higher speed limit zone or out of the City limits, it shall be lawful for the balance of the train to exceed such speed limit.
(Code 1972, § 108-1)

Sec. 28-37. Whistle to be blown while train crossing grade crossing.

It shall be the duty of the engineer or other person in charge of any locomotive engine and/or train of cars in the City to blow the locomotive whistle and continue to blow such whistle immediately prior to and during the time when such locomotive engine and/or train of cars are in the process of crossing any grade crossing.
(Code 1972, § 108-2)

Sec. 28-38. Blocking of streets prohibited.

It shall be unlawful for any person including a railroad company, to blockade or obstruct the free passage of any street or highway within the City by means of any railroad cars or locomotive engine or to permit them to remain in or upon any street or highway across or along which any railroad may be constructed or operated for any period exceeding five (5) minutes at any one (1) time. This prohibition shall not apply to train activities within the City when the activities involve the utilization of a railroad siding or passing track.
(Code 1972, § 108-3)

Sec. 28-39. Switching or coupling of cars across streets prohibited.

It shall be unlawful for any person owning or operating a railroad or in any way engaged in the running or handling of railroad trains, locomotives or cars to make what is commonly known as a running or flying switch across or partly across any street, avenue or alley within the City or do what is commonly known as kicking or dropping any car or cars across or partly across any such street, alley or avenue. This prohibition shall not apply to train activities within the City when the activities involve the utilization of a railroad siding or passing track.
(Code 1972, § 108-4)

Sec. 28-40. Switching of cars prohibited south of West Mountain Avenue.

It shall be unlawful for any person owning or operating a railroad or in any way engaged in the running or handling of railroad trains, locomotives or cars to use any railroad track upon any railroad street crossing south of the north line of West Mountain Avenue in the City for the purpose of switching or shifting cars or the making up or breaking up of trains. This prohibition shall not apply to train activities within the City when the activities involve the utilization of a railroad siding or passing track.
(Code 1972, § 108-5)

Sec. 28-41. Getting on and off moving cars prohibited; exception.

(a) It shall be unlawful for any person to step on or off or attempt to step on or off the platform or any part of any locomotive engine, railroad, street railway or interurban car within the City while it is in motion, or to catch hold of or run along the side of any such locomotive engine, railroad, street railway or interurban car in such a manner as to be liable to fall under or be injured by such locomotive engine, railroad, street railway or interurban car while it is in motion within the City.

(b) This Section shall not be construed to apply to any person or persons in charge of any locomotive engine, railroad, street railway or interurban car nor to any person or persons performing the duties usual to the employment in connection with any locomotive engine, railroad, street railway or interurban car.
(Code 1972, § 108-6)

Sec. 28-42. Paving and maintenance of streets occupied or crossed by tracks.

(a) All railway companies or other corporations operating their railways on any street within the City shall be required to pave and maintain that portion of any street between the rails of such railroad and for a distance of two (2) feet outside such rails in accordance with the requirements of this Section.

(b) The City Council, upon determining that it is necessary or desirable that any street occupied by a railroad be paved, shall cause notice to be given to such railroad company requiring it to pave the portion of the street for which such railroad is responsible under the terms of this Section. Such notice shall specify the type of pavement to be installed by such railroad, the time which shall be not less than thirty (30) days after service of such notice within which such pavement shall be installed, and the portions of the street or streets to be so improved. Service of such notice upon any officer or agent of the railroad company within the City shall be deemed adequate notice. After such service of the notice, the railroad company shall install the required improvements within the time specified. All such improvements shall be installed in accordance with plans and specifications prepared by the City Engineer after consultation with the railroad company and shall be approved by the City Council by resolution.

(c) After the installation of pavement between the rails of any railroad and for a distance of two (2) feet outside such rails, it shall be the duty of the railroad company to maintain such pavement in a condition of good repair. The City Engineer shall advise the City Council of any such portion of any street in need of repair or replacement. If the City Council determines that any such portion of any street is in need of such repair or replacement, it shall cause notice to be given to the railroad company, which notice shall specify the repairs or replacements required and the time which shall be not less than fifteen (15) days after service of such notice within which such repair or replacement shall be accomplished. Service of such notice shall be in the manner specified in (b) above.

(d) The owner of the railroad shall at all times keep the rails of any railroad which crosses or extends along any street or alley within the City on a level with the surface of such street or alley and shall raise or lower such rails as required to conform to any grade of such street or alley as the same may be established or changed from time to time by the City Council. Any alteration of the level of any rails required by the provisions of this Article shall be accomplished in the manner set forth in (b) above within fifteen (15) days after notice of such requirement is given to the railroad company or within such greater length of time as may be approved in writing in advance by the City Manager.

(e) Failure to comply with the requirements of a violation of the Code and shall be punishable as provided in § 1-15. Each and every day that such violation continues shall be a separate offense and punishable as such. In addition, if any improvements required pursuant to this Section are not installed as required by any notice given hereunder, the City Council may order such work done and assess the cost thereof against any property of such railroad company within the City in accordance with the provisions of § 22-31 et seq.

(f) The provisions of this Section shall not apply to that portion of the Burlington Northern Santa Fe track along Mason Street where such track is located between intersections, from Laurel Street to Vine Drive.
(Code 1972, § 108-7; Ord. No. 222, 1998, § 3, 12-15-98; Ord. 047, 2011, §2, 5-3-11)