

PART 6 - SIGNALS - SIGNS - MARKINGS

601. Local governments to sign highways, where.

The City shall place and maintain such traffic control devices, conforming to the state traffic control manual and specifications for statewide uniformity as provided in Section 42-4-104, C.R.S., upon streets and highways as it deems necessary to indicate and to carry out the provisions of this Traffic Code or to regulate, warn or guide traffic. (Ord. 016, 2003 §1; Ord. 119, 2011 §4)

602. Local traffic control devices.

- (1) The City shall not erect or maintain any stop sign or traffic control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Colorado Department of Transportation.
- (2) Where practical the City shall not maintain three (3) traffic control signals located on a roadway so as to be within one (1) minute's driving time (to be determined by the speed limit) from any one (1) of the signals to the other without synchronizing the lights to enhance the flow of traffic and thereby reduce air pollution. (Ord. 016, 2003 §1)

603. Obedience to official traffic control devices.

- (1) No driver of a vehicle shall disobey the instructions of any official traffic control device, including any official hand signal device placed or displayed in accordance with the provisions of this Traffic Code, unless otherwise directed by a police officer or emergency services personnel subject to the exceptions in this Traffic Code granted the driver of an authorized emergency vehicle.
- (2) No provision of this Traffic Code for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.
- (3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Traffic Code, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.
- (4) Any official traffic control device placed pursuant to the provisions of this Traffic Code and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this

Traffic Code unless the contrary is established by competent evidence. (Ord. 016, 2003 §1)

604. Traffic control signal legend.

(1) If traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one (1) at a time or in combination as declared in the traffic control manual adopted by the Colorado Department of Transportation, only the colors green, yellow and red shall be used, except for special pedestrian control signals carrying a word or symbol legend as provided in Section 802, and said lights, arrows and combinations thereof shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication:

(I) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles, to bicyclists, to pedestrians lawfully within the intersection and to bicyclists or pedestrians within an adjacent crosswalk at the time such signal is exhibited.

(II) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to bicyclists or pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(III) Unless otherwise directed by a pedestrian control signal as provided in Section 802, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication:

(I) Vehicular traffic facing a steady circular yellow or yellow arrow signal is hereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

(II) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 802, are thereby advised that there is

insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(c) Steady red indication:

- (I) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown; except that:
 - (A) Such vehicular traffic, after coming to a stop and yielding the right-of-way to bicyclists or pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn, unless an official traffic control sign has been erected at each intersection where such right turn is prohibited;
 - (B) Such vehicular traffic, when proceeding on a one-way street and after coming to a stop, may make a left turn onto a one-way street upon which traffic is moving to the left of the driver. Such turn shall be made only after yielding the right-of-way to bicyclists or pedestrians and other traffic proceeding as directed. No turn shall be made pursuant to this Sub-subparagraph (B) at any intersection where such left turn is prohibited by an official traffic control sign.
 - (C) To promote uniformity in traffic regulation throughout the State and to protect the public peace, health and safety, the General Assembly declares that no City shall have any discretion other than is expressly provided in this Subparagraph (I).
- (II) Pedestrians facing a steady circular red signal alone shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in Section 802.
- (III) Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown.

- (IV) Pedestrians facing a steady red arrow signal shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in Section 802.
- (d) Non-intersection signal: In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or pavement marking indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.
- (e) Lane-use-control signals: Whenever lane-use-control signals are placed over the individual lanes of a street or highway, as declared in the traffic control manual adopted by the Colorado Department of Transportation, such signals shall indicate and apply to drivers of vehicles as follows:
 - (I) Downward-pointing green arrow (steady): A driver facing such signal may drive in any lane over which said green arrow signal is located.
 - (II) Yellow "X" (steady): A driver facing such signal is warned that the related green arrow movement is being terminated and shall vacate in a safe manner the lane over which said steady yellow signal is located to avoid if possible occupying that lane when the steady red "X" signal is exhibited.
 - (III) Yellow "X" (flashing): A driver facing such signal may use the lane over which said flashing yellow signal is located for the purpose of making a left turn or a passing maneuver, using proper caution, but for no other purpose.
 - (IV) Red "X" (steady): A driver facing such signal shall not drive in any lane over which said red signal is exhibited. (Ord. 016, 2003 §1)

605. Flashing signals.

- (1) Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic sign or a traffic signal or as a traffic beacon, it shall require obedience by vehicular traffic as follows:
 - (a) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering

the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed past such signal and through the intersection or other hazardous location only with caution.

(2) This Section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad crossings shall be governed by the provisions of Sections 706 to 708. (Ord. 016, 2003 §1)

606. Display of unauthorized signs or devices.

(1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. The provisions of this Section shall not be deemed to prohibit the use of signs providing motorist services information of a general nature on official highway guide signs if such signs do not indicate the brand, trademark or name of any private business or commercial enterprise offering the service, nor shall this Section be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful direction information and of a type that cannot be mistaken for official signs.

(3) Every such prohibited sign, signal or marking is declared to be a public nuisance, and the City Engineer is empowered to remove the same or cause it to be removed without notice.

(4) Any person who violates any provision of this Section commits a Class A traffic infraction.

(5) The provisions of this Section shall not be applicable to informational sites authorized under Section 43-1-405, C.R.S.

(6) The provisions of this Section shall not be applicable to specific information signs authorized under Section 43-1-420, C.R.S. (Ord. 016, 2003 §1; Ord. 119, 2011 §5)

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 this 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 (\$1,000).
- (3) No person shall possess or sell, without lawful authority, any electronic device that is designed to cause a traffic light to change. (Ord. 016, 2003 §1; Ord. 113, 2004 §3; Ord. 109, 2006 §7)

608. Signals by hand or signal device.

- (1) Any stop or turn signal when required as provided by Section 903 shall be given either by means of the hand and arm as provided by Section 609 or by signal lamps or signal device of the type approved by the State Department of Revenue, except as otherwise provided in Subsection (2) of this Section.
- (2) Any motor vehicle in use on a street or highway in the City shall be equipped with, and the required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four (24) inches or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles. (Ord. 016, 2003 §1)

609. Method of giving hand and arm signals.

- (1) All signals required to be given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:
 - (a) Left turn, hand and arm extended horizontally;
 - (b) Right turn, hand and arm extended upward;

- (c) Stop or decrease speed, hand and arm extended downward. (Ord. 016, 2003 §1)

610. Unauthorized insignia.

No owner shall display upon any part of the owner's vehicle any official designation, sign or insignia of any public or quasi-public corporation or local government, state or national department or governmental subdivision without authority of such agency or any insignia, badge, sign, emblem or distinctive mark of any organization or society of which the driver is not a bona fide member or otherwise authorized to display such sign or insignia. (Ord. 016, 2003 §1)

611. Paraplegic persons or persons with disabilities - distress flag.

- (1) Any paraplegic person or person with a disability when in motor vehicle distress is authorized to display by the side of such person's disabled vehicle a white flag of approximately seven and one-half (7½) inches in width and thirteen (13) inches in length, with the letter "D" thereon in red color with an irregular one-half-inch red border. Said flag shall be of reflective material so as to be readily discernible under darkened conditions, and said reflective material must be submitted to and approved by the Colorado Department of Transportation before the same is used.
- (2) Any person who is not a paraplegic person or a person with a disability who uses such flag as a signal or for any other purpose is guilty of a traffic offense. (Ord. 016, 2003 §1)

612. When signals are inoperative or malfunctioning.

- (1) Whenever a driver approaches an intersection and faces a traffic control signal which is inoperative or which remains on steady red or steady yellow during several time cycles, the rules controlling entrance to a through street or highway from a stop street or highway, as provided under Section 703, shall apply until a police officer or emergency services personnel assumes control of traffic or until normal operation is resumed. In the event that any traffic control signal at a place other than an intersection should cease to operate or should malfunction as set forth in this Section, drivers may proceed through the inoperative or malfunctioning signal only with caution, as if the signal were one of flashing yellow.
- (2) Whenever a pedestrian faces a pedestrian-control signal as provided in Section 802 which is inoperative or which remains on "Don't Walk" or "Wait" during several time cycles, such pedestrian shall not enter the roadway unless the pedestrian can do so safely and without interfering with any vehicular traffic. (Ord. 016, 2003 §1)

613. Failure to pay toll established by rural transportation authority.

Any person who fails to pay a required fee, rate or charge established by a rural transportation authority created pursuant to Part 6 of Article 4 of Title 43, C.R.S., for the privilege of traveling on or using any property included in a rural transportation system pursuant to Part 6 of Article 4 of Title 43, C.R.S., commits a traffic offence. (Ord. 016, 2003 §1)

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

- (1) Wherever barricades are erected to close off a part or all of a street or highway, as authorized by this Traffic Code, no person shall drive around, through, over or between such barricades or into the barricaded area except as directed or permitted by official signs or in compliance with directions from a police officer, emergency services personnel or other authorized person.
- (2) Wherever an official traffic control device has been placed on any street or highway to declare or make known temporary regulations as authorized by this Traffic Code for emergencies or special conditions, no driver shall disobey the instructions thereof, except as directed or permitted by official signs or in compliance with directions from a police officer, emergency services personnel or other authorized person.
- (3) If maintenance, repair or construction activities are occurring or will be occurring within four (4) 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 a violation of Sections 603—609, 611, 612, 701—705, 801—808, 901—903, 1001—1009, 1211, 1401—1403, 1405—1407, 1410 or 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 (4) 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. (Ord. 016, 2003 §1; Ord. 031, 2005 §1; Ord. 085, 2005 §8)

615. Use of red-light camera.

- (1) Fort Collins Police Services is authorized to use red-light cameras within the City to detect violations of Section 604(1)(c) at signalized intersections.
- (2) As used in this Section, *red-light camera* shall mean a device operated by a peace officer or employee of the City, or by a contractor designated by the City, that is placed in a fixed location at a signalized intersection and that is programmed to automatically produce photographs depicting any vehicle whose driver has violated the provisions of Section 604(1)(c) at the intersection. The photographs depict the vehicle's location in the intersection, the vehicle's license plate and the driver of the vehicle. Printed on the photographs is the date of the violation, the approximate time of the violation and the approximate location of the violation and the speed of the vehicle. In addition, the City shall conspicuously post a sign notifying the public that a red-light camera is in use immediately ahead. The sign shall:
 - (a) be placed in a conspicuous place not less than two hundred (200) feet nor more than five hundred (500) feet before the automated vehicle system; and
 - (b) use lettering that is at least four (4) inches high for upper case letters and two and nine-tenths ($2\frac{9}{10}$) inches for lower case.
- (3) When a peace officer or employee of the City, based on evidence obtained in whole or part by means of a red-light camera, has probable cause to believe that a vehicle has been driven in a manner in violation of Section 604(1)(c), the peace officer or employee of the City may issue or cause to be issued through a contractor designated by the City, a summons and complaint charging the person in whose name the vehicle is registered with a violation of Section 604(1)(c). If, however, the vehicle is registered in more than one (1) person's name, the summons and complaint shall be issued to that registrant who the issuing peace officer determines, under all the facts and circumstances, was the person most likely depicted in the photographs produced by the red-light cameras. The summons and complaint shall contain the signature, or a reasonable facsimile thereof, of the peace officer issuing the summons and complaint.
- (4) In order to obtain personal jurisdiction in Municipal Court over the person charged in the summons and complaint, a copy of the summons and complaint issued under this Section must be personally served upon the person charged with the violation of Section 604(1)(c) or, in lieu of such personal service, by leaving a copy of the summons and complaint at the person's usual place of abode with some person over the age of eighteen (18) years residing therein or by mailing a copy to the charged person's last known address by certified mail, return receipt requested, not less than five (5) days prior to the time the

charged person is required in the summons and complaint to appear in Municipal Court.

- (5) When a person is served with a summons and complaint under this Section, the person shall:
 - (a) If admitting the charge, complete the summons and complaint form by providing his or her driver's license number and other pertinent information requested in the form, and return the completed summons and complaint form, together with the payment of the fine assessed, to the Municipal Court on or before the time specified in the summons and complaint for the charged person to appear in court; or
 - (b) If contesting the charge, appear in Municipal Court at the time specified in the summons and complaint for arraignment.
- (6) Proof that a particular vehicle entered an intersection in violation of Section 604(1)(c) as detected by a red-light camera and as shown by the photographs produced by the red-light camera, together with proof that the particular vehicle is registered in the charged person's name, shall raise the evidentiary presumption and constitute *prima facie* evidence in any prosecution of a violation of Section 604(1)(c) of the fact that the charged person was the person driving the vehicle depicted in the photographs. However, such evidence and presumption may be rebutted by the presentation of any probative and competent evidence that the charged person was not the driver shown in the photographs.
- (7) In any proceeding in Municipal Court to prosecute a violation of Section 604(1)(c), the photographs produced by a red-light camera concerning the violation shall be admissible in court as *prima facie* evidence of a violation of Section 604(1)(c), provided that the peace officer or employee of the City who activated and tested the red-light camera prior to the photographs being taken testifies as to the placement of the red-light camera and the accuracy of the scene depicted in the photographs, and further testifies that he or she tested the red-light camera for proper operation within a reasonable period of time both before and after the taking of the photograph. Also, to be so admissible in Municipal Court, the photographs must be of sufficient quality to permit identification of the driver of the vehicle. (Ord. 016, 2003 §1; Ord. 113, 2004 §4; Ord. 031, 2005 §1; Ord. 097, 2009 §20)