

## PART 11 - SPEED REGULATIONS

### 1101. Speed limits.

- (1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing and in no event greater than the posted speed limit.
- (2) Except when a special hazard exists that requires a lower speed, the following speeds are hereby established, and no person shall drive a vehicle in excess of such speed:
  - (a) Twenty (20) miles per hour in all school zones with signs erected and posted giving notice thereof;
  - (b) Twenty-five (25) miles per hour on all other streets of the City not specifically posted otherwise;
  - (c) Fifteen (15) miles per hour in all alleyways;
  - (d) Twenty (20) miles per hour on the campus of Colorado State University, unless signs are posted giving notice otherwise;
  - (e) No person shall drive a vehicle on four-lane highways which are on the interstate system, as defined in Section 43-2-101 (2), C.R.S., or are freeways or expressways in excess of a maximum lawful speed limit of seventy-five (75) miles per hour.
  - (f) Forty-five (45) miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to Section 507(3);
  - (g) Fifty-five (55) miles per hour on other open highways which are not on the interstate system, as defined in Section 43-2-101(2), C.R.S., and are not surfaced, four-lane freeways or expressways;
  - (h) Sixty-five (65) miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in Section 43-2-101(2), C.R.S., or are freeways or expressways;
  - (i) Any speed not in excess of a speed limit designated by an official traffic control device.
- (3) The fact that the speed of a vehicle is lower than the limits established by law, or as set forth in traffic control schedules as provided in this Traffic Code pursuant to law, shall not relieve the driver from the duty to decrease speed when a special hazard exists with respect to pedestrians or other traffic or by

reason of weather or highways conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance, or object on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

- (4) In every charge of violating Subsections (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.
- (5) The provisions of this Section shall not be construed to relieve the party alleging negligence under this Section in any civil action for damages from the burden of proving that such negligence was the proximate cause of an accident.
- (6) The City may by ordinance or resolution adopt absolute speed limits as the maximum lawful speed limits in its jurisdiction.
- (7)
  - (a) Notwithstanding any other provisions of this Section, no person shall drive a vehicle on four-lane highways which are on the interstate system, as defined in Section 43-2-101(2), C.R.S., or are freeways or expressways in excess of a maximum lawful speed limit of seventy-five (75) miles per hour.
  - (b) The speed limits set forth in Subsection (a) of this Section (7) are maximum lawful speed limits and the City, within its jurisdiction, shall not authorize any speed limit which exceeds seventy-five miles per hour on any highway.
  - (c) The provisions of this Subsection (7) are declared to be matters of both local and statewide concern requiring uniform compliance throughout the State.
  - (d) Notwithstanding any other provisions of this Section, no person shall drive a low-power scooter on a roadway at a speed in excess of forty (40) miles per hour.
- (8) The conduct of a driver of a vehicle which would otherwise constitute a violation of this Section is justifiable and not unlawful when:
  - (a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this Section; or

- (b) With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in Section 107, exist.
- (9) The minimum requirement for commission of a traffic offense under this Section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.
- (10) It shall not be a defense to prosecution for a violation of this Section that:
  - (a) The defendant's conduct was not performed intentionally, knowingly, recklessly or with criminal negligence;
  - (b) The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or
  - (c) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit. (Ord. 016, 2003 §1; Ord. 109, 2006 §9; Ord. 097, 2009 §29)

**1102. Altering of speed limits - when.**

- (1) Whenever the City Traffic Engineer determines upon the basis of a traffic investigation or survey, or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof, that any speed specified or established as authorized under Sections 1101 to 1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a street or highway in the City, the City Traffic Engineer shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto. The City shall not have the power to alter the basic rules set forth in Section 1101(1) or in any event to authorize by resolution or ordinance a speed in excess of seventy-five (75) miles per hour.
- (2) The City Traffic Engineer shall determine upon the basis of a traffic investigation or survey the proper speed for all arterial streets and shall declare a reasonable and safe speed limit thereon which may be greater or less than the speed specified under Section 1101(2)(b) or (2)(c). Such speed limit shall not exceed seventy-five (75) miles per hour and shall become effective when appropriate signs are erected giving notice thereof. For purposes of this Subsection (2), an "arterial street" means any United States or state-numbered

route, controlled-access highway, or other major radial or circumferential street or highway designated by the City Traffic Engineer as part of a major arterial system of streets or highways.

- (3) No alteration of speed limits on state highways within the City shall be effective until such alteration has been approved in writing by the Colorado Department of Transportation.
- (4) Whenever the City Traffic Engineer determines upon the basis of a traffic investigation or survey that a reduced speed limit is warranted in a school or construction area or other place during certain hours or periods of the day when special or temporary hazards exist, the City Traffic Engineer may erect or display official signs of a type prescribed in the state traffic control manual giving notice of the appropriate speed limit for such conditions and stating the time or period the regulation is effective. When such signs are erected or displayed, the lawful speed limit at the particular time and place shall be that which is then indicated upon such signs; except that no such speed limit shall be less than twenty (20) miles per hour on a state highway or other arterial street as defined in Subsection (2) of this Section, nor less than fifteen (15) miles per hour on any other road or street, nor shall any such reduced speed limit be made applicable at times when the special conditions for which it is imposed cease to exist. Such reduced speed limits on streets which are state highways shall be subject to the written approval of the Colorado Department of Transportation before becoming effective.
- (5) Wherever a stop sign or speed limit sign has been erected, not inconsistent with the provisions of Sections 1101 to 1104, upon any way which is open to travel by motor vehicles and which is privately maintained in mobile home parks, when appropriate signs giving notice of such enforcement are erected at the entrances to such ways, no driver shall disobey such stop signs or speed limit regulations. Unless there is an agreement to the contrary, the jurisdiction ordering the regulations shall be responsible for the erection and maintenance of the signs. (Ord. 016, 2003 §1)

### **1103. Minimum speed regulation.**

- (1) No person shall drive a motor vehicle on any highway at such a slow speed as to impede or block the normal and reasonable forward movement of traffic, except when a reduced speed is necessary for safe operation of such vehicle or in compliance with law.
- (2) Whenever the City Traffic Engineer determines, on the basis of an engineering and traffic investigation as described in the state traffic control manual, that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the City Traffic Engineer may determine and

declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with law.

- (3) Notwithstanding any minimum speed that may be authorized and posted pursuant to this Section, if any person drives a motor vehicle on any controlled-access highway at a speed less than the normal and reasonable speed of traffic under the conditions then and there existing and by so driving at such slower speed impedes or retards the normal and reasonable movement of vehicular traffic following immediately behind, then such driver shall:
  - (a) Where the width of the traveled way permits, drive in the right-hand lane available to traffic or on the extreme right side of the roadway consistent with the provisions of Section 1001(2) until such impeded traffic has passed by; or
  - (b) Pull off the roadway at the first available place where such movement can safely and lawfully be made until such impeded traffic has passed by.
- (4) Wherever special uphill traffic lanes or roadside turnouts are provided and posted, drivers of all vehicles proceeding at less than the normal and reasonable speed of traffic shall use such lanes or turnouts to allow other vehicles to pass or maintain normal traffic flow. (Ord. 016, 2003 §1)

**1104. Speed limits on elevated structures.**

- (1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this Section.
- (2) The Colorado Department of Transportation upon request from the City shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and, if it finds that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under Sections 42-4-1101 to 42-4-1104, C.R.S., said department shall determine and declare the maximum speed of vehicles which such structure can withstand and shall cause or permit suitable standard signs stating such maximum speed to be erected and maintained before each end of such structure in conformity with the state traffic control manual.
- (3) Upon the trial of any person charged with a violation of this Section, proof of said determination of the maximum speed by said department and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. (Ord. 016, 2003 §1)

**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 (1) 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 (1) 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 Subsections 42-4-1105(5) through (9), C.R.S. (Ord. 016, 2003 §1; Ord. 109, 2006 §10)

**1106. Camera-radar speed enforcement.**

- (1) Fort Collins Police Services is authorized to use camera radar within the City in school zones, as defined in section 1102 (3), within a residential neighborhood, or along a street that borders a municipal park, to detect violations under this Traffic Code. The terms “camera radar” and “automated vehicle identification device system” shall be synonymous for the purposes of this Section.

- (a) For the purposes of this Section, unless context otherwise requires, “residential neighborhood” shall mean any block on which a majority of the improvements along both sides of the street are residential dwellings and the speed limit is thirty-five (35) miles per hour or less.
  - (b) Nothing in this Section shall apply to an automated vehicle identification system designed to detect disobedience to a traffic control signal.
- (2) As used in this Traffic Code, camera radar shall mean a device used for speed enforcement consisting of a camera and a radar unit or other speed measurement device that can be programmed to automatically produce a photograph that depicts a vehicle that has exceeded the speed limit and depicts the driver of the vehicle, upon which photograph is printed the vehicle’s speed and the date, approximate time of day and approximate location of the violation.
  - (a) In addition, there must be posted an appropriate temporary sign in a conspicuous place not fewer than three hundred (300) feet before the area in which the camera radar system is to be used notifying the public that an automated vehicle identification device is in use immediately ahead.
  - (b) The requirements of Subparagraph 2(a) shall not be deemed satisfied by the posting of a permanent sign or signs at the borders of the City, nor by the posting of a permanent sign in an area in which the camera radar system is to be used, but this Subparagraph 2(a) shall not be deemed a prohibition against the posting of such permanent signs.
- (3) When a peace officer or employee of the City is present during the operation of the camera radar system, based on evidence obtained in whole or part by means of camera radar, has probable cause to believe a vehicle has been driven in excess of the legal speed limit, 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 the speed limit violation. 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 officer determines, under all the facts and circumstances, is the person most likely depicted in the photograph produced by the camera radar. The summons and complaint shall contain the signature, or a reasonable facsimile thereof, of the peace officer or employee of the City 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 speeding violation or, in lieu of such personal service, by leaving a

copy of the summons and complaint at the charged 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.

- (a) If a summons and complaint for a violation detected using an automated vehicle identification system is personally served, the City may only charge the actual costs of service of process that shall be no more than the amount usually charged for civil service of process.
- (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, 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 was exceeding the legal speed limit as detected by camera radar and as shown by the photograph produced by camera radar, 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 under this Section of the fact that the charged person was the person driving the vehicle depicted in the photograph. 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 photograph.
- (7) In any proceeding in Municipal Court to prosecute a violation of this Section, any photograph produced by camera radar concerning the violation, upon which is printed the vehicle's speed, shall be admissible in court as *prima facie* evidence of the speed of the vehicle depicted in the photograph, provided that the peace officer or employee of the City who activated the camera radar prior to the photograph being taken testifies as to the placement of the camera radar and the accuracy of the scene depicted in the photograph, and further testifies that he or she tested the radar unit of the camera radar for proper calibration before and after the taking of the photograph. Also, to be so admissible in Municipal Court, the photograph must be of sufficient quality to permit identification of the driver of the vehicle. (Ord. 016, 2003 §1)

**1107. Designation of highway maintenance, repair or construction zone signs - increase in penalties for speeding violations.**

- (1) If maintenance, repair or construction activities are occurring or will be occurring within four (4) hours on a local street or state highway, the City Traffic Engineer may designate such portion of the highway as a highway maintenance, repair or construction zone. Any person who commits a speeding violation in a maintenance, repair or construction zone that is designated pursuant to the provisions of this Section is subject to increased penalties.
- (2) The City Traffic Engineer may designate by erecting or placing an appropriate sign that a 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 speeding violations are in effect in such zone. The City Traffic Engineer shall erect or place a second sign after such zone indicating that the increased penalties for speeding 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.
- (3) Signs used for designating the beginning and end of a maintenance, repair or construction zone shall conform to the Colorado Department of Transportation requirements. The City Traffic Engineer may display such signs on any fixed, variable or moveable stand. The City Traffic Engineer may place such sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work. (Ord. 016, 2003 §1; Ord. 031, 2005 §1; Ord. 119, 2011, §9)

**1108. School zones - increase in penalties for speeding violations.**

When official traffic control devices and signs giving notice of the appropriate speed limit for a school zone are erected or displayed, the lawful speed limit at the applicable times and place shall be that which is then indicated upon such signs. No posted speed limit for a school zone shall be less than twenty (20) miles per hour on any street or roadway.

- (1) Any person who commits a speeding violation in a school zone is subject to the increased penalties.
- (2) For the purposes of this Section, “school zone” means an area that is designated by official traffic control devices and signs as a school zone and has appropriate signs posted indicating that the penalties will be doubled.
- (3) This Section shall not apply when the official traffic control devices are not operating or when school is not in official session.

- (4) This Section does not apply if the penalty for a violation has been doubled pursuant to Section 1107 of this Traffic Code or Section 42-4-614, C.R.S., because such violation also occurred within a highway maintenance, repair or construction zone. (Ord. 016, 2003 §1; Ord. 031, 2005 §1)