



FRUITA
COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: SHANNON VASSEN, CITY MANAGER

DATE: FEBRUARY 4, 2025

AGENDA TEXT: Ordinance 2025-02 – Second Reading – A Request to Approve an Ordinance Amending Chapter 10.04 of the Fruita Municipal Code Regarding the Model Traffic Code (Continued from January 21, 2025) – *City Manager Shannon Vassen*

BACKGROUND

The purpose of this Ordinance is to update the Municipal Code to adopt by reference the Model Traffic Code for Colorado, which embodies the rules of the road and vehicle requirements as set out in the State of Colorado's traffic laws. This document is an outline of suggestions from the state to create uniformity across municipalities. This Municipal Code amendment addresses all sections of Chapter 10.04 (010-040), as outlined here:

- **Model Traffic Code Adopted** – This amendment updates the Municipal Traffic Code to reflect the changes made by the Colorado Department of Transportation (CDOT) 2024 Model Traffic Code for Colorado.
- **Deletions** - This amendment also updates the code to reflect the change to the year of the Model Traffic Code and additional deletions.
- **Additions or Modifications** – This Municipal Code amendment also reflects any changes made to the CDOT version based on what the City of Fruita deems essential for our own traffic regulations, pursuant to state law.
- **Penalties** – This amendment proposes modifications to the penalties associated with traffic violations, aligning them with contemporary practices observed statewide and established precedents in municipal courts.

These changes bring the Municipal Code up to date to reflect current traffic recommendations from CDOT and the Fruita Municipal Court.

This Municipal Code amendment was presented to the City Council at the at the August 27, 2024 workshop meeting and the January 21, 2025 regular meeting. At the August workshop, Council directed staff to move forward with the Model Traffic Code update to align with contemporary statewide standards. At the regular meeting, the City Council expressed concerns regarding two of the additions to the Model Traffic Code, and these sections were:

1. **Section 801 of the adopted code is amended to add a new subsection (5) as follows:**

1. (a) It is unlawful for a pedestrian to engage in any activity within a public street or roadway that obstructs, or reasonably could obstruct, the free flow of vehicular traffic or otherwise constitutes, or reasonably could constitute, a hazard, except as expressly permitted or authorized by this Code.
2. (b) It is unlawful for a parent, guardian, or other person having care or custody of any child under the age of ten (10) years to intentionally, knowingly, or recklessly allow or permit any such child to violate subsection (a) of this section.
3. (c) The fact that a child under the age of ten (10) years is engaged in an activity within a public street or roadway contrary to the provisions of subsection (a) of this section shall be prima facie evidence that the parent, guardian, or other person having custody of the child is guilty of violating this section.

2. Section 1205 of the adopted code is hereby amended by the addition of a new subsection 1205(5), to read as follows:

1. (5) No person shall park a vehicle upon a roadway for the purpose of greasing, painting, washing or repairing such vehicle, except repairs necessitated by an emergency.

Proposed Municipal Code Amendments: Explanation of Concerns

Pedestrian Regulations (Model Traffic Code Part 8, Section 801)

Part 8 of the Model Traffic Code addresses pedestrian behavior. Section 801 specifically requires pedestrians to obey traffic control devices and regulations unless directed otherwise by a police officer. The proposed addition clarifies and expands this section to make it explicitly unlawful for pedestrians to engage in hazardous actions, as determined at the discretion of law enforcement. The key being actions that could be determined to be a hazard.

This change aims to enhance public safety by discouraging potentially dangerous pedestrian behaviors. The inclusion of additional subsections ensures clarity when determining fault in accidents involving pedestrians, providing framework for accountability and safety enforcement.

Stormwater Pollution and Section 1205

The proposed Section 1205 amendment empowers the Fruita Police Department to issue warnings or citations when pollutants are discharged into stormwater systems that drain directly into the Colorado River or its tributaries. Unlike discharges directed to treatment facilities, stormwater discharges often bypass treatment processes, increasing the risk of environmental contamination. While no citations have been issued for activities like vehicle washing in the street, the Fruita Municipal Code (Section 9.11.030F) already identifies contamination or pollution as a public nuisance. The amendment aligns with this standard, addressing activities that unlawfully pollute surface or subsurface waters. This change supports efforts to protect the Colorado River's water quality and preserve public health.

The adoption of the Model Traffic Code can proceed with or without these changes. However, the proposed amendments provide additional tools for the Fruita Police Department to promote safety and public health effectively.

FISCAL IMPACT

There is no fiscal impact to approving this Municipal Code Amendment.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

This amendment will update the Municipal Code to reflect the current traffic rules and regulations throughout Colorado so that Fruita is in concurrence with other municipalities.

OPTIONS AVAILABLE TO COUNCIL

- Approve Ordinance 2025-02 – Second Reading - An Ordinance Amending Chapter 10.04 Of The Fruita Municipal Code Regarding The 2024 Model Traffic Code, as presented.
- Amend Ordinance 2025-02 to include or exclude certain additions of the Model Traffic Code, as determined by Council.
- Move to continue Ordinance 2025-02 to March 4, 2025, to meet the Statutory legal notice requirements of C.R.S. 31-16-203
- Deny the Ordinance and bring back at a future date for first reading.

RECOMMENDATION

It is the recommendation of staff that the City Council by motion:

MOVE TO CONTINUE ORDINANCE 2025-02 TO MARCH 4, 2025, PUBLIC HEARING.