

ORDINANCE NO. 2387
INTRODUCED BY: Pollack

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADDING ARTICLE 10-15 TO THE BRIGHTON MUNICIPAL CODE REGARDING PEDESTRIANS HINDERING THE FLOW OF TRAFFIC AND ENHANCING PEDESTRIAN AND TRAFFIC SAFETY

WHEREAS, the City Council finds that collisions between pedestrians and vehicles are likely with increased traffic flows and speeds and finds it necessary to clearly delineate the responsibilities of pedestrians to allow for safer pedestrian and vehicle interactions throughout the City and reduce danger to persons and property, prevent traffic delays and to avoid interference with traffic; and

WHEREAS, the City Council desires to improve traffic and pedestrian safety; and

WHEREAS, pedestrian crosswalk refuge areas, such as center medians, were not designed and are not suitable or safe for access, occupation, or use by pedestrians except for brief periods in order to cross a roadway; and

WHEREAS, City Council hereby finds that this ordinance is necessary to further the health, safety, and welfare of the residents and visitors of the City of Brighton.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1: Article 10-15 is added to the Brighton Municipal Code and shall read as follows:

Sec. 10-15-10. Definitions.

- (a) *Obstruct* means to render impassable or to render passage unreasonably inconvenient or hazardous, and includes but is not limited to, conduct such as extending objects into the traveled portion of the roadway.
- (b) *Higher speed roadway* means a roadway within the city with a posted speed limit greater than 25 miles per hour.
- (c) *Center Median or Crosswalk Temporary Refuge Areas* means a raised area that divides a roadway carrying traffic in opposite directions, and which is defined by curbing, landscaping, or other obstacles.

Sec. 10-15-20 Unlawful Acts.

- (a) It shall be unlawful for any person to willfully and unnecessarily hinder, obstruct, or delay traffic, or to willfully and unnecessarily attempt to hinder, obstruct, or delay any other person who is lawfully driving or traveling upon any roadway so as to interfere with the effective movement of traffic.
- (b) It shall be unlawful for any person to access, occupy, use, or assemble on or about any center median not designed or suitable for pedestrian use that has been posted, either on such center median or at the crosswalk access points to such center median with a sign pursuant to this section prohibiting such access, occupancy, use, or assembly.

Exceptions. This Section shall not apply to the following:

- 1) A person utilizing that portion of a center median designed as a temporary pedestrian refuge along a crosswalk if the person was not able to safely cross the entire roadway during the traffic signal pedestrian phase or green light signal phase. This exception allows a person to occupy the pedestrian refuge area for the duration of one traffic signal cycle before crossing the entire roadway.
- 2) A local, state, or federal law enforcement officer or authorized first responder engaged in the performance of his or her official duties.
- 3) A city or state or utility employee or contractor authorized by the city manager or designee or the state to access the center median to perform construction, landscaping, maintenance, repair, or similar duties thereon.

Sec. 10-15-30 Signage

- (a) *Signage*. The City may prohibit pedestrian access, occupancy, use, assembly, or congregation on or about any center median not designed or suitable for pedestrian use by posting a sign that reads “unlawful to occupy center median” or that contains similar language. Only a raised center median that lies along a higher speed roadway may be posted under this section. A sign posted or placed under this section must be posted or placed in a way that is reasonably calculated to provide effective notice to an ordinarily observant person entering upon the center median but there is not requirement the sign be visible from every position.
- (b) *Prima Facie Evidence of Notice*. The posting or placement of a sign reading “unlawful to occupy center median” or similar language upon a center median or at the crosswalk access points to such center median shall be prima facie evidence that the notice was sufficient. The prosecution is not required to prove that the sign was visible from every position on or about the center medial or crosswalk access points.
- (c) *Strict Liability*. A violation of any provision of this section is strict liability in nature. No culpable mental state or *mens rea* of any type or degree shall be required to prove a violation of this section.

Sec. 10-15-40 Penalty

Penalty for violation of this Article shall be as set forth in Article 1-24.

Section 3. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS 14th DAY OF June, 2022.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 28th DAY OF June, 2022.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

First Publication: June 23, 2022

Final Publication: July 7, 2022

APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney