Date: 11/23/2023

Subject: An ordinance of the City of Littleton, Colorado, adding sitting, standing, or walking in or on medians prohibited to Chapter 9, Conduct on Public Property to Title 6 Police Regulations

Passed/Failed: Failed on second reading and public hearing

CITY OF LITTLETON, COLORADO

ORDINANCE 36
SERIES 2023
CITY OF LITTLETON, COLORADO

ORDINANCE NO. 36

Series, 2023

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, AMENDING TITLE 6 POLICE REGULATIONS, CHAPTER 9 OFFENSES AGAINST THE PUBLIC PEACE, ORDER AND DECENCY REGARDING MEDIAN SAFETY

WHEREAS, per the Colorado Department of Transportation, nationally each year approximately 5,000 pedestrians die and 70,000 are injured in traffic accidents; and

WHEREAS, the U.S. Department of Transportation Federal Highway Administration estimates that one-quarter of traffic fatalities and approximately one-half of all traffic injuries in the United States are attributed to intersections; and

WHEREAS, multiple times per year within the City of Littleton signal poles, trees, landscaping, and signs within medians are struck by vehicles; and

WHEREAS, collisions between pedestrians and motorists occur within the City of Littleton; and

WHEREAS, center medians in the City of Littleton were designed to separate and channel the flow of traffic through turns and intersections and are not designed for pedestrians to sit, stand, or walk upon; and

WHEREAS, pedestrians within medians can distract drivers and potentially slow and impede the orderly flow of lawful traffic causing sudden decelerations and stops that are unanticipated by motorists leading to accidents; and

WHEREAS, the City Council of the City of Littleton wishes to protect both pedestrians and motorists within its City; and

WHEREAS, the City Council deems it to be in the best interests of the public health, safety and welfare to enact this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1: Chapter 9, Conduct on Public Property of Title 6 Police Regulations is hereby amended by adding the following:
6-9-4: SITTING, STANDING, REMAINING, OR WALKING IN OR ON MEDIANS PROHIBITED.

(A) Legislative Purpose. The purpose of this section is to protect the safety of pedestrians and motorists. The city council hereby finds that collisions between pedestrians and motorists in the City is a real safety concern. As population growth and traffic continues and is forecasted to grow across the region City Council declares it necessary to clearly delineate the responsibilities of pedestrians to allow for safer pedestrian and motorist interactions throughout the city. Center medians were designed to separate traffic and channel the flow of traffic through turns and intersections and such center medians were not designed and are not suitable for access, occupation, or use by pedestrians. The purpose of this section is to reduce the number of situations during which pedestrians are in close proximity to the traveled portion of a roadway. The city council finds this section will promote pedestrian and traffic safety and is necessary to protect the health, safety, and welfare of the public.

(B) Definitions.

“Median” means any area of a street, roadway, or public driveway defined by a painted, raised, or depressed channelization barriers or markers, usually in the middle of the roadway, at driveways, or at intersections, which control turning movements or separate traffic lanes. Such median shall be 48 inches or less in width.

(C) It shall be unlawful for any person to sit, stand, remain, or walk in or on any median less than 48 inches in width for longer than is reasonably necessary to cross the street or roadway for those streets or roadways where the posted traffic limit is or exceeds 30 miles per hour.

Exemptions. This section does not apply to:

(1) A city or state employee or contractor authorized by the city manager or designee thereof, or by the state, to access the center median to perform construction, landscaping, maintenance, repair, or similar duties thereon; or

(2) Persons employed by a public utility to maintain or work on the median while performing such work or maintenance; or

(3) Medians abutting a street closed to vehicular traffic for the purposes of permitted activity on the street or roadway; or

(4) A local, state, or federal law enforcement officer or authorized first responder engaged in the performance of his or her official duties; or
(5) A person using 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 (1) traffic signal cycle before crossing the entire roadway.

(D) Penalty. Any violation of this section may be punished by a fine not to exceed the limits set forth in 1-4-1 of this Code or such alternative sentence as the municipal judge shall determine excluding jail.

Section 2: Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

Section 3: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 7th day of November, 2023, passed on first reading by a vote of 6 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 21st day of November, 2023, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

FAILED on second and final reading, following public hearing, by a vote of 2 FOR and 5 AGAINST on the 21st day of November, 2023 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.
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32 ATTEST:

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34 Colleen L. Norton       Kyle Schlachter
35 CITY CLERK       MAYOR
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38 Reid Betzing
39 CITY ATTORNEY