

ORDINANCE NO. 19-07

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CASTLE PINES, COLORADO, AMENDING CHAPTER 11 OF THE
CASTLE PINES MUNICIPAL CODE TO ADD A NEW ARTICLE 8
ENTITLED MEDIAN SAFETY**

WHEREAS, the City of Castle Pines (the “City”) is a home rule municipal corporation created and organized pursuant to Article 20 of the Colorado Constitution and the Home Rule Charter of the City of Castle Pines; and

WHEREAS, the City has the authority to adopt and amend ordinances; and

WHEREAS, the primary purpose of roadway medians is to enhance the safety of and free flow of traffic on roadways by separating opposing lanes of vehicular traffic, channeling traffic for turning purposes, calming traffic, and, in some cases, providing temporary refuge for pedestrians crossing busy and/or wide roadways; and

WHEREAS, the City has conducted an analysis of roadway medians within the City and identified several criteria regarding safe or unsafe occupancy of medians by pedestrians, including dimensions for medians safe for occupancy, and finds that not all medians in the City are safe for occupancy; and

WHEREAS, the City finds that restricting pedestrian access to restricted medians is the least restrictive means possible to further the significant public interest of protecting the public health, safety and welfare of the City and its residents; and

WHEREAS, the City desires to amend Chapter 11 of the Castle Pines Municipal Code (the “Code”) to add a new Article 8.

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

Section 1. Chapter 11 of the Code is hereby amended to add Article 8, to read in full as follows:

ARTICLE 8 – Median Safety.

Sec. 11-8-10. – Legislative Findings.

(a) The primary purpose of roadway medians is to enhance the safety of and free flow of traffic on roadways by separating opposing lanes of vehicular traffic, channeling traffic for turning purposes, calming traffic, and, in some cases, providing temporary refuge for pedestrians crossing busy and/or wide roadways.

(b) The City has conducted an analysis of roadway medians within Castle Pines and identified several criteria regarding safe or unsafe occupancy of medians by pedestrians, including dimensions for medians safe for occupancy, and finds that not all medians in the City are safe for occupancy.

(c) The City finds that restricting pedestrian access to restricted medians is the least restrictive means possible to further the significant public interest of protecting the public health, safety and welfare of the City and its residents.

Sec. 11-8-20. – Definitions.

The following words, terms and phrases, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise:

Intersection area means the area extending to two hundred (200) feet from the stop bars or crosswalks at any crossing, merging and/or coming together of two (2) or more streets, roadways or highways or lanes thereof, including roundabouts.

Median means any area between two opposite directions of a divided street, roadway or highway, measured from the face of curb on each side of the median or any other defining physical feature such as landscaping or traffic control markings. Median also includes any area within a roundabout that is not for vehicular use, measured by its diameter from the face of curb on each side or any other defining physical feature such as landscaping or traffic control markings.

Restricted median means a median so designated by the Public Works Director pursuant to the criteria set forth in Section 11-8-30, that is deemed unsafe for occupancy of pedestrians.

Stop bar means the solid white line extending across intersection approach lanes that identifies the location where vehicles should stop at an intersection.

Sec. 11-8-30. - Designation of medians.

The Public Works Director may designate restricted medians where the median is less than six (6) feet wide at an intersection with a traffic signal or multi-way stop control, and at least one of the following criteria are satisfied:

(a) All roadways in the applicable intersection area have a speed limit of at least thirty (30) miles per hour; or

(b) The applicable intersection area includes arterial or collector roadways with at least ten thousand (10,000) vehicles per day.

Sec. 11-8-40. - Notice.

A list of restricted medians will be identified and maintained on the City's website.

Sec. 11-8-50. - Pedestrian access prohibited.

It is unlawful for any person to access, use, occupy, congregate or assemble on or about any restricted median.

Sec. 11-8-60. - Exceptions.

The prohibition set forth in Section 11-8-50 above shall not apply to the following:

- (a) Pedestrians utilizing a restricted median as a refuge for one traffic signal cycle because they were not able to safely cross the entire roadway during the traffic signal pedestrian phase or green light.
- (b) On-duty public safety personnel engaged in the performance of their official duties.
- (c) State or City staff or contractors, or utility company staff or contractors, authorized by the state or City to access the restricted median, performing construction or maintenance activities.

Sec. 11-8-70. - Penalty.

A violation of this Article shall be punishable by a fine not to exceed four hundred ninety-nine dollars (\$499.00).

Section 2. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect, in accordance with Section 6.8 of the Charter.

Section 3. No Existing Violation Affected. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby repealed or amended by this Ordinance, or any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4. Repeal of Previous Ordinances. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 5. Codification Amendments. The codifier of the City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 1 of this Ordinance within the Castle Pines Municipal Code.

Section 6. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Castle Pines, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 7. Publication and Effective Date. The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the Charter. This Ordinance shall be effective thirty (30) days after final publication pursuant to Section 6.5 of the Charter.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, the 9th day of July, 2019.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 23rd day of July, 2019.



ATTEST:

DocuSigned by:
Tobi Basile
AD03A3B02032499...
Tobi Basile, City Clerk

DocuSigned by:
Tera Stave Radloff
0E0C8E8278DC479...
Tera Stave Radloff, Mayor

Approved as to form:

DocuSigned by:
Linda C. Michow
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Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading on July 9, 2019; published by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of all ordinances is available through the City Offices and on the City’s official website”; and finally passed and adopted by the City Council on July 23, 2019, following a duly noticed public hearing and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on July 18, 2019.

ATTEST:

DocuSigned by:
Tobi Basile
AD03A3B02032499...
City Clerk