

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: 20

ORDINANCE NUMBER: 2009- 20

TITLE: AN ORDINANCE AMENDING CHAPTER 8 OF THE BLACK HAWK MUNICIPAL CODE TO REGULATE THE USE OF BICYCLES AND OTHER NON-MOTORIZED TRAFFIC ON CERTAIN CITY STREETS AND HIGHWAYS

WHEREAS, pursuant to C.R.S. § 42-4-111(1), the City may restrict the use of City streets and highways and may regulate the operation of bicycles;

WHEREAS, the City Council has found and determined, upon review of engineering and traffic studies, that certain narrow City streets are so heavily traveled by commercial traffic, including over-the-road coaches and delivery vehicles that use of those streets by bicycles is incompatible with safety and with the normal movement of traffic;

WHEREAS, the City of Black Hawk is desirous of providing on site parking for its customers, and the number of vehicles and customary traffic movements such as turning movements on City streets accessing the City's businesses make the addition of bicycle traffic fundamentally unsafe;

WHEREAS, the City has adopted by reference the 2003 edition of the "Model Traffic Code for Colorado Municipalities," promulgated and published as such by the Colorado Department of Transportation, which adoption is codified at Section 8-1 of the Black Hawk Municipal Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 8-2 of the Black Hawk Municipal Code is hereby amended and renumbered as follows to include a new deletion from the provisions of the Model Traffic Code previously adopted, with new language appearing in all CAPS :

Sec. 8-2. Deletions, modifications and additions to the Model Traffic Code.

(a) Section 108 is amended by the addition of the following paragraph (5)...

(B) SECTION 109, SUBSECTION (11), IS DELETED IN ITS ENTIRETY AND THE FOLLOWING SECTION 109, SUBSECTION (11), IS SUBSTITUTED TOTALLY THEREFOR:

SECTION 109. MOTORIZED BICYCLES, ANIMALS, SKIS, SKATES, TOY VEHICLES, AND ALL-TERRAIN RECREATIONAL VEHICLES ON HIGHWAYS.

...

(11) THE CITY MAY, BY ORDINANCE, DETERMINE AND DESIGNATE, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, THOSE HEAVILY TRAVELED STREETS AND HIGHWAYS UPON WHICH SHALL BE PROHIBITED ANY BICYCLE, OR ANIMAL RIDER, OR ANIMAL-DRAWN CONVEYANCE, OR OTHER CLASS OR KIND OF NON-MOTORIZED TRAFFIC THAT IS FOUND TO BE INCOMPATIBLE WITH THE NORMAL AND SAFE MOVEMENT OF TRAFFIC, AND, UPON SUCH DETERMINATION, THE CITY SHALL ERECT APPROPRIATE OFFICIAL SIGNS GIVING NOTICE THEREOF; EXCEPT THAT WITH RESPECT TO CONTROLLED ACCESS HIGHWAYS THE PROVISIONS OF SECTION 42-4-1010(3), C.R.S., SHALL APPLY. WHEN SUCH OFFICIAL SIGNS ARE SO ERECTED, NO PERSON SHALL VIOLATE ANY OF THE INSTRUCTIONS CONTAINED THEREON.

(c) Section 1101, subsections (1) to (4), inclusive, are deleted in their entirety and the following Section 1101, subsection (1), is substituted totally therefor....

Section 2. Chapter 8 of the Black Hawk Municipal Code is hereby amended by the addition of a new Article VI, which shall read as follows:

Chapter 8

ARTICLE VI

Restricted Streets for Bicycles

Sec. 8-111. Restricted Streets.

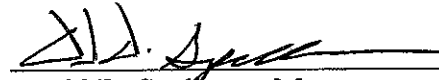
Upon erection of appropriate signage, bicycles and other non-motorized traffic found to be incompatible with the normal and safe movement of traffic shall be prohibited, in whole or in part, from operation on any street, highway, or public way, the use of which the City has jurisdiction and authority to regulate.

Section 3. Safety Clause. The Board of Aldermen hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, 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 Board of Aldermen further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

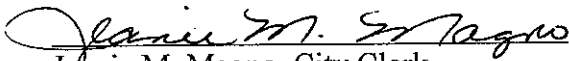
Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 22 day of July, 2009.


David D. Spellman, Mayor

ATTEST:


Jeanie M. Magno, City Clerk