

**CITY OF SHERIDAN, CO
ORDINANCE NO. 2-2024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SHERIDAN, COLORADO, ENACTING SECTION 38-36.5 OF THE
SHERIDAN MUNICIPAL CODE AMENDING SECTION 705 OF THE
MODEL TRAFFIC CODE, OPERATION OF VEHICLE APPROACHED
BY EMERGENCY VEHICLE – OPERATION OF VEHICLE
APPROACHING STATIONARY EMERGENCY VEHICLE,
STATIONARY TOWING CARRIER VEHICLE, OR STATIONARY
PUBLIC UTILITY SERVICE VEHICLE**

WHEREAS, by Ordinance 3-2020, the Sheridan City Council adopted the Model Traffic Code, which is the municipal version of the State’s Regulation of Vehicles and Traffic Article, Title 42 C.R.S.; and

WHEREAS, Section 705 of the Model Traffic Code is the City of Sheridan’s Model Traffic Code version of C.R.S. 42-4-705 of the State’s Traffic Regulations; and

WHEREAS, in 2023 the state legislature amended C.R.S. 42-4-705, to expand the requirement that drivers exhibit due care and caution when approaching certain vehicles upon the roadways, such as an emergency vehicle, towing vehicles, public utility service vehicle or public utility service contractor, and a vehicle where chains are being equipped, to include port of entry vehicles and authorized contractors of a public utility; and

WHEREAS, the amendments also require that drivers proceed with due care and caution and yield right of way to any stationary vehicle giving a hazard signal by displaying alternatively flashing lights or displaying warning lights; and

WHEREAS, as a public safety measure the police department recommends the City of Sheridan amend Section 705 of its Model Traffic Code to adopt the State’s amendments to C.R.S. 42-4-705.

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

Section 1. Section 38-36.5 of the Sheridan Municipal Code is hereby enacted, titled and Section 705 (2)(a), (2)(b), (2)(c)(1) and (2.6) amended to provide as follows:

Sec. 38-36.5 – Section 705 of the Model Traffic Code, Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle.

(2) (a) A driver in a motor vehicle shall exhibit due care and caution and proceed as described in subsections (2)(b) and (2)(c) of this section when approaching or passing:

- (I) A stationary authorized emergency vehicle, including a port of entry vehicle, that is giving a visual signal by means of flashing, rotating, or

- oscillating red, blue, or white lights as permitted by section 213 or 222.
- (II) A stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights;
 - (III) A stationary public utility service vehicle that is operated by a public utility, as defined in C.R.S. 39-4-101 or C.R.S. 40-1-103, or an authorized contractor of the public utility and that is giving a visual signal by means of flashing, rotating, or oscillating amber lights; or
 - (IV) A stationary motor vehicle giving a hazard signal by displaying alternately flashing lights or displaying warning lights.

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary vehicle described in subsection (2)(a) of this section is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stationary vehicle described in subsection (2)(b) of this section unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching motor vehicle shall proceed in the manner described in subsection (2)(c) of this section.

(c) (I) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary vehicle described in subsection (2)(a) of this section is located, or if movement by the driver of the approaching motor vehicle into an adjacent moving lane, as described in subsection (2)(a) of this section, is not possible, the driver of an approaching motor vehicle shall reduce and maintain a safe speed with regard to the location of the stationary vehicle described in subsection (2)(a) of this section; weather conditions; road conditions; and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(2.6) A driver in a vehicle that is approaching or passing a motor vehicle where the tires are being equipped with chains on the side of the highway shall exhibit due care and caution and proceed as described in subsection (2) of this section. The driver of a motor vehicle that is being equipped with chains shall give a hazard signal by displaying alternately flashing lights or displaying warning lights.

Section 2. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

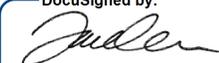
Section 4. The repeal or modification of any provision of the Sheridan Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5. This ordinance is deemed necessary for the preservation of the public property, health, welfare, peace and safety.

Section 6. Violations of this ordinance shall be punishable in accordance with the provisions of Section 1-14 of the Sheridan Municipal Code.

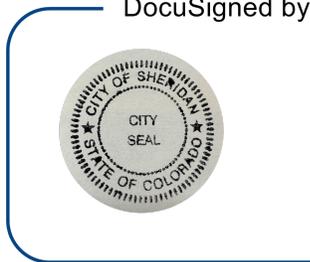
PASSED AND APPROVED on first reading the 12th day of February 2024 and ordered published.

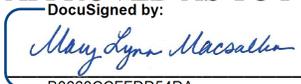
PASSED AND APPROVED on second reading the 26th day of February 2024 and ordered published.

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Tara Beiter-Fluhr, Mayor
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ATTEST:
DocuSigned by:

8084533D6072432...
Jenna DiRubbo, MMC, City Clerk



APPROVED AS TO FORM:
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B0660CCFEDD54DA...
Hayashi & Macsalka, LLC, City Attorney

Published:
