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The Traffic Code of the City and County of Denver

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imizing the assistance offered in technical areas, blanket adoption of independently drafted codes does not of necessity result in adequate regulation.

In the first place, there are almost as many "uniform", "basic", and "model" codes extant as there are groups related to the construction industry. Obviously, not all are drafted objectively. In order, therefore, for a municipality to safeguard against prejudice, useless, and unenforceable enactments, close scrutiny is essential.

In the second place, not all phases of building laws can be drafted so as to be technically or legally universal. Limitations based upon earthquake experience in Los Angeles would not be tenable in Denver, nor would excavation depths required here be supportable in California. Many times, too, the character and size of a city is important. Effective fire zoning depends upon the relative position and construction type of existing buildings as well as the amount of territory to be encompassed.

Un-uniform legal limitations are likewise ever-present. To cite a few, state control of plumbing may preclude or limit municipal control, charters and constitutions affect administrative setups, and district zoning and planning ordinances must be considered to avoid conflict. Judicial interpretation of police power must also be coped with jurisdiction by jurisdiction. The degree of elasticity varies. The installation of one fixture may be deemed hazardous in one state and dismissed in another as bearing no relationship to public health and safety.

In conclusion, there is no easy way to revitalize following a long period of neglect. The process must be painstaking. An inevitable lag between advancement in law and invention must at all times be tolerated. However, it must be recognized that true obsolescence of regulation is unnecessary and costly to all. It is sincerely hoped that Denver's experience will not be repeated.

THE TRAFFIC CODE OF THE CITY AND COUNTY OF DENVER

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Within a short time after assuming office, Mayor Quigg Newton appointed a committee which became known as the Board of Traffic Safety for the City and County of Denver. The board consisted of the Manager of Safety and Excise, the commander of the Traffic Division of the Police Department, Municipal Judge Hubert D. Henry (who at that time was judge of the traffic court), the Chief of Police, Traffic Engineer Henry Barnes, representatives of the parochial and public schools of Denver, a representative of mass transportation, representatives of the automobile clubs of

Denver and retail business men, and Councilman James Fresques representing the City Council.

After nearly two years of study and analysis of traffic conditions and existing ordinances relating to traffic, the board recommended a proposed traffic ordinance or code, the basic provisions of which were finally adopted by the City Council in February, 1950, by the enactment of Ordinance No. 31, Series of 1950.

The new code is based largely on the model traffic ordinance of the Public Roads Administration as approved by the National Conference on Street and Highway Safety, 1946, and on Act V of the Uniform Vehicle Code of the Public Roads Administration. An examination of the new code will disclose several important new features concerning traffic and traffic control. These include the creation of the office of Traffic Engineer, the elimination of all turns against red signal lights, the establishment of a basic speed limit of 25 miles per hour, provision for safety lines in tramway busses, night parking regulations for large vehicles and trucks, the inclusion of a provision to prohibit driving while under the influence of any drug to a degree which renders a person incapable of safe driving, and regulation of left turns at intersections.

The right-of-way rule of the old code (Section 65, Ordinance No. 16, Series of 1932) has been incorporated into the new code without change. (Section 82)

Under the new code (Section 83) a driver making a left turn at an intersection "shall yield the right-of-way to any vehicle approaching from the opposite direction and shall not make such turn unless it can be done in safety." Under the old code the driver making a left turn need only yield the right-of-way to the first vehicle approaching from the opposite direction, and having so yielded and given the proper signal, he was entitled to turn, and all approaching vehicles from the opposite direction were required to "yield to the driver making the left turn." It would be interesting to see a record of the collisions and injuries which have resulted where left-turn drivers have insisted upon their right-of-way under the old rule.

The old code (Section 33) prohibited parking on any street for longer than two hours between the hours of two o'clock A. M. and seven o'clock A. M. The new code permits properly parked vehicles to be left parked in the same place in the street continuously for a period of 72 hours. After 72 hours the vehicle will be presumed to have been abandoned and the vehicle subject to impounding by the police department.

Copies of the Traffic Code were distributed through the Denver Bar Association to all the members thereof. Additional copies are available without charge to any lawyer who wants one at the bar association office in the Chamber of Commerce Bldg. Plans have been completed for the publication of a digest of the Traffic Code to be known as "Denver Traffic Handbook." It will contain infor-

mation of interest to every automobile driver and should be of great help to tourists. It will emphasize the most important parts of the Traffic Code and will contain numerous illustrations and diagrams in explanation of its contents. Plans call for an initial printing of 250,000 books. The handbook will be approximately 5x7 inches in size and will contain about 60 pages in four colors.

Since the adoption of the new code and with an objective to improve and keep abreast of Denver's traffic problems, Mayor Newton has appointed a continuing committee known as the Mayor's Official Co-ordinating Committee. The committee consists of about seven-teen members representing the various departments of the city government, also the schools of the city. The committee holds frequent meetings to study, discuss, and recommend solutions for traffic problems as they arise.

STRENGTHENING HOME RULE IN COLORADO— PROPOSED AMENDMENT NO. 1

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The proposed amendment No. 1, the so-called home rule amendment to article 20 of our state constitution would authorize legislative bodies of home rule towns and cities to submit charter change proposals to the electorate. The right in the people to initiate charter amendments by petition would be retained.

What is home rule? It is the right of urban residents to manage municipal affairs locally, i.e., to adopt a charter of their own liking and to legislate on all matters, local and municipal in character, free of state dictate and control. Home rule is based on the premise that the local community in purely local matters is best able to determine its own needs and to devise ways of solving them.

Home rule came to Colorado towns and cities in 1902 through the adoption of the 20th amendment to our constitution by the people of Colorado.

Most of us have grown up under home rule and we are prone to take it pretty much for granted. Not so the residents of a number of large American cities where local laws are enacted only within the permissive limits laid down by rural-dominated legislatures. Residents of Denver during the eighties and nineties were well aware of what this meddling in local affairs by the state meant. Before the city was emancipated by the 20th amendment, our police and firemen were under control of a state board appointed by the Governor. This was likewise true in the case of all public works

* Mr. Donaldson is Chairman of the Colorado Municipal League Sub-Committee for the Home Rule Amendment. The Colorado Municipal League is a non-profit, non-partisan association of city and town officials devoted to promotion of better local government since 1924.