

O-2024-24

AN ORDINANCE

AMENDING LAKEWOOD MUNICIPAL CODE CHAPTER 10.15.010 TO REDUCE THE SPEED LIMIT IN RESIDENCE DISTRICTS IN THE CITY OF LAKEWOOD TO TWENTY MILES PER HOUR

WHEREAS, the City of Lakewood, Colorado, the "City", is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution;

WHEREAS, pursuant to Colorado Revised Statute (C.R.S.) § 42-4-111(1)(i), local authorities are authorized to exercise police power over the streets and highways under their jurisdiction by altering or establishing speed limits, consistent with state law;

WHEREAS, pursuant to C.R.S. § 42-4-1101(7), local authorities are authorized to adopt by ordinance absolute speed limits as the maximum lawful speed limits for residence districts in their jurisdictions;

WHEREAS, Lakewood Municipal Code (L.M.C.) § 10.15.010(B)(2) currently sets the maximum lawful speed limit in residence districts in the City at thirty miles per hour;

WHEREAS, after receiving numerous complaints regarding the speed of vehicles traveling within residence districts, the City of Lakewood studied the reasonable and safe maximum speed limit in residence districts in the City of Lakewood and determined that speed limit to be twenty miles per hour;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the City's Charter by setting a public hearing to provide City staff and the public the opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Chapter 10.15.010 of the Lakewood Municipal Code is hereby amended as follows:

10.15.010 Speed limits.

- A. No person shall drive a vehicle on a street or highway within this municipality at a speed greater than is reasonable and prudent under the conditions then existing.
- B. Except when a special hazard exists that requires lower speed, the following speeds shall be lawful:
 1. Twenty-five miles per hour in any business district;
 2. ~~Thirty Twenty~~ miles per hour in any residence district;
 3. Fifteen miles per hour on any alley or alleyway;
 4. Forty-five miles per hour for all vehicles in the business of transporting trash, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to Section 42-4-507(3)(a), C.R.S.;
 5. Any speed not in excess of a speed limit designated by an official traffic control device.
- C. Notwithstanding any other provision of this section, no person shall drive a vehicle on a street or highway within this municipality in excess of a maximum lawful speed of 65 miles per hour. No speed limit shall be authorized above 65 miles per hour, and all 65 mile-per-hour speed limits shall be considered maximum lawful speed limits and not *prima facie* speed limits.
- D. Except as otherwise provided in subsection (C) of this section, any speed in excess of the lawful speeds set forth in subsection (B) of this section shall be *prima facie* evidence that such speed was not reasonable or prudent under the conditions then existing.
- E. The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
 1. It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or
 2. With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in Section 10.63.070, exist.

F. The minimum requirement for the commission of a violation of this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing. G. It shall not be a defense to prosecution for a violation of this section that:

1. The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or
2. The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or
3. The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit.

G. A violation of driving one to 24 miles per hour in excess of reasonable and prudent speed or in excess of the maximum lawful speed limit of 55 miles per hour is a Class 3 traffic offense; a violation of driving 25 or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of 55 miles per hour is a Class 2 traffic offense.

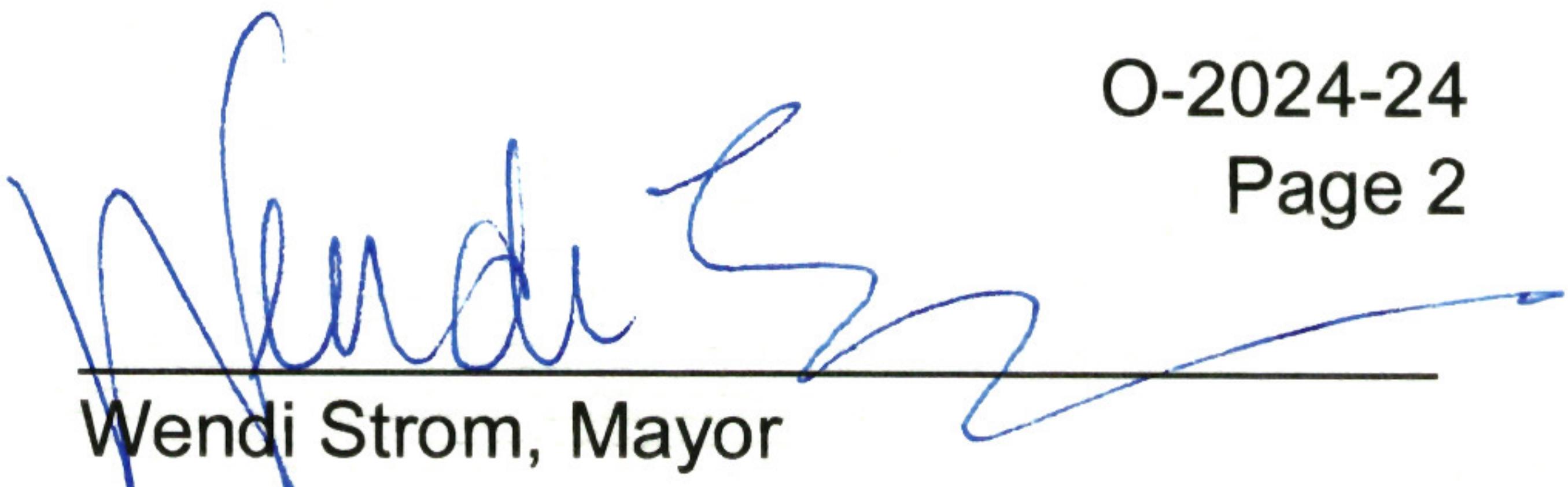
H. A violation of driving in excess of the speed limit set forth in a maintenance, repair, or construction zone shall be subject to the increased penalties and surcharges as set forth in Section 10.15.015.

I. Notwithstanding any other provisions of this section, no person shall drive a lowpower scooter on a roadway at a speed in excess of 40 miles per hour.

SECTION 2. This Ordinance shall take effect thirty (30) days after final publication and after the City has placed official signs or other traffic control devices at or upon the entrances to roadways in residence districts to give notice to drivers of the reduced speed limit.

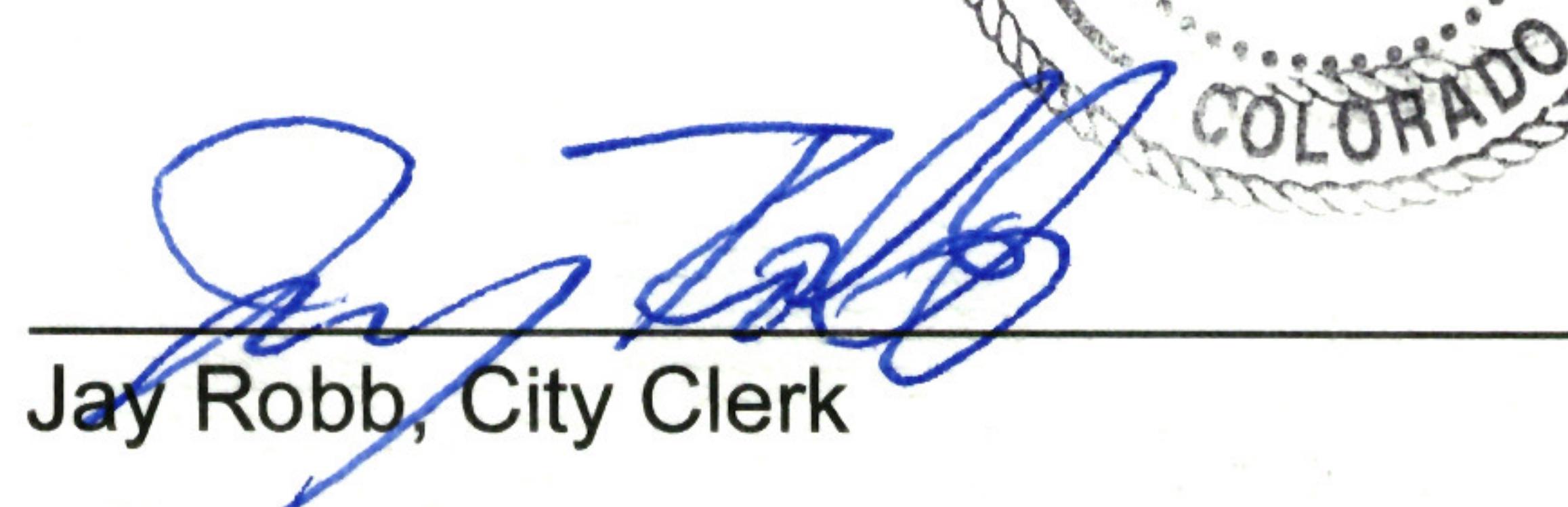
SECTION 3. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 9th day of September, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 12th day of September, 2024; set for public hearing to be held on the 23rd day of September, 2024, read, finally passed and adopted by the City Council on the 23rd day of September, 2024 and, signed by the Mayor on the 24th day of September, 2024.



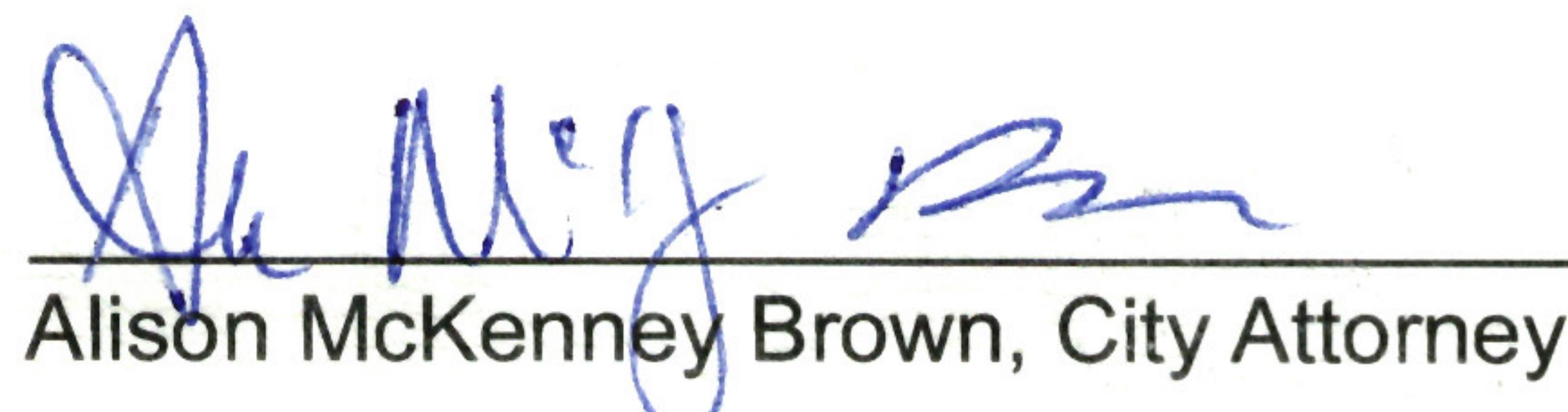
Wendi Strom, Mayor

ATTEST:



Jay Robb, City Clerk

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney