1	ORDINANCE NO
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AN ORDINANCE AMENDING CHAPTER 12 OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING RIVERFRONT AND OTHER TRAIL REGULATIONS CONCERNING THE OPERATION OF ELECTRICAL ASSISTED BICYCLES

RECITALS:

The City Council has recently considered a modification to the City's code concerning electrical assisted bicycles also known as "E-bikes." The proposed change is to allow certain types or classes of E-bikes, as defined by this ordinance and Colorado law, to be operated on certain trails and all roads within the City. While the proposed change will create consistency between the Grand Junction Municipal Code and the Colorado Revised Statutes, it also furthers the opportunities for users of non-traditional bicycles to access certain trails and all streets in turn reducing automobile usage.

In 1992 the City Council adopted Ordinance 2606 which, among other things authorized the Parks and Recreation Advisory Board to promulgate regulations for the usage of the Riverfront Trails as the same are depicted and described in that ordinance. Among other things that ordinance, and the regulations subsequently adopted by the PRAB, prohibited motorized vehicles on the trails. Since 1992, battery technology and the expertise to adapt that technology to transportation has resulted in a burgeoning of electrical transportation including electrical assisted bicycles. The growth of the E-bike industry and the popularity of the products resulted in the Colorado Legislature approving, and Governor Hickenlooper signing into law, House Bill 17-1151. The House Bill regulates electrical assisted bicycles by, among other things creating three classes of E-bikes, amending the definition of "motor vehicle" to exclude electrical assisted bicycles and authorized local jurisdictions to authorize (or prohibit) E-bikes as those jurisdictions determine. With this ordinance the City Council does authorize electrical assisted bicycles to be used in the City; however, such use is subject to the following rules and regulations which are applicable to the specified trails and locations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Sections 12.08.010 and 12.08.140 of the Grand Junction Municipal Code are amended as follows: (Additions are shown in ALL CAPS changes/deletions are shown in strikethrough)

12.08.010 Definition – Incorporation of riverfront TRAILS map(S).

"Riverfront," "riverfront trails" or "trails" means those areas, facilities, lands and waters as identified on the mapS entitled "Riverfront Map", "RIDGES MAP" AND "URBAN MAP," COLLECTIVELY "TRAILS MAPS," which mapS ARE incorporated in this article by this reference. The City Manager or his designee shall provide to the Parks and Recreation Advisory Board updated and revised maps of the TRAILS riverfront as additional trails, lands, lakes or facilities are acquired, placed or constructed. The most current mapS shall be on file on the City's Geographical Information System (GIS) and incorporated by reference into this chapter and shall constitute the riverfront AND

TRAILS mapS. The substitution of maps and incorporation thereof by reference shall not necessitate re-adoption of this chapter.

12.08.140 Regulations relating to TRAILS riverfront trails, lands and waters.

(b) No person shall:

(1) Operate any motor vehicle OR OTHER POWER DRIVEN MOBILITY DEVICE(S) (OPDMD) on any of the riverfront CITY trail(s) or land(s) of the riverfront. AS THOSE ARE DEPICTED AND DESCRIBED ON THE "TRAILS MAP(S)" except MAINTENANCE OR EMERGENCY VEHICLE(S) OR as may be authorized by the City or by signs AND or except for A "COMMON WHEELCHAIR" WHICH IS DEFINED AS A MANUALLY OPERATED OR POWER DRIVEN DEVICE DESIGNED PRIMARILY FOR USE BY A PERSON WITH A MOBILITY DISABILITY FOR THE PURPOSE OF INDOOR, OR OF BOTH INDOOR AND OUTDOOR LOCOMOTION. AN ELECTRIC MOTORIZED SCOOTER/POWER CHAIR MEETS THIS DEFINITION, PROVIDED IT MEETS SECTION 37.3 OF THE U.S. DEPARTMENT OF TRANSPORTATION'S REGULATIONS IMPLEMENTING THE ADA (49 CFR PARTS 27, 37, AND 38).

AN OPDMD IS DEFINED AS ANY MOBILITY DEVICE POWERED BY BATTERIES, FUEL, OR OTHER ENGINE(S), WHETHER OR NOT DESIGNED PRIMARILY FOR USE BY PERSONS WITH MOBILITY DISABILITIES THAT IS USED BY PERSONS WITH MOBILITY DISABILITIES FOR THE PURPOSE OF LOCOMOTION, INCLUDING GOLF CARS, ELECTRIC PERSONAL ASSISTANCE MOBILITY DEVICES (EPAMDS), SUCH AS THE SEGWAY PT® OR ANY MOBILITY DEVICE DESIGNED TO OPERATE IN AREAS WITHOUT DEFINED PEDESTRIAN ROUTES, BUT THAT IS NOT A COMMON WHEELCHAIR WITHIN THE MEANING OF THIS SECTION.

motorized wheelchairs, maintenance or emergency vehicles. Motor vehicle shall be as defined in § 42-1-101, 42-1-102(58) C.R.S. et seq. EPAMDS SHALL BE AS DEFINED IN §42-1-102(28.7).

(C) WITH THE EXCEPTION OF A COMMON WHEELCHAIR, AN ELECTRIC MOTORIZED SCOOTER AND CLASS I AND CLASS II E-BIKES, NO MOTOR VEHICLE OR OPDMD IS ALLOWED ON THE TRAILS, AS THE SAME ARE DEPICTED AND DESCRIBED BY ORDINANCE 2606 AND THESE ADOPTED REGULATIONS.

 (1) A CLASS I ELECTRICAL ASSISTED BICYCLE OR LOW-SPEED PEDAL-ASSIST ELECTRIC BICYCLE IS A TWO-WHEELED BICYCLE EQUIPPED WITH A MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING, AND THAT CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES THE SPEED OF 20 MILES PER HOUR. A CLASS I ELECTRICAL ASSISTED BICYCLE MOTOR SHALL NOT EXCEED 750 WATTS OF POWER;

(2) A CLASS II ELECTRICAL ASSISTED BICYCLE OR LOW-SPEED THROTTLE-ASSISTED ELECTRIC BICYCLE IS A BICYCLE EQUIPPED

98 WITH A MOTOR THAT MAY BE USED EXCLUSIVELY TO PROPEL THE 99 BICYCLE AND IS NOT CAPABLE OF PROVIDING ASSISTANCE WHEN 100 THE BICYCLE REACHES THE SPEED OF 20 MILES PER HOUR; 101 102 (3) A CLASS III ELECTRICAL ASSISTED BICYCLE IS A BICYCLE EQUIPPED 103 WITH A MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER 104 IS PEDALING AND THAT CEASES TO PROVIDE ASSISTANCE WHEN 105 THE BICYCLE REACHES A SPEED OF 28 MILES PER HOUR. 106 107 (A) CLASS III ELECTRICAL ASSISTED BICYCLES ARE ALLOWED 108 ONLY ON STREETS/BIKE LANES ADJACENT TO STREETS (NOT 109 TRAILS, PATHS OR SIDEWALKS.) 110 111 (B) CLASS III ELECTRICAL ASSISTED BICYCLES MAY NOT BE 112 OPERATED BY A PERSON UNDER 16 YEARS OF AGE; A PERSON 113 UNDER 16 YEARS OF AGE MAY RIDE AS A PASSENGER ON A 114 CLASS III ELECTRICAL ASSISTED BICYCLE THAT IS 115 MANUFACTURED TO ACCOMMODATE A PASSENGER(S). 116 117 (4) ANY PERSON UNDER 18 YEARS OF AGE RIDING OR A PASSENGER ON A CLASS III ELECTRICAL ASSISTED BICYCLE SHALL WEAR AN 118 119 AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) OR 120 UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION 121 (USCPS) APPROVED HELMET OF A TYPE AND DESIGN MANUFACTUED 122 FOR USE BY RIDERS OF BICYCLES. THE PROTECTIVE HELMET SHALL 123 BE PROPERLY SECURED ON THE PERSON'S HEAD WITH THE STRAP 124 FASTENED WHILE THE CLASS III ELECTRICAL ASSISTED BICYCLE IS IN 125 MOTION. 126 127 (5) NO PERSON SHALL OPERATE AN ELECTRICAL ASSISTED BICYCLE IN 128 ANY PLACE WHERE THERE ARE ONE OR MORE SIGNS POSTED 129 PROHIBITING SUCH ACTIVITY. NO PERSON SHALL OPERATE AN 130 ELECTRICAL ASSISTED BICYCLE IN ANY PUBLIC PLACE IN A MANNER 131 WHICH CAUSES INJURY TO ANY PERSON OR DAMAGE TO PUBLIC OR 132 PRIVATE PROPERTY. 133 134 (6) A PERSON USING AN ELECTRICAL ASSISTED BICYCLE IN ANY PUBLIC 135 PLACE WITHIN THE CITY SHALL USE THE SAME IN A CAREFUL AND 136 PRUDENT MANNER AND AT A RATE OF SPEED NO GREATER THAN IS 137 REASONABLE AND PRUDENT UNDER THE CONDITIONS EXISTING AT 138 THE PLACE AND TIME OF OPERATION, TAKING INTO ACCOUNT THE 139 AMOUNT AND CHARACTER OF PEDESTRIAN TRAFFIC, GRADE AND 140 WIDTH OF THE PATH, TRAIL OR RIGHT-OF-WAY AND CONDITION OF

141 142	THE SURFACE THEREOF AND SHALL OBEY ALL TRAFFIC CONTROL DEVICES.
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144	(7) EVERY PERSON RIDING AN ELECTRICAL ASSISTED BICYCLE UPON A
145	PUBLIC PATH, TRAIL OR OTHER RIGHT-OF-WAY SHALL YIELD THE
146	RIGHT-OF-WAY TO ANY PEDESTRIAN THEREON.
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148	(8) TO THE EXTENT NOT INCONSISTENT HEREWITH, HOUSE BILL 17-1151
149	AMENDING VARIOUS SECTIONS OF THE COLORADO REVISED
150	STATUTES IS INCORPORATED BY THIS REFERENCE.
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152	(9) WITHIN SIXTY DAYS OF THE THIRD ANNIVERSARY OF THE ADOPTION
153	OF THIS ORDINANCE THE CITY COUNCIL SHALL CONSIDER THE
154	EFFECTIVENESS OF THE ORDINANCE AT ACHIEVING ITS STATED
155	PURPOSES. WITHOUT FURTHER ACTION BY THE CITY COUNCIL, THE
156	TERMS AND PROVISIONS OF THIS ORDINANCE SHALL EXPIRE ON THE
157	THIRD ANNIVERSARY OF THE EFFECTIVE DATE HEREOF. THE CITY
158	COUNCIL MAY DETERMINE THAT THE ORDINANCE IS EFFECTIVE AS
159	WRITTEN AND REINSTATE IT OR MAY AMEND IT AS IT DETERMINES IN
160	ITS SOUND DISCRETION.
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163	th .
164	Introduced on first reading this 17 th day of January 2018.
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166 167	PASSED and ADOPTED this day of February 2018.
168	1 ASSED and ADOI TED this day of t ebidary 2016.
169	
170	J. Merrick Taggart
171	Mayor and President of the City Council
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173	ATTECT
174 175	ATTEST:
175 176	
177 178	Wanda Winkelmann
179	City Clerk