

**ORDINANCE NO. 13  
SERIES OF 2011**

**AN ORDINANCE DEFINING ELECTRONIC PERSONAL ASSISTIVE MOBILITY  
DEVICE ("EPAMD"); ESTABLISHING REGULATIONS REGARDING THE  
OPERATION OF SUCH DEVICES IN THE TOWN OF VAIL; CODIFYING SUCH  
REGULATIONS; AND SETTING FORTH DETAILS IN REGARD THERETO**

**WHEREAS**, the Town of Vail, in the County of Eagle and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (the "Charter");

**WHEREAS**, the members of the Town Council of the Town (the "Council") have been duly elected and qualified;

**WHEREAS**, the Town promotes alternative transportation modes that are environmentally friendly and that reduce society's dependence on fossil fuels;

**WHEREAS**, by this Ordinance, the Town desires to define the term *Electric Personal Assisted Mobility Device* ("EPAMD"), declare EPAMDs to be exempt from motor vehicle traffic laws except as provided herein, implement regulations for the operation of EPAMDs in the Town, and codify such regulations;

**WHEREAS**, EPAMD's have been operating in the Town on a trial basis since June of 2009, and the Council now wishes to permit the operation of EPAMDs on a permanent basis, pursuant to the restrictions set forth herein;

**WHEREAS**, pursuant to Colorado law, this Ordinance is required to permit the operation of EPAMDs over and upon the Town's recreation paths; and

**WHEREAS**, the Town Council finds and determines that the public health, safety, and welfare will be served by the adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:

**Section 1.** Section 7-4-1 of the Vail Town Code is hereby amended by the addition of the following new definition:

**ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICE ("EPAMD"):**  
A self-balancing, nontandem two-wheeled device, designed to transport only one person, which is powered solely by an electronic propulsion system producing an average power output of no more than seven hundred fifty watts.

**Section 2.** Section 7-4-4 of the Vail Town Code is hereby renumbered to be Section 7-4-5.

**Section 3.** Chapter 4 of Title 7 of the Vail Town Code is hereby amended by the addition of a new Section 7-4-4, to read as follows:

**7-4-4 EPAMDs.**

**A. Model Traffic Code.**

1. Except as provided by this Ordinance, the operation of EPAMDs in the Town shall be exempt from the Model Traffic Code adopted by the Town as well as such other Town ordinances that regulate motorized vehicles in the Town.

2. For the purposes of operation, parking, and equipment and subject to the additional regulations set forth in this Section, EPAMDs shall be considered bicycles and shall be subject to the provisions and regulations concerning bicycles contained in the Model Traffic Code adopted by the Town.

**B. Prohibited Areas.** It is unlawful for any person to operate an EPAMD in or on the following:

1. Vail Nature Center;
2. Betty Ford Alpine Garden;
3. Village Streamwalk (currently pedestrian only);
4. Children's playgrounds;
5. Turf areas;
6. Natural/unimproved areas; and
7. Streets and highways that are parts of the state highway system.

**C. Minimum Age.** An EPAMD shall only be operated in the Town by persons sixteen (16) years of age or older.

**D. Exception.** The provisions of this Section limiting the use of EPAMDs shall not apply to an EPAMD that is operated by a person with a mobility impairment caused by physical disability who uses the device to enhance that person's mobility.

**E. Equipment.** All EPAMDs operated within the Town shall be equipped with an audible warning device.

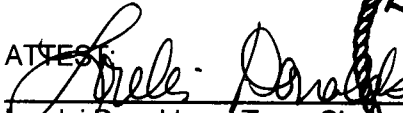
**Section 4.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

**Section 5.** The amendment of any provision of the Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

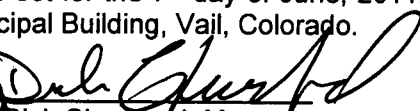
**Section 6.** All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

**INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING** this 17<sup>th</sup> day of May, 2011, and a public hearing for second reading of this Ordinance set for the 7<sup>th</sup> day of June, 2011, at 6:00 P.M. in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

ATTEST:

  
Lorelei Donaldson, Town Clerk

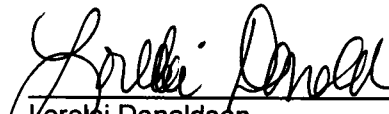


  
Dick Cleveland, Mayor

**READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED** this 7<sup>th</sup> day of June, 2011.

  
Richard Cleveland  
Town Mayor

Attest:

  
Lorelei Donaldson  
Town Clerk

