



Memorandum

To: Vail Town Council

From: Department of Public Works

Date: February 20, 2018

Subject: First Reading of Ordinance 5, Series 2018 amending Chapter 4 of Title 7 of the Vail Town Code regarding Electronic Personal Assistive Mobility Devices and Electric Assisted Bicycles

I. INTRODUCTION

In response to recent Town Council discussions regarding Electric Assisted Bicycles (EABs) and Electronic Personal Assistive Mobility Devices (EPAMDs), also known as Segways, the attached Ordinance amending Sections 7-4-4 and 7-4-5 of the Vail Town Code is presented to the Town Council for review and adoption.

II. BACKGROUND

A. Electronic Personal Assistive Mobility Devices

In 2011, the Vail Town Council passed an ordinance allowing EPAMDs on the town's paved recreation trails. In late 2017, the current Town Council raised concerns about EPAMD conflicts however, after a discussion with representatives of Vail Segway, a local business operating Segway tours, the Council generally agreed to a trial period and discussed options to better regulate their use. The attached draft ordinance recommends the following:

- The town will allow one licensed EPAMD business operation in Vail
- The licensed operator can only provide supervised "tours" with a maximum of ten (10) participants plus up to two guides
- Unsupervised rentals of EPAMDs to individuals will not be allowed
- The updated ordinance would not affect the use of personal owner-operated EPAMDs except in currently restricted areas such as playgrounds, turf areas, etc.

B. Electric Assisted Bicycles

In 2017, the State of Colorado revised laws regulating EABs to allow them to be operated on paved recreation trails, subject to local jurisdiction. The revised state law also creates three "classes" of EABs and defines age requirements for Class 3 EABs. At a December 2017 Council meeting, the Town Council agreed that the town ordinance should more closely follow state law. The attached draft ordinance recommends the following:

- Defines EABs in accordance with state law
- Defines three “Classes” of EABs in accordance with state law
- Adds “soft surface trails” to the list of prohibited areas

III. FOR CONSIDERATION

Representatives of Vail Segway have requested two revisions to the attached Ordinance. Arguments for the revisions will be presented during the meeting. The first is a request to delete the requirement for an audible device on EPAMDs that are part of a guided tour. The second is a request to lower the minimum age for the use of EPAMDs from age 16 to age 12 for those on a tour.

Staff has no concerns with elimination of the audible device as long as the tour guide has an audible device. Staff has reservations in regards to the age reduction based on the use of EPAMDs in roadways and potentially crowded parks and recreation trails. The State of Colorado has no age restrictions on EPAMD use.

IV. STAFF RECOMMENDATIONS

Staff recommends adoption, or adoption with revisions, of Ordinance 5, Series of 2018 amending Chapter 4 of Title 7 of the Vail Town Code

V. ACTION REQUESTED BY COUNCIL

Adopt or adopt with revisions Ordinance 5, Series of 2018 amending Chapter 4 of Title 7 of the Vail Town Code

Attachment:

Attachment A Ordinance 5, Series of 2018

**ORDINANCE NO. 5
SERIES 2018**

**AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 7 OF THE VAIL
TOWN CODE REGARDING ELECTRONIC PERSONAL ASSISTIVE
MOBILITY DEVICES AND ELECTRIC ASSISTED BICYCLES**

WHEREAS, by Ordinance No. 2011-13, the Town Council adopted regulations regarding the operation of Electronic Personal Assistive Mobility Devices ("EPAMDs") in the Town;

WHEREAS, the Town Council desires to amend the Town Code to prohibit the rental of EPAMDs without a permit issued by the Town;

WHEREAS, the Colorado General Assembly recently passed House Bill 17-1151, which refines the definition of an Electric Assisted Bicycle and affords such mode of transportation a presumption of allowance on bike and pedestrian paths in the state unless a municipality provides otherwise; and

WHEREAS, the Town Council wishes to implement House Bill 17-1551.

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

Section 1. The definition of "Electric Assisted Bicycle" contained in Section 7-4-1 of the Vail Town Code is hereby repealed in its entirety and reenacted to read as follows:

ELECTRIC ASSISTED BICYCLE: A vehicle having three wheels or less, fully operable pedals, and an electric motor not exceeding seven hundred fifty (750) watts of power rating, and conforming to one of three classes as follows:

A. "Class 1 electric assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour.

B. "Class 2 electric assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour.

C. "Class 3 electric assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight (28) miles per hour.

Section 2. Section 7-4-4 of the Vail Town Code is hereby repealed in its entirety and reenacted to read as follows:

Sec. 7-4-4. EPAMDS:

A. General Prohibition: It is unlawful for the owner of an EPAMD to rent the EPAMD to any person in the Town unless the owner of the EPAMD has obtained a permit from the Town in compliance with this Section.

B. Permit: The Town will issue one permit to a commercial enterprise owning EPAMDS and offering to the general public guided EPAMD tours to groups of ten (10) persons or less, excluding tour guides. As a condition of the permit, the permittee shall: maintain the EPAMDS in safe working condition; ensure that all EPAMDS are equipped with operational audible warning devices at all times; require that all EPAMD tour guides are certified EPAMD operators; and ensure that the EPAMDS are operated in compliance with all applicable law.

C. Prohibited Areas: Permitted EPAMDS are prohibited in or on the following:

1. Vail Nature Center;
2. Betty Ford Alpine Garden;
3. Village Streamwalk;
4. Children's playgrounds;
5. Turf areas or soft-surface trails;
6. Natural/unimproved areas; and
7. Streets and highways that are parts of the state highway system.

Section 3. Subsections B. and C. of Section 7-4-5 of the Vail Town Code are hereby amended as follows:

7-4-5: ELECTRIC ASSISTED BICYCLES:

* * *

B. Bicycle and Pedestrian Paths: *Notwithstanding any other provision of this Chapter to the contrary*, a person may operate a *Class 1 or Class 2* electric assisted bicycle, with the motor activated, on any bicycle and pedestrian path in the Town, other than a bicycle and pedestrian path in

any of the prohibited areas set forth below. *Class 3 electric assisted bicycles are prohibited on all bicycle and pedestrian paths.*

C. Prohibited Areas: It is unlawful for a person to operate an electric assisted bicycle with the motor activated in or on the following:

1. Vail Nature Center;
2. Betty Ford Alpine Garden;
3. Village Streamwalk;
4. Children's playgrounds;
5. Turf areas *or soft-surface trails*;
6. Natural/unimproved areas; or
7. Sidewalks that are not part of a designated bicycle and pedestrian path.

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 affect 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 Vail Town Code 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 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 20th day of February, 2018 and a public hearing for second reading of this Ordinance is set for the 6th day of March, 2018, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 6th day of March, 2018.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk