

## ORDINANCE NO. 4785

### 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:

12.08.010 Definition – Incorporation of 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 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, lands and waters.

(b) No person shall:

(1) Operate any motor vehicle OR OTHER POWER DRIVEN MOBILITY DEVICE(S) (OPDMD) on any CITY trail(s) or land(s) 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.

Motor vehicle shall be as defined in § 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 WITH A MOTOR THAT MAY BE USED EXCLUSIVELY TO PROPEL THE



BICYCLE AND IS NOT CAPABLE OF PROVIDING ASSISTANCE WHEN THE BICYCLE REACHES THE SPEED OF 20 MILES PER HOUR;

(3) A CLASS III ELECTRICAL ASSISTED BICYCLE IS A 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 28 MILES PER HOUR.

(A) CLASS III ELECTRICAL ASSISTED BICYCLES ARE ALLOWED ONLY ON STREETS/BIKE LANES ADJACENT TO STREETS (NOT TRAILS, PATHS OR SIDEWALKS.)

(B) CLASS III ELECTRICAL ASSISTED BICYCLES MAY NOT BE OPERATED BY A PERSON UNDER 16 YEARS OF AGE; A PERSON UNDER 16 YEARS OF AGE MAY RIDE AS A PASSENGER ON A CLASS III ELECTRICAL ASSISTED BICYCLE THAT IS MANUFACTURED TO ACCOMMODATE A PASSENGER(S).

(4) ANY PERSON UNDER 18 YEARS OF AGE RIDING OR A PASSENGER ON A CLASS III ELECTRICAL ASSISTED BICYCLE SHALL WEAR AN AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) OR UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION (USCPS) APPROVED HELMET OF A TYPE AND DESIGN MANUFACTURED FOR USE BY RIDERS OF BICYCLES. THE PROTECTIVE HELMET SHALL BE PROPERLY SECURED ON THE PERSON'S HEAD WITH THE STRAP FASTENED WHILE THE CLASS III ELECTRICAL ASSISTED BICYCLE IS IN MOTION.

(5) NO PERSON SHALL OPERATE AN ELECTRICAL ASSISTED BICYCLE IN ANY PLACE WHERE THERE ARE ONE OR MORE SIGNS POSTED PROHIBITING SUCH ACTIVITY. NO PERSON SHALL OPERATE AN ELECTRICAL ASSISTED BICYCLE IN ANY PUBLIC PLACE IN A MANNER WHICH CAUSES INJURY TO ANY PERSON OR DAMAGE TO PUBLIC OR PRIVATE PROPERTY.

(6) A PERSON USING AN ELECTRICAL ASSISTED BICYCLE IN ANY PUBLIC PLACE WITHIN THE CITY SHALL USE THE SAME IN A CAREFUL AND PRUDENT MANNER AND AT A RATE OF SPEED NO GREATER THAN IS REASONABLE AND PRUDENT UNDER THE CONDITIONS EXISTING AT THE PLACE AND TIME OF OPERATION, TAKING INTO ACCOUNT THE AMOUNT AND CHARACTER OF PEDESTRIAN TRAFFIC, GRADE AND WIDTH OF THE PATH, TRAIL OR RIGHT-OF-WAY AND CONDITION OF THE SURFACE THEREOF AND SHALL OBEY ALL TRAFFIC CONTROL DEVICES.

- (7) EVERY PERSON RIDING AN ELECTRICAL ASSISTED BICYCLE UPON A PUBLIC PATH, TRAIL OR OTHER RIGHT-OF-WAY SHALL YIELD THE RIGHT-OF-WAY TO ANY PEDESTRIAN THEREON.
- (8) TO THE EXTENT NOT INCONSISTENT HEREWITH, HOUSE BILL 17-1151 AMENDING VARIOUS SECTIONS OF THE COLORADO REVISED STATUTES IS INCORPORATED BY THIS REFERENCE.
- (9) WITHIN SIXTY DAYS OF THE THIRD ANNIVERSARY OF THE ADOPTION OF THIS ORDINANCE THE CITY COUNCIL SHALL CONSIDER THE EFFECTIVENESS OF THE ORDINANCE AT ACHIEVING ITS STATED PURPOSES. WITHOUT FURTHER ACTION BY THE CITY COUNCIL, THE TERMS AND PROVISIONS OF THIS ORDINANCE SHALL EXPIRE ON THE THIRD ANNIVERSARY OF THE EFFECTIVE DATE HEREOF. THE CITY COUNCIL MAY DETERMINE THAT THE ORDINANCE IS EFFECTIVE AS WRITTEN AND REINSTATE IT OR MAY AMEND IT AS IT DETERMINES IN ITS SOUND DISCRETION.

Introduced on first reading this 17<sup>th</sup> day of January, 2018.

PASSED and ADOPTED this 21<sup>st</sup> day of February, 2018.



J. Merrick Taggart  
Mayor and President of the City Council

ATTEST:

  
Wanda Winkelmann  
City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4785 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 17<sup>th</sup> day of January, 2018 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 21<sup>st</sup> day of February, 2018, at which Ordinance No. 4785 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 27 day of February, 2018.

*W Winkelmans*

City Clerk

Published: January 19, 2018  
Published: February 23, 2018  
Effective: March 25, 2018

