

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2019

COUNCIL BILL NO. CB19-0008
COMMITTEE OF REFERENCE:
Land Use and Transportation

A BILL

For an ordinance amending the Denver Revised Municipal Code to align definitions of electric-assisted bicycles to state statute.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Paragraph (7) and (19.5) of Article I of Chapter 54 of the Denver Revised municipal code are amended as follows:

Sec. 54-1. Definitions.

Words and phrases used in this chapter shall have the following meaning respectively ascribed to them:

(7) Bicycle lane shall mean a lane on a roadway reserved for the exclusive use of bicycles AND CLASS 1 AND CLASS 2 ELECTRICAL ASSISTED BICYCLES AND ELECTRIC MOBILITY SCOOTERS (“EMSs”) AS DEFINED IN CHAPTER 54, ARTICLE 1.

(19.5) Electrical assisted bicycle shall mean a vehicle having ~~two (2) tandem wheels or two (2) parallel wheels and one (1) forward wheel, fully operable pedals, and electric motor not exceeding seven hundred and fifty (750) watts of power, and top motor-powered speed of twenty (20) miles per hour.~~ TWO OR THREE WHEELS, FULLY OPERABLE PEDALS, AND AN ELECTRIC MOTOR NOT EXCEEDING SEVEN HUNDRED FIFTY WATTS OF POWER. ELECTRICAL ASSISTED BICYCLES ARE FURTHER REQUIRED TO CONFORM TO ONE OF THREE CLASSES AS FOLLOWS:

(A) “CLASS 1 ELECTRICAL 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 MILES PER HOUR.

(B) “CLASS 2 ELECTRICAL 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 MILES PER HOUR.

(C) “CLASS 3 ELECTRICAL ASSISTED BICYCLE” MEANS AN ELECTRICAL ASSISTED BICYCLE EQUIPPED WITH A MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE

1 RIDER IS PEDALING AND THAT CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE
2 REACHES A SPEED OF TWENTY-EIGHT MILES PER HOUR.

3 **Section 564, 572, and 576 of Article IX of Chapter 54 of the Denver Revised municipal code**
4 **are amended as follows:**

5 **Sec. 54-564. - Scope.**

6 (a) The provisions of this article applicable to bicycles shall apply whenever a bicycle OR
7 CLASS 1 OR CLASS 2 ELECTRICAL ASSISTED BICYCLE is operated upon any street,
8 roadway, highway or upon any public path set aside for the exclusive operation and use of
9 bicycles, subject to those exceptions contained herein. CLASS 3 ELECTRICAL ASSISTED
10 BICYCLES SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE X OF THIS CHAPTER
11 54.

12
13 ~~(b) The provisions of this article applicable to an electrical assisted bicycle shall apply whenever~~
14 ~~an electrical assisted bicycle is operated upon any street, roadway or highway, subject to those~~
15 ~~exceptions stated herein.~~

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18 **Sec. 54-572. - Riding on roadways.**

19 (a) Every person operating a bicycle or electrical assisted bicycle upon a roadway shall ride as
20 near to the right-hand side of the roadway as judged safe by the bicyclist to facilitate the
21 movement of such overtaking vehicles unless other conditions make it unsafe to do so.

22 (b) Persons riding bicycles OR ELECTRICAL ASSISTED BICYCLES upon a roadway shall not
23 ride more than two (2) abreast except on roadways set aside for the exclusive use of bicycles.
24 Persons riding bicycles two abreast shall not impede the normal and reasonable movement of
25 traffic and, on a laned roadway, shall ride within a single lane.

26 ~~(c) Persons riding electrical assisted bicycles upon a roadway shall not ride more than two (2)~~
27 ~~abreast.~~

28 ~~(d) (C) This section shall not apply to a uniformed city, state, or federal employee riding a bicycle~~
29 ~~or electrical assisted bicycle while engaged in the discharge of his or her duties or to a police~~
30 ~~officer riding a bicycle or electrical assisted bicycle that is a marked or unmarked official police~~
31 ~~bicycle or electrical assisted bicycle, while engaged in the discharge of his or her official duties.~~

32 ~~(e) An electrical assisted bicycle shall not be operated on a limited-access highway.~~

33 **Sec. 54-576. - Riding on sidewalks.**

34 (a) Riding bicycles or electrical assisted bicycles upon or along sidewalks, whether on public
35 property or private property opened for use by the general public, shall be unlawful except:

36 (1) When the operator or rider thereof is a uniformed city employee or uniformed state
37 employee or uniformed federal employee, which are working as part of their official duties
38 and are riding a bicycle or electrical assisted bicycle or a police officer riding a bicycle or
39 electrical assisted bicycle that is a marked or unmarked official police bicycle or electrical
40 assisted bicycle or while engaged in the discharge of his or her official duties; or

41 (2) When the operator or rider of a bicycle thereof is engaged in the delivery of newspapers;

42 (3) Where the sidewalk is part of a designated bicycle route; or

1 (4) When the operator or rider thereof is preparing to dismount and park the bicycle or
2 electrical assisted bicycle at a location on the block on which the bicycle or electrical
3 assisted bicycle is being operated, or the operator has just mounted and has not yet
4 crossed a street or alley.

5 (b) Bicyclists shall yield the right-of-way to pedestrians on the sidewalk.

6 ~~(c) Riding electrical assisted bicycles upon or along sidewalks shall be unlawful, except as~~
7 ~~provided for in this section above.~~

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9 COMMITTEE APPROVAL DATE: January 22, 2019

10 MAYOR-COUNCIL DATE: January 29, 2019

11 PASSED BY THE COUNCIL: February 11, 2019 _____

12 _____ - PRESIDENT

13 APPROVED: _____ - MAYOR Feb 12, 2019

14 ATTEST: _____ - CLERK AND RECORDER,
15 EX-OFFICIO CLERK OF THE
16 CITY AND COUNTY OF DENVER

17 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

18 PREPARED BY: Troy Bratton, Assistant City Attorney DATE: January 31, 2019

19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
20 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
21 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
22 § 3.2.6 of the Charter.

23
24 Kristin M. Bronson, Denver City Attorney

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26 BY: Kristin M. Bronson, Assistant City Attorney DATE: Jan 30, 2019