

1 BY AUTHORITY

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2018

COUNCIL BILL NO. \_\_\_\_\_  
COMMITTEE OF REFERENCE:

4  
5 A BILL

6  
7 For an ordinance governing the operation of Electric Mobility Scooters (“EMSs”) in the  
8 city and county of Denver.

9  
10 WHEREAS, the city and county of Denver is faced with a sudden, prevalent, and  
11 expanding new transportation and mobility technology;

12 WHEREAS, while Denver is committed to embracing new transportation and mobility  
13 technology, this new mobility device rapidly emerged in Denver creating confusion and hazards  
14 for pedestrians and vehicular travelers;

15 WHEREAS, neither state nor municipal law contemplated these EMS devices to be used  
16 in this emerging manner as a transportation device;

17 WHEREAS, the state law currently treats these devices as “toy vehicles” and, as such,  
18 prohibits their operation in bicycle lanes or roadways;

19 WHEREAS, EMSs are more akin to bicycles than toy vehicles given the speed at which  
20 they travel, and

21 WHEREAS, Denver has an urgent need to govern the use of EMSs to respect safety  
22 and infrastructure and to enact laws and rules that protect and provide guidance to EMS  
23 operators, EMS suppliers, law enforcement, city officials, pedestrians, and the general public.

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

26  
27 **Section 1.** That subsections (19.8) and (70.5) of section 54-1, D.R.M.C., are amended by  
28 adding the language underlined and deleting the language stricken, to read as follows:

29  
30 **Sec. 54-1. - Definitions.**

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

33 (19.8) Electric mobility scooter or EMS means a stand-up scooter with two tandem wheels,

1 designed to transport only one person, and that is powered by an electric propulsion system having a  
2 top speed of no more than twenty miles per hour.

3 (70.5) *Toy vehicle* shall mean any vehicle that has wheels and is not designed for use on public  
4 highways or for off-road use.

5 a. Toy vehicle includes, but is not limited to, gas-powered or electric-powered vehicles  
6 commonly known as minibikes, "pocket bikes", kamikaze boards, go-peds, and stand-up scooters  
7 except for EMSs as defined in subsection (19.8) of this section.

8 b. Toy vehicle does not include off-highway vehicles or snowmobiles.

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10 **Section 2.** That Article IX of Chapter 54 is amended by the addition of a new division 3 to read  
11 as follows:

12

13 **DIVISION 3. – ELECTRIC MOBILITY SCOOTERS**

14

15 **Sec. 54-612. – Scope.**

16 The provisions of this article applicable to an electric mobility scooter (EMS) apply whenever an  
17 EMS is operated upon any street, roadway, or upon any public path designated for the use of an EMS,  
18 subject to the exceptions contained herein.

19 **Sec. 54-613. - Application of traffic laws.**

20 A person operating an EMS on a roadway is granted all of the rights and subject to all of the  
21 duties applicable to the driver of a vehicle by the traffic rules and regulations of this city, except as to  
22 special regulations and except as to the provisions of laws and ordinances which by their nature can  
23 have no application.

24 **Sec. 54-614. - Obedience to traffic-control devices.**

25 (a) A person operating an EMS must obey the instructions of official traffic-control signals,  
26 signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

27 (b) If authorized signs indicate that no right or left or U-turn is permitted, it is unlawful for a  
28 person operating an EMS to disobey the sign, except where the person dismounts from the EMS to  
29 make the turn, in which event, the person must then obey the regulations applicable to pedestrians.

30 **Sec. 54-615. - Carrying persons.**

31 No EMS may be used to carry more than one person at a time.

32 **Sec. 54-616. - Carrying articles.**

33 It is unlawful for a person operating an EMS to carry any package, bundle, or article that

1 prevents the person from keeping at least one hand upon the handlebars.

2 **Sec. 54-617. - Right-of-way.**

3 An EMS is considered a vehicle under all portions of this Code that govern right-of-way. The  
4 operator of an EMS must yield the right-of-way to a pedestrian at all times.

5 **Sec. 54-618. - Riding on bicycle lanes, roadways, and sidewalks.**

6 (a) An EMS must be operated in a bicycle lane if one is available. If no bicycle lane is  
7 available, the EMS may only be operated in the roadway if the maximum speed limit of the roadway  
8 does not exceed thirty miles per hour or less. If no bicycle lane is available and the roadway has a  
9 speed limit greater than thirty miles per hour, the EMS may be operated on the sidewalk. Persons  
10 operating an EMS on the sidewalk in accordance with this section may not exceed a speed of six  
11 miles per hour and must yield to pedestrians at all times.

12 (b) Persons operating an EMS may not ride more than two abreast except on bicycle lanes  
13 set aside for the exclusive use of bicycles.

14 (c) Persons operating an EMS upon a roadway must ride as near to the right-hand side of  
15 the roadway as judged safe by the operator to facilitate the movement of such overtaking vehicles  
16 unless other conditions make it unsafe to do so.

17 (d) This section does not apply to a uniformed city, state, or federal employee operating an  
18 EMS while engaged in the discharge of his or her duties or to a police officer operating an EMS that is  
19 a marked or unmarked official police vehicle, while engaged in the discharge of his or her official  
20 duties.

21 **Sec. 54-619. - Speed.**

22 (a) It is unlawful for any person to operate an EMS on a sidewalk at a speed greater than six  
23 miles per hour.

24 (b) It is unlawful for any person to operate an EMS on a roadway or bicycle lane at a speed  
25 greater than fifteen miles per hour or that is reasonable and prudent under the conditions then  
26 existing.

27 (c) This section does not apply to a uniformed city, state, or federal employee operating an  
28 EMS while engaged in the discharge of his or her duties or to a police officer operating an EMS that is  
29 a marked or unmarked official police vehicle, while engaged in the discharge of his or her official  
30 duties.

31 **Sec. 54-620. - Parking.**

32 An EMS may park on a sidewalk in such a manner as to not impede the normal and reasonable  
33 movement of pedestrian or other traffic.

1 **Sec. 54-621. - Lamps and reflectors.**

2 (a) Every EMS, when in use during dusk to dawn, must have a lamp on the front that emits a  
3 white light visible from a distance of at least five hundred feet to the front.

4 (b) Every EMS, when in use during dusk to dawn, must have a red reflector of a type  
5 approved by the department, that is visible for six hundred feet to the rear when directly in front of  
6 lawful lower beams of head lamps on a motor vehicle.

7 (c) Every EMS, when in use from dusk to dawn, must have reflective material of sufficient  
8 size and reflectibility to be visible from both sides for six hundred feet when directly in front of lawful  
9 lower beams or head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted  
10 lamp visible from both sides from a distance of at least five hundred feet.

11 (d) An EMS may be equipped with lights or reflectors in addition to those required in this  
12 section.

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14 **Sec. 54-622. - Prohibition on riding 16<sup>th</sup> Street pedestrian and transit mall.**

15 (a) It is unlawful for any person to operate an EMS on the 16<sup>th</sup> Street pedestrian and transit  
16 mall, as defined in ordinance and city rules and regulations.

17 **Sec. 54-623. - Rules.**

18 The department may promulgate rules and regulations to further govern the use of EMS in the  
19 city and county of Denver.

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26 COMMITTEE APPROVAL DATE: \_\_\_\_\_, 2018.

27 MAYOR-COUNCIL DATE: \_\_\_\_\_, 2018.

28 PASSED BY THE COUNCIL \_\_\_\_\_ 2018

29 \_\_\_\_\_ - PRESIDENT

30 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2018

31 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
32 EX-OFFICIO CLERK OF THE  
33 CITY AND COUNTY OF DENVER  
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35 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2018; \_\_\_\_\_ 2018

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PREPARED BY: Troy Bratton                      DATE: \_\_\_\_\_

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

Kristin M. Bronson  
City Attorney

BY: \_\_\_\_\_, \_\_\_\_\_ City Attorney

DATE: \_\_\_\_\_