

**ORDINANCE NO. 9
SERIES 2016**

**AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 7 OF THE VAIL
TOWN CODE TO REGULATE ELECTRIC ASSISTED BICYCLES AND
ALLOW ELECTRIC ASSISTED BICYCLES ON BICYCLE AND
PEDESTRIAN PATHS IN THE TOWN**

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

WHEREAS, the Town desires to promote the use of electric assisted bicycles as an alternate mode of transportation and to encourage more people to complete trips by environmentally-friendly modes of transportation;

WHEREAS, currently, the Vail Town Code does not permit electric assisted bicycles to be operated on bicycle and pedestrian paths; and

WHEREAS, the Town Council desires to safely integrate electric assisted bicycles into the Town's bicycle and pedestrian path system and to ensure that the use of electric assisted bicycles as an alternate mode of transportation contemplated by this ordinance is safe, prudent, and in the best interest of all users.

**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 to include the following new definition:

ELECTRIC ASSISTED BICYCLE: A vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding five hundred (500) watts of power rating, and a top motor-powered speed of twenty (20) miles per hour.

Section 2. The definition of "motor vehicle" contained in Section 7-4-1 of the Vail Town Code is hereby amended to read as follows:

MOTOR VEHICLE: Any self-propelled vehicle, other than an electric assisted bicycle or electronic personal assistive mobility device (EPAMD), which is designed primarily for travel on the public streets and highways and which is generally and commonly used to transport persons and property over the public streets and highways.

Section 3. Section 7-4-5 of the Vail Town Code is hereby renumbered as Section 7-4-6.

Section 4. Former Section 7-4-5 of the Vail Town Code is hereby replaced with the following:

7-4-5: ELECTRIC ASSISTED BICYCLES:

A. Model Traffic Code:

1. Except as otherwise provided in this Section, the operation of electric assisted bicycles 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 purposes of operation, parking, and equipment, electric assisted bicycles 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. Bicycle and Pedestrian Paths: A person may operate an 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.

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;
6. Natural/unimproved areas; or
7. Sidewalks that are not part of a designated bicycle and pedestrian path.

D. Minimum Age: An electric assisted bicycle shall only be operated by persons sixteen (16) years of age or older.

E. Exception: The provisions of this Section limiting the use of electric assisted bicycles shall not apply to a person with a mobility impairment caused by physical disability that uses the device to enhance that person's mobility.

F. Equipment: All electric assisted bicycles operated in the Town shall be equipped with audible warning devices.

G. Rules: To allow for safe integration of electric assisted bicycles on bicycle and pedestrian paths, the Town Manager may prescribe, adopt, promulgate and enforce reasonable rules that restrict or otherwise limit the time, place or manner of operation or use of electric assisted bicycles;

Section 5. Not later than 180 days after the effective date of this ordinance, Town staff shall provide a report to the Town Council that evaluates whether use of electric assisted bicycles on pedestrian paths is safe, prudent, and in the best interest of all users of the Town's bicycle and pedestrian path system, so that the Town Council may determine whether this ordinance should be repealed.

Section 6. If any part, section, subsection, sentence, clause or phrase of this ordinance for any reason is held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares that it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of any one or more parts, sections, subsections, sentences, clauses or phrases declared invalid.

Section 7. The Town Council hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town and the inhabitants thereof.

Section 8. 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 9. 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 7th day of June, 2016 and a public hearing for second reading of this Ordinance is set for the 5th day of July, 2016, 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 5th day of July, 2016.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk