

**TOWN OF BOW MAR
ORDINANCE NO. ____**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
BOW MAR AMENDING CHAPTER 8 OF THE BOW MAR MUNICIPAL
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 Bow Mar Municipal Code does not permit electric assisted bicycles to be operated on bicycle and pedestrian paths or roadway of a street within the Town; and

WHEREAS, the Board of Trustees desires to safely integrate electric assisted bicycles into the Town's bicycle and pedestrian path and roadway 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 BOARD OF TRUSTEES OF THE TOWN OF BOW MAR AS FOLLOWS:

Section 1. Chapter 8 of the Bow Mar Municipal Code is hereby amended by the addition of a new Section 8-9, to read as follows:

Sec. 8-9. 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) Definition. As used in this Section, *electric assisted bicycle* is defined as 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 conforms to one of three classes as follows:

- (1) "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.
- (2) "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.
- (3) "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.

(c) Operation. A person may operate or ride a Class 1, Class 2 or Class 3 electric assisted bicycle on any bicycle and pedestrian path or roadway of a street within the Town, except on a bicycle and pedestrian path or roadway in any of the prohibited areas set forth below.

(d) Prohibited Areas. It is unlawful for a person to operate or ride any electric assisted bicycle in or on the following:

- (1) Prospect from Belleview to Bow Mar Drive;
- (2) Greenbelt parks established within the Town;
- (3) Children's playgrounds;
- (4) Turf areas;
- (5) Natural/unimproved areas; or
- (6) Sidewalks that are not part of a designated bicycle and pedestrian path.

(e) Minimum Age. An electric assisted bicycle shall only be operated by persons sixteen (16) years of age or older, except that a person under sixteen (16) years of age may ride as a passenger on any electric assisted bicycle that is designed to accommodate passengers.

(f) 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.

(g) Equipment. All electric assisted bicycles operated in the Town shall be equipped with audible warning devices. Operators or passengers of a Class 2 or Class 3 electric assisted bicycle aged eighteen (18) years and under shall be equipped with a protective helmet of a type and design manufactured for use by operators of bicycles and shall be secured properly on the person's head with a chin strap while the electric assisted bicycle is in motion.

(h) Rules. To allow for safe integration of electric assisted bicycles on bicycle and pedestrian paths, the Public Safety Commissioner 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 2. 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 Board of Trustees 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 3. The Board of Trustees 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.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 16th day of October, 2017 and a public hearing for second reading of this Ordinance is set for the 20th day of November, 2017, in the Columbine Valley Town Hall, Columbine Valley, Colorado.

Tom Feldkamp, Mayor

ATTEST:

Sue Blair, Town Clerk