

ORDINANCE NO. 12.03.6, Series of 2021

**TITLE: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 12.02 OF THE PARKER MUNICIPAL CODE CONCERNING ELECTRIC-POWERED WHEELED VEHICLES, TRAIL SPEEDS AND , OTHER ADMINISTRATIVE UPDATES**

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

**Section 1.** Section 12.02.020 of the Parker Municipal Code is amended to read as follows:

**12.02.020 Definitions.**

As used in this Chapter:

*Director* refers to the Parks, Recreation, and Open Space Director. The Director shall make and publish such regulations, not inconsistent with the terms of this Chapter, as he or she deems necessary for the orderly use and management of the Town's park and recreation facilities and programs.

*Electrical assisted bicycles or e-bikes*, means a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further defined under 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. A class 2 electrical assisted bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied.

c. *Class 3 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-eight miles per hour. A Class 3 electrical assisted bicycle must be equipped with a speedometer that displays, in miles per hour, the speed the electrical assisted bicycle is traveling.

*Electric-powered wheeled device* means, other than any other vehicles specifically defined in this Chapter, a non-gas-powered electrical mobility device such as an electric single-wheeled skateboard-type ride on device, an electric stand-on scooter, or an electric recumbent bicycle or tricycle. Such devices would not include electric-powered golf carts, quad bikes, all-terrain vehicles, utility task vehicles, or other similar types of devices. For purposes of this Chapter, Electric-powered wheeled devices include what are commonly known as “Electric Personal Assistive Mobility Devices or EPAMDs,” which are self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.

\* \* \*

*Motorized Vehicle*, for purposes of this Chapter 12.02, has the same definition as specified in Section 7.07.050 of this Code.

*Other Power-Driven Mobility Devices or OPDMD* means any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion, but is not a wheelchair as otherwise defined in the 2010 Model Traffic Code, which has been adopted pursuant to Section 7.01.020 of this Code, and may include EPAMDs as defined in this Chapter.

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**Section 2.** Section 12.02.100 of the Parker Municipal Code is amended by the addition of a new Subsection (c) to read as follows:

12.02.100 Use of motorized vehicles.

\* \* \*

(c) Exceptions to this Section are only as specifically authorized by a valid permit issued by the Parker Police Department, or as otherwise specifically authorized in this Chapter 12.02 or in Chapter 7.03 of this Code.

**Section 3.** Section 12.02.190 of the Parker Municipal Code is amended to read as follows:

**12.02.190 Speed limits.**

The speed limit on all roadways, trails, and parking areas within park lands is fifteen (15) miles per hour.

**Section 4.** Chapter 12.02 is amended by the addition of a new Section 12.02.210, Types of vehicles allowed on Town trails, of the Parker Municipal Code to read as follows, and renumbering Sections 12.02.210 through 12.02.230 accordingly:

12.02.210 Types of vehicles allowed on Town trails.

The following specific types of vehicles or devices are allowed on the Town's trails subject to any restrictions specified in this Code, or any Town rules and regulations, adopted pursuant to Section 12.02.220 of this Chapter:

(1) Any fully human-powered wheeled device, such as a stroller, wagon, skateboard, bicycle, recumbent bicycle, or other similar types of devices;

(2) Class 1 and Class 2 electrical assisted bicycles. Class 3 electrical assisted bicycles are prohibited on Town trails;

(3) Other Power-Driven Mobility Devices ("OPDMD"), subject to the following provisions and restrictions:

a. The operator or passenger of an OPDMD must be a person with a mobility disability and Town personnel may ask patrons if they are using the OPDMD because of a disability in accordance with Americans with Disabilities Act (ADA) regulations;

b. The operator of an OPDMD must remain in control of the device at all times;

c. An OPDMD is allowed only in areas of park lands, hard surface trails, or facilities in which the general public is allowed;

d. The operator of an OPDMD must abide by all speed limits either as specified in this Code, or as otherwise posted on park lands;

e. All OPDMD devices shall be driven, to the extent possible, on the right side of the circulation route;

f. An OPDMD shall not exceed more than one-half the width of any trail;

g. An OPDMD shall not weigh more than 500 pounds;

h. The operator of an OPDMD shall not use such a device on any park lands if the use of the device will cause damage to the land, infrastructure or facilities;

i. The operator of an OPDMD shall not use the device while intoxicated;

j. The operator of an OPDMD is prohibited from carrying another person on the device, unless it is specifically made to carry more than one passenger;

k. The operator of an OPDMD is prohibited from carrying any object on the device that may make the device less stable;

l. The operator of an OPDMD shall not operate the device in a dangerous or reckless manner;

m. An OPDMD may not be operated on park lands or Town trails between dusk and dawn;

n. The parking of an OPDMD shall not impede normal pedestrian or other vehicle/device movements;

o. An individual without a mobility disability is prohibited from using an OPDMD, unless they are the operator of an OPDMD on which a person with a mobility disability is a passenger and the device is specifically manufactured for more than one individual;

p. An operator of an OPDMD must abide by any other Town rules and regulations adopted pursuant to Section 12.02.220 of this Chapter.

(4) Electric personal assistive mobility devices (EPAMD) or electric-powered wheeled devices, subject to the following provisions and restrictions:

a. The operator of such a device must remain in control of the device at all times;

b. The operator of an EPAMD or electric-powered wheeled device must abide by all speed limits either as specified in this Code, or as otherwise posted on park lands;

c. All EPAMD or electric-powered wheeled devices shall be driven or ridden, to the extent possible, on the right side of the circulation route;

d. An EPAMD or electric-powered wheeled device shall not exceed more than one-half the width of any trail;

e. An EPAMD or electric-powered wheeled device shall not weigh more than 500 pounds;

f. The operator of an EPAMD or electric-powered wheeled device shall not use such a device on any park lands if the use of the device will cause damage to the land, infrastructure or facilities;

g. The operator of an EPAMD or electric-powered wheeled device shall not use the device while intoxicated;

h. The operator of an EPAMD or electric-powered wheeled device is prohibited from carrying another person on the device, unless the device is

specifically manufactured for more than one individual, and any operator is prohibited from carrying any object on the device that may make the device less stable;

i. The operator of an EPAMD or electric-powered wheeled device shall not operate the device in a dangerous or reckless manner;

j. The parking of an EPAMD or electric-powered wheeled device shall not impede normal pedestrian or other vehicle/device movements;

k. An operator of an EPAMD or electric-powered wheeled device must abide by any other Town rules and regulations adopted pursuant to Section 12.02.220.

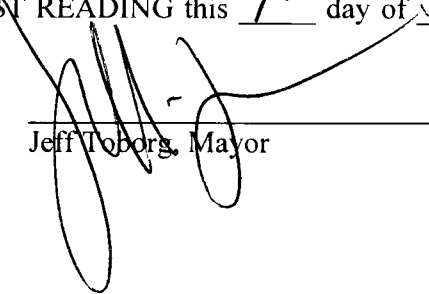
(5) While certain gas-powered OPDMD devices may be allowed if compliant with Paragraph 3 above, no other gas-powered device shall be allowed on Town trails, unless a permit has been issued as provided in Paragraph (3) above.

**Section 5.** **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

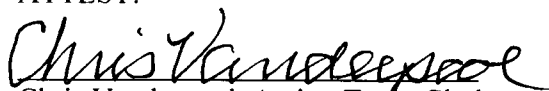
**Section 6.** **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

**Section 7.** This Ordinance shall become effective ten (10) days after final publication.

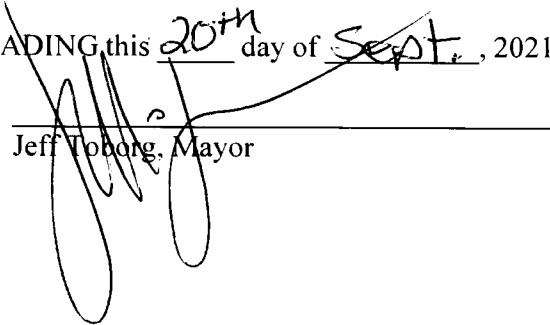
INTRODUCED AND PASSED ON FIRST READING this 7<sup>th</sup> day of Sept., 2021.

  
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Jeff Toborg, Mayor

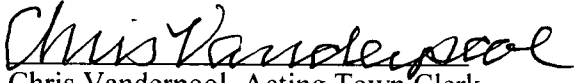
ATTEST:

  
Chris Vanderpool, Acting Town Clerk

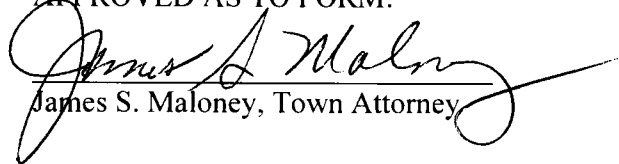
ADOPTED ON SECOND AND FINAL READING, this 20<sup>th</sup> day of Sept., 2021.

  
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Jeff Tobong, Mayor

ATTEST:

  
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Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

  
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James S. Maloney, Town Attorney