

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2019

COUNCIL BILL NO.
COMMITTEE OF REFERENCE:

4
5 **A BILL**

6
7 For an ordinance concerning the operation of electric scooters in the city and county of
8 Denver.

9
10 WHEREAS, the General Assembly adopted statewide legislation regulating the use of
11 electric scooters that requires modifications to the City and County of Denver's regulations.

12
13 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

14
15 **Section 1.** That subsections (19.8), (70.5), and (79) of section 54-1, D.R.M.C., are amended
16 by adding the language underlined and deleting the language stricken, to read as follows:

17 **Sec. 54-1. - Definitions.**

18 (19.8) ~~Electric mobility scooter or EMS means a stand-up scooter with two (2) tandem wheels,~~
19 ~~designed to transport only one (1) person, and that is powered by an electric propulsion system having~~
20 ~~a top speed of no more than twenty (20) miles per hour.~~ Electric scooter means a device that weighs
21 less than one hundred pounds with handlebars that is powered by an electric motor and that has a
22 maximum speed of twenty miles per hour on a paved level surface when powered solely by the
23 electric motor. "Electric scooter" does not include an electrical assisted bicycle, EPAMD, motorcycle,
24 or low-power scooter.

25 (70.5) *Toy vehicle* shall mean any vehicle that has wheels and is not designed for use on public
26 highways or for off-road use.

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

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

31 (79) *Vehicle* shall mean every device that is capable of moving itself, or of being moved, from
32 place to place upon wheels or endless tracks. Vehicle includes, without limitation, a motor vehicle, a
33 motorcycle, a bicycle, electrical assisted bicycle, electric scooter or EPAMD, but does not include a

1 wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed
2 primarily or exclusively for use and used in agricultural operations or any device moved exclusively
3 over stationary rails or tracks or designed to move primarily through the air.

4 **Section 2.** That section 54-125 of the D.R.M.C. is amended by adding the language
5 underlined to read as follows:

6 **Sec. 54-125. - Clinging to moving vehicles.**

7 Any person riding upon any bicycle, electrical assisted bicycle, EPAMD, electric scooter, low-
8 power scooter, motorcycle, coaster, sled, roller skates, skateboard or any other toy vehicle or device
9 shall not attach the same or themselves to any moving motor vehicle and the driver of any motor
10 vehicle shall not knowingly permit any such bicycle, electrical assisted bicycle, EPAMD, electric
11 scooter, low-power scooter, motorcycle, coaster, sled, roller skates or any other toy vehicle to be so
12 attached to the vehicle the person is driving.

13 **Section 3.** That section 54-237 of the D.R.M.C. is amended by adding the language
14 underlined to read as follows:

15 **Sec. 54-237. - Restriction on use of freeway.**

16 No pedestrian, electric scooter, bicycle or other nonmotorized traffic and no motor-driven
17 vehicles of less than ten (10) horsepower, nor any funeral procession, shall use or cross any freeway,
18 except upon direction of a police officer. No driver shall stop a vehicle upon any freeway for the
19 purpose of loading or unloading passengers or freight.

20 **Section 4.** That Division 2 of Article IX of Chapter 54 is amended by adding the language
21 underlined, deleting the language stricken, and relocating certain sections, to read as follows:

22 **ARTICLE IX. - BICYCLES, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, AND**
23 **ELECTRIC SCOOTERS**

24 **DIVISION 3. - ELECTRIC SCOOTERS**

25 **Sec. 54-612. - Scope.**

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

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

30 A person operating an ~~EMS~~ electric scooter on a roadway is granted all of the rights and
31 subject to all of the duties applicable to the driver of a vehicle by the traffic rules and regulations of this
32 city, except as to special regulations and except as to the provisions of laws and ordinances which by
33 their nature can have no application.

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

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

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

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

10 ~~No EMS may be used~~ It is unlawful for a person operating an electric scooter to carry more than
11 ~~one (1) person at a time~~ another person on the electric scooter.

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

13 It is unlawful for a person operating an ~~EMS~~ electric scooter to carry any package, bundle, or
14 article that prevents the person from keeping at least one (1) hand upon the handlebars.

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

16 An ~~EMS~~ electric scooter is considered a vehicle under all portions of this Code that govern
17 right-of-way. The operator of an ~~EMS~~ electric scooter must yield the right-of-way to a pedestrian at all
18 times.

19 **Sec. 54-618. - Riding on roadways.**

20 ~~An EMS may be operated in any bicycle lane or in the roadway if the maximum speed~~
21 ~~limit of the roadway does not exceed thirty (30) miles per hour. If no bicycle lane is available and the~~
22 ~~roadway has a speed limit greater than thirty (30) miles per hour, the EMS may be operated on the~~
23 ~~sidewalk. Persons operating an EMS on the sidewalk in accordance with this section may not exceed~~
24 ~~a speed of six (6) miles per hour and must yield to pedestrians at all times.~~

25 (a) Persons operating an ~~EMS~~ electric scooter may not ride more than two (2) abreast except
26 on bicycle lanes set aside for the exclusive use of bicycles.

27 (b) Persons operating an ~~EMS~~ electric scooter upon a roadway must ride as near to the right-
28 hand side of the roadway as judged safe by the operator to facilitate the movement of such overtaking
29 vehicles unless other conditions make it unsafe to do so.

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

1 **Sec. 54-619. - Speed.**

2 (a) It is unlawful for any person to operate an ~~EMS~~ electric scooter on a sidewalk at a speed
3 greater than six (6) miles per hour.

4 (b) It is unlawful for any person to operate an ~~EMS~~ electric scooter on a roadway or bicycle
5 lane at a speed greater than is reasonable and prudent under the conditions then existing or in excess
6 of the posted speed limit.

7 (c) This section does not apply to a uniformed city, state, or federal employee operating an
8 ~~EMS~~ electric scooter while engaged in the discharge of his or her duties or to a police officer operating
9 an ~~EMS~~ electric scooter that is a marked or unmarked official police vehicle, while engaged in the
10 discharge of his or her official duties.

11 **Sec. 54-620. - Parking.**

12 (a) An electric scooter may be parked upon a roadway at any angle to the curb or edge of the
13 roadway at any location where parking is allowed.

14 (b) An electric scooter may be parked on the roadway abreast of another electric scooter,
15 bicycle, or electrical assisted bicycle near the side of the roadway or any location where parking is
16 allowed in a manner that does not impede the normal and reasonable movement of traffic.

17 (c) An ~~EMS~~ electric scooter may park on a sidewalk in such a manner as to not impede the
18 normal and reasonable movement of pedestrian or other traffic.

19 **Sec. 54-621. - Riding on sidewalks.**

20 (a) Riding an electric scooter upon or along sidewalks, whether on public property or private
21 property opened for use by the general public, is unlawful except:

22 (1) When the operator or rider thereof is a uniformed city employee or uniformed state
23 employee or uniformed federal employee working as part of his or her official duties and riding a
24 marked or unmarked official police electric scooter or while engaged in the discharge of his or her
25 official duties; or

26 (2) Where the sidewalk is part of a designated bicycle route; or

27 (4) When the operator or rider thereof is preparing to dismount and park the electric scooter
28 at a location on the block on which the electric scooter is being operated, or the operator has just
29 mounted and has not yet crossed a street or alley.

30 (b) An electric scooter operator must yield the right-of-way to pedestrians on the sidewalk.

31 **Sec. 54-622. - Lamps and reflectors.** (Relocated from Sec. 54-621 with amendments.)

32 (a) Every ~~EMS~~ electric scooter, when in use during dusk to dawn, must have a lamp on the
33 front that emits a white light visible from a distance of at least five hundred (500) feet to the front.

34 (b) Every ~~EMS~~ electric scooter, when in use during dusk to dawn, must have a red reflector of

1 a type approved by the department, that is visible for six hundred (600) feet to the rear when directly in
2 front of lawful lower beams of head lamps on a motor vehicle.

3 (c) Every ~~EMS~~ electric scooter, when in use from dusk to dawn, must have reflective material
4 of sufficient size and reflectibility to be visible from both sides for six hundred (600) feet when directly
5 in front of lawful lower beams or head lamps on a motor vehicle or, in lieu of such reflective material,
6 with a lighted lamp visible from both sides from a distance of at least five hundred (500) feet.

7 (d) An ~~EMS~~ electric scooter may be equipped with lights or reflectors in addition to those
8 required in this section.

9 **Sec. 54-623. - Prohibited on roadways where posted - prohibited on 16th Street Pedestrian and**
10 **Transit Mall.** (Relocated from Sec. 54-622, with amendments.)

11 (a) The city traffic engineer is authorized to erect signs on any roadway prohibiting the riding
12 of electric scooters thereon by any person, and when such signs are in place, no person shall disobey
13 the same, except a uniformed city or state or federal employee riding an electric scooter, while
14 engaged in the discharge of his or her duties, or a police officer riding an electric scooter that is a
15 marked or unmarked official police electric scooter, while engaged in his or her official duties.

16 (b) It is unlawful for any person to operate an ~~EMS~~ electric scooter on the 16th Street
17 Pedestrian and Transit Mall, as defined in ordinance and city rules and regulations.

18 **Sec. 54-624. - Rules.** (Relocated from Sec. 54-623, with amendments.)

19 The department of public works may promulgate rules and regulations to further govern the use
20 of ~~EMS~~ electric scooter in the city and county of Denver including, but not limited to, any rules
21 necessary to address notices of violation by electric scooter companies, administrative citations to
22 electric scooter companies, and other remedies for failure of an electric scooter company for violating
23 a permit or failing to obtain a permit.

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26 COMMITTEE APPROVAL DATE:

27 MAYOR-COUNCIL DATE:

28 PASSED BY THE COUNCIL _____ 2019

29 _____ - PRESIDENT

30 APPROVED: _____ - MAYOR _____ 2019

31 ATTEST: _____ - CLERK AND RECORDER,
32 EX-OFFICIO CLERK OF THE
33 CITY AND COUNTY OF DENVER
34

35 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2019; _____ 2019

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PREPARED BY: Troy Bratton, Deputy Legislative Counsel DATE: July 24, 2019

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: _____