



city of
PUEBLO
colorado

**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: August 8, 2022

TO: President Heather Graham and Members of City Council

CC: Nicholas Gradisar, Mayor

VIA: Marisa Stoller, City Clerk

FROM: Scott Hobson, Acting Director of Planning and Community Development

SUBJECT: AN ORDINANCE AMENDING CHAPTER 1 OF TITLE X AND CHAPTER 1 OF TITLE XV OF THE PUEBLO MUNICIPAL CODE WITH REGARDS TO ELECTRIC BICYCLES, ELECTRIC SCOOTERS, AND OTHER ELECTRIC DEVICES

SUMMARY:

Attached for consideration is a Text Amendment that will amend Chapter 1 of Title X and Chapter 1 of Title XV of the Pueblo Municipal Code. These amendments relate to the operation and speed of electric bicycles (“e-bikes”) and electric scooters (“e-scooters”).

PREVIOUS COUNCIL ACTION:

Not applicable to this Ordinance.

BACKGROUND:

Currently, Title X of the Pueblo Municipal Code does not allow for e-bikes, e-scooters, and other electric devices to be operated on paths and trails that are established for bicycle and pedestrian uses. With the increase in the popularity of these types of electrically assisted transportation devices, an Ordinance is being proposed that addresses the types of electric devices that would be allowed on paths and trails, set a maximum speed limit of 20 miles per hour for their use and designate the locations on the paths and trails where the electric devices are allowed. This proposed Ordinance would change Chapter 1 of Title X and Chapter 1 of Title XV of the Pueblo Municipal Code to permit Class 1 and Class 2 e-bikes, e-scooters, and other electric devices to be operated on bike and pedestrian trails and paths. The operation of Class 3 e-bikes would be prohibited and unlawful because of the high speed of 28 mph or more at which they can operate. City Staff has researched municipal codes for the City of Fort Collins, City of Durango and City of Grand Junction and determined that these cities have amended their code to allow these modes of transportation.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

If the code is not amended in accordance with this Ordinance, City paths and trails will remain closed to electric bikes and scooters.

RECOMMENDATION:

Staff recommends approval of this Ordinance.

Attachments:

Proposed Ordinance

ORDINANCE NO. 10257

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE X
AND CHAPTER 1 OF TITLE XV OF THE PUEBLO
MUNICIPAL CODE WITH REGARDS TO ELECTRIC
BICYCLES, ELECTRIC SCOOTERS, AND OTHER
ELECTRIC DEVICES

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Section 10-1-13 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 10-1-13. - Unlawful acts.

(a) In any park or park property within or outside the City, it shall be unlawful for any person to commit any one (1) or more of the following acts **or otherwise violate the following provisions:**

- (1) To permit any dog or other animal to run at large. "At large" shall mean not under control of the owner or person in charge of the animal, whether by leash, bridle, halter, yoke or other physical means of restraint.
- (2) To hitch any horse or other animal to any tree, shrub, fence or other structure, except such as are provided for such purpose.
- (3) To drive or permit any [velocipede,] bicycle, tricycle, **electrical assisted bicycle, scooter, electrical assisted scooter, segway,** [wheelbarrow,] handcart, or other **human powered** vehicle [or any horse or other animal to be driven] on [foot-walks, paths, trails, sidewalks,] grass plats or planting places [, except that horses shall not be excluded from bridle paths and trails specifically designated for horse riding by appropriate sign]. **A person may drive or permit any bicycle, tricycle, electrical assisted bicycle, scooter, electrical assisted scooter, handcart, or other human powered vehicle on sidewalks, foot-walks, paths, and trails. Horses or other animals may only be ridden on foot-walks, paths, trails, sidewalks, and bridle paths specifically designated for horse riding by appropriate sign, but may not be ridden on grass plats or planting places. Vehicles shall not be driven**

or permitted anywhere the City has posted a sign prohibiting the use thereof.

...

SECTION 2.

Section 10-1-16 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 10-1-16. - Motorized vehicles prohibited in certain areas.

- (a) As used in this Section, the term motorized vehicle shall mean any self-propelled device capable of transporting persons or property, **including but not limited to electric and gas vehicles,** except that such term shall not include motorized wheelchairs **or mobility assisting devices** used by persons with mobility handicaps.
- (b) Except as otherwise provided in Subsection (c) of this Section, it shall be unlawful for any motorized vehicle to be driven or operated in any City-owned park or recreation area or upon any area designated or posted as part of the river trail or bike path system within the City unless the operator has first obtained a permit for operation from the Director.
- (c) This Section shall not apply to the operation of a motor vehicle upon any designated street or highway which passes through a City-owned park or recreation area and upon which the operation of motorized vehicles is not expressly prohibited by posted signs or by the provisions of this Chapter or any other ordinance of the City.
- (d) It is lawful for electrical assisted bicycles, electrical assisted scooters, segways, or other human powered vehicles to be driven or operated in any City-owned park or recreation area or upon any area designated or posted as part of the river trail or bike path system in accordance with Pueblo Municipal Code Section 10-1-13(a)(3).**
- (e) It is unlawful for persons operating electrical assisted bicycles, electrical assisted scooters, segways, or other human powered vehicles to exceed twenty (20) miles per hour or any posted speed limits in any City-owned park or recreation area or upon any area designated or posted as part of the river trail or bike path system.**
- (f) It shall be unlawful for any Class 3 electrical assisted bicycle, as defined**

by the 2020 Model Traffic Code incorporated by Pueblo Municipal Code Section 15-1-1, to be driven or operated in any City-owned park or recreation area or upon any area designated or posted as part of river trail or bike path system within the City unless the operator has first obtained a permit for operation from the Director. For the avoidance of doubt, a “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 (28) miles per hour.

SECTION 3.

Section 15-1-10 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 15-1-10. - Motorized vehicles in certain areas.

- (a) As used in this Section, the term motorized vehicle shall mean any self-propelled device capable of transporting persons or property, **including but not limited to electric and gas vehicles**, except that such term shall not include motorized wheelchairs **or mobility assisting devices** used by persons with mobility handicaps.
- (b) Except as otherwise provided in Subsection (c) of this Section, it shall be unlawful for any motorized vehicle to be driven or operated in any City-owned park or recreation area or upon any area designated or posted as part of river trail or bike path system within the City unless the operator has first obtained a permit for operation from the Director.
- (c) This Section shall not apply to the operation of a motor vehicle upon any designated street or highway which passes through a City-owned park or recreation area and upon which the operation of motorized vehicles is not expressly prohibited by posted signs or by the provisions of this or any other ordinance of the City.
- (d) It is lawful for electrical assisted bicycles, electrical assisted scooters, segways, or other human powered vehicles to be driven or operated in any City-owned park or recreation area or upon any area designated or posted as part of the river trail or bike path system in accordance with**

Pueblo Municipal Code Section 10-1-13(a)(3).

- (e) It is unlawful for persons operating electrical assisted bicycles, electrical assisted scooters, segways, or other human powered vehicles to exceed twenty (20) miles per hour or any posted speed limits in any City-owned park or recreation area or upon any area designated or posted as part of the river trail or bike path system.**
- (f) It shall be unlawful for any Class 3 electrical assisted bicycle, as defined by the 2020 Model Traffic Code incorporated by Pueblo Municipal Code Section 15-1-1, to be driven or operated in any City-owned park or recreation area or upon any area designated or posted as part of river trail or bike path system within the City unless the operator has first obtained a permit for operation from the Director. For the avoidance of doubt, a “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 (28) miles per hour.**

SECTION 4.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance and to implement the policies and procedures described therein.

SECTION 5.

This Ordinance shall become effective thirty (30) days after final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on August 8, 2022.

Final adoption of Ordinance by City Council on August 22, 2022.



President of City Council

Action by the Mayor:

- Approved on August 24, 2022.
- Disapproved on _____ based on the following objections:



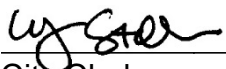
Mayor

Action by City Council After Disapproval by the Mayor:

- Council did not act to override the Mayor's veto.
- Ordinance re-adopted on a vote of _____, on _____
- Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST



City Clerk

President of City Council

Action by the Mayor:

- Approved on _____.
- Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

- Council did not act to override the Mayor's veto.
- Ordinance re-adopted on a vote of _____, on _____
- Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk