

O-2019-28

AN ORDINANCE

REPEALING AND REPLACING PORTIONS OF TITLE 10 OF THE LAKEWOOD MUNICIPAL CODE CONCERNING ELECTRICAL ASSISTED BICYCLES, ELECTRIC MOBILITY DEVICES AND ELECTRIC PERSONAL ASSISTED MOBILITY DEVICES

WHEREAS, the City of Lakewood (the "City") regulates by ordinance vehicles and traffic throughout the City;

WHEREAS, the City Council of the City of Lakewood desires to amend portions of existing Municipal Code Title 10 with the intent of regulating electrical assisted bicycles, electric mobility devices and electric personal assisted mobility devices;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal code by setting a public hearing in order to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The recitals set forth above are incorporated herein.

SECTION 2. Section 10.75.020 of the Lakewood Municipal Code is hereby amended to include the following definition:

"Electric Mobility Device" means a device weighing less than 100 lbs., typically with handlebars and an electric motor, that has a maximum speed of twenty miles per hour (20 mph) on a paved level surface when powered solely by the electric motor. Electric mobility device does not include a motorcycle, low-power scooter, toy vehicle, golf car, low speed electric vehicle, wheelchair or any device designed to assist people with mobility impairments who use the pedestrian rights of way.

SECTION 3. Section 10.75.020 of the Lakewood Municipal Code is hereby amended to repeal and replace the following definitions:

"Low-power scooter" means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch and either of the following: (1) a cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or (2) a wattage not exceeding four thousand four hundred seventy-six if powered by electricity. "Lowpower scooter" shall not include a toy vehicle, bicycle, electrical assisted bicycle, EPAMD or electric mobility device, wheelchair, or any device designed to assist mobility impaired people who use pedestrian rights-of-way.

“Markings” means all lines, patterns, words, colors or other devices, except signs, set into the surface of, applied upon or attached to the pavement or curbing or to objects within or adjacent to the roadway, conforming to the state traffic control manual and officially placed for the purpose of regulating, warning or guiding traffic.

“Toy vehicle” means any vehicle, that has wheels and is not designed for use on public highways or for off-road use. “Toy vehicle” includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, “pocket” bikes, kamikaze boards, go-peds, and stand-up scooters. “Toy vehicle” does not include off-highway vehicles, snowmobiles or electric mobility devices.

“Vehicle” means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. “Vehicle” includes without limitation a bicycle, electrical assisted bicycle, electric mobility device or EPAMD but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

SECTION 4. Lakewood Municipal Code Section 10.12.050(C) is hereby amended to read in its entirety as follows:

C. No person shall drive any vehicle, other than a bicycle, electrical assisted bicycle, EPAMD, electric mobility device or any other human-powered vehicle, upon a sidewalk or sidewalk area, except upon the permanent or duly authorized temporary driveway.

SECTION 5. Lakewood Municipal Code Section 10.18.010 is hereby amended to read in its entirety as follows:

#### **10.18.010 Reckless driving**

Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, EPAMD, electric mobility device or low-power scooter anywhere within the city in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Any person who violates this section commits a Class 2 traffic offense. A person convicted of reckless driving of a bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall not be subject to the provisions of Section 42-2-127, C.R.S.

SECTION 6. Lakewood Municipal Code Section 10.18.020 is hereby amended to read in its entirety as follows:

#### **10.18.020 Careless driving**

Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, EPAMD, electric mobility device or low-power scooter anywhere within this municipality in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic and use of the streets and highways and all other attendant

circumstances, is guilty of careless driving. Any person who violates any provision of this section commits a Class 2 traffic offense. A person convicted of careless driving of a bicycle, electrical assisted bicycle, EPAMD, or electric mobility device shall not be subject to the provisions of Section 42-2-127, C.R.S.

SECTION 7. Lakewood Municipal Code Section 10.24.020(B) is hereby amended to read in its entirety as follows:

B. A driver shall not pass a bicyclist, EPAMD, or electric mobility device rider moving in the same direction and in the same lane when there is oncoming traffic unless the driver can simultaneously:

1. Allow oncoming vehicles at least one half of the main-traveled portion of the roadway in accordance with Subsection (A) of this Section; and,
2. Allow the bicyclist, EPAMD or electric mobility device rider at least a three-foot (3') separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist, EPAMD or electric mobility device rider at all times.

SECTION 8. Lakewood Municipal Code Section 10.24.030(A)(2) is hereby amended to read in its entirety as follows:

2. The driver of a motor vehicle overtaking a bicyclist, EPAMD or electric mobility device rider proceeding in the same direction shall allow the bicyclist, EPAMD or electric mobility device rider at least a three-foot (3') separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist, EPAMD or electric mobility device rider at all times.

SECTION 9. Lakewood Municipal Code Section 10.24.040(B) is hereby amended to read in its entirety as follows:

B. The driver of a motor vehicle upon a one-way roadway with two or more marked traffic lanes, when overtaking a bicyclist, EPAMD or electric mobility device rider proceeding in the same direction and riding on the left-hand side of the road, shall allow the bicyclist, EPAMD or electric mobility device at least a separation of three feet (3') between the left side of the driver's vehicle, including all mirrors or other projections, and the right side of the bicyclist, EPAMD or electric mobility device rider at all times.

SECTION 10. Lakewood Municipal Code Section 10.24.050(E)(4) is hereby amended to read in its entirety as follows:

4. To the driver of a vehicle passing a bicyclist, EPAMD or electric mobility device rider moving the same direction and in the same lane when such movement can be made in safety and without interfering with, impeding or endangering other traffic lawfully using the highway.

SECTION 11. Lakewood Municipal Code Section 10.24.070 is hereby amended to read in its entirety as follows:

**10.24.070 Crowding or threatening bicyclist, EPAMD or electric mobility device rider**

A. The driver of a motor vehicle shall not, in a careless and imprudent manner, drive the vehicle unnecessarily close to, toward or near a bicyclist, EPAMD or electric mobility device rider.

B. Any person who violates Subsection (A) of this section commits careless driving as described in Section 10.18.020.

SECTION 12. Lakewood Municipal Code Section 10.30.020(D) is hereby amended to read in its entirety as follows:

D. Pedestrians, bicyclists, EPAMD, electric mobility device riders or other nonmotorized traffic, or any person operating a motor-driven cycle, shall not use any controlled-access roadway described in traffic-control schedules when official signs are erected on or at entrances to any such roadway giving notice thereof.

SECTION 13. Lakewood Municipal Code Section 10.33.010(D) is hereby amended to read in its entirety as follows:

D. 1. Paragraph (1) of subsection A of this section shall not prohibit persons from parking bicycles, or electrical assisted bicycles, EPAMD or electric mobility devices on sidewalks in accordance with the provisions of C.R.S. Section 42-4-1412(11)(a) and (11)(b).

2. Paragraph (6) of subsection A of this section shall not prohibit persons from parking two or more bicycles, or electrical assisted bicycles, EPAMD or electric mobility devices abreast in accordance with the provisions of C.R.S. Section 42-4-1412(11)(d).

3. Paragraphs (1), (3), (4) of subsection B of this section shall not apply to bicycles, or electrical assisted bicycles, EPAMD or electric mobility devices parked on sidewalks in accordance with with C.R.S. Sections 42-4-1412(11)(a) and (11)(b).

SECTION 14. Lakewood Municipal Code Section 10.48.090 is hereby amended to read in its entirety as follows:

**10.48.090 Driving on sidewalk**

The driver of a motor vehicle, other than an electrical assisted bicycle, EPAMD or electric mobility device shall not drive within any sidewalk area within the city except at a permanent or temporary driveway. Any person who violates any provision of this section commits a Class 3 traffic offense.

SECTION 15. Lakewood Municipal Code Section 10.51.010(C) is hereby amended to read in its entirety as follows:

C. These regulations applicable to bicycles, electric assisted bicycles, EPAMD and electric mobility devices shall apply whenever a bicycle, electric assisted bicycle,

EPAMD and electric mobility device is operated upon any street or highway within the city or upon any path or trail therein set aside for the use of bicycles, electric assisted bicycles, EPAMD and electric mobility devices subject to those exceptions stated herein.

SECTION 16. Lakewood Municipal Code Section 10.51.020 is hereby amended to read in its entirety as follows:

**10.51.020** Traffic laws apply to bicyclists, electrical assisted bicyclists, EPAMD, electric mobility devices and low-power scooter riders.

Persons riding a bicycle, electrical assisted bicycle, EPAMD, electric mobility device or low-power scooter upon a roadway where bicycle, electrical assisted bicycle, EPAMD, electric mobility device or low-power scooter travel is permitted shall be granted all of the rights and shall be subject to all the duties and penalties applicable to the driver of any other vehicle as set forth in this title, except those provisions of this title which, by their very nature, can have no application.

SECTION 17. Lakewood Municipal Code Section 10.51.030 is hereby amended to read in its entirety as follows:

**10.51.030 Obedience to traffic-control devices**

A. Every bicyclist, EPAMD, electric mobility device rider and low-power scooter rider shall obey all stop signs, other traffic signs or markings and traffic lights, unless otherwise directed by a police agent.

B. Whenever authorized regulatory signs are erected, no bicyclist, EPAMD or electric mobility device rider shall disobey the direction of any such sign, except that when such person dismounts from the bicycle, they shall then obey the regulations applicable to pedestrians.

C. Any person who violates any provision of this section commits a Class 4 traffic offense.

SECTION 18. Lakewood Municipal Code Section 10.51.040 is hereby amended to read in its entirety as follows:

**10.51.040** Riding on bicycles, EPAMD, electric mobility device and other human-powered vehicles.

A. A person propelling a bicycle or riding an electrical assisted bicycle shall not ride other than upon or astride a permanent or regular seat attached thereto.

B. No bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall be used to carry more persons at one time than the number for which it is designed and equipped.

C. A person propelling a bicycle, riding an electrical assisted bicycle, EPAMD or electric mobility device shall not ride with less than one hand on the handlebars at all times.

D. Any person who violates any provision of this section commits a Class 4 traffic offense.

SECTION 19. Lakewood Municipal Code Section 10.51.050 is hereby amended to read in its entirety as follows:

**10.51.050** Riding on roadways and bicycle paths

A. 1. Any person operating a bicycle, an electrical assisted bicycle, EPAMD or electric mobility device upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

a. If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist, EPAMD or electric mobility device rider shall ride far enough to the right as judged safe by the bicyclist, EPAMD or electric mobility device rider to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

b. A bicyclist, EPAMD or electric mobility device rider may use a lane other than the right-hand lane when

i. Preparing for a left turn at an intersection or into a private roadway or driveway;

ii. Overtaking a slower vehicle; or

iii. Taking reasonably necessary precautions to avoid hazards or road conditions.

c. Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a bicyclist, EPAMD or electric mobility device rider may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist, EPAMD or electric mobility device rider does not intend to turn right.

2. A bicyclist, EPAMD or electric mobility device rider shall not be expected or required to:

a. Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or,

b. Ride without a reasonable safety margin on the right-hand side of the roadway.

3. A person operating a bicycle, an electrical assisted bicycle, EPAMD or electric mobility device upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist, EPAMD or electric mobility device rider subject to the following conditions:

a. If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist, EPAMD or electric mobility device rider shall ride far enough to the left as judged safe by the bicyclist, EPAMD or electric mobility device rider to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

b. A bicyclist, EPAMD or electric mobility device rider shall not be expected or required to:

i. Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or,

ii. Ride without reasonable safety margin on the left-hand side of the roadway.

B. 1. Persons riding bicycles, electrical assisted bicycles, EPAMD or electric mobility device upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles, EPAMD and electric mobility devices.

2. Persons riding bicycles, electrical assisted bicycles, EPAMD or electric mobility devices two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

C. 1. A person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device intending to turn left shall follow a course described in Sections 42-4-901 (1), 42-4-903, and 42-4-1007 or may make a left turn in the manner prescribed in paragraph (2) of this subsection (C).

2. A person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist, EPAMD or electric mobility device rider shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist, EPAMD or electric mobility device rider shall yield to any traffic proceeding in either direction along the roadway that the bicyclist, EPAMD or electric mobility device rider had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist, EPAMD or electric mobility device rider may proceed in the new direction.

3. Notwithstanding the provisions of paragraphs (1) and (2) of this subsection (C). The City may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

D. 1. Except as otherwise provided in this subsection (D) every person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall signal the intention to turn or stop in accordance with Section 42-4-903, C.R.S.; except that a person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device may signal a right turn with the right arm extended horizontally.

2. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet (100') traveled by the bicycle, electrical assisted bicycle, EPAMD or electric mobility device before turning and shall be given

while the bicycle, electrical assisted bicycle, EPAMD or electric mobility device is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle, electrical assisted bicycle, EPAMD or electric mobility device.

E. 1. A person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility device in a crosswalk shall do so in a manner that is safe for pedestrians.

2. A person shall not ride a bicycle, electrical assisted bicycle, EPAMD or electric mobility device upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles, electrical assisted bicycles, EPAMD or electric mobility device is prohibited by official traffic control devices. A person riding a bicycle, or electrical assisted bicycle, EPAMD or electric mobility device shall dismount before entering any crosswalk where required by official traffic control devices.

3. A person riding or walking a bicycle, electrical assisted bicycle, EPAMD or electric mobility device upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and required by Section 42-4-802, C.R.S.

4. Operation of electrical assisted bicycles within City of Lakewood parks is prohibited, except Class 1 and Class 2 electrical assisted bicycles may be permitted as specified in the City of Lakewood Park Regulations.

F. 1. A person may park a bicycle, electrical assisted bicycle, EPAMD or electric mobility device on a sidewalk unless prohibited or restricted by an official traffic control device or this Chapter.

2. A bicycle, electrical assisted bicycle, EPAMD or electric mobility device parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

3. A bicycle, electrical assisted bicycle, EPAMD or electric mobility device may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

4. A bicycle, electrical assisted bicycle, EPAMD or electric mobility device may be parked on the road abreast of another such bicycle or bicycles, EPAMD or electric mobility devices near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.



5. In all other respects, bicycles, electrical assisted bicycles, EPAMD or electric mobility devices parked anywhere on a highway shall conform to the provisions of Part 12 of Article 42, C.R.S regulating the parking of vehicles.

G. Except as authorized by Section 42-4-111, C.R.S the rider of an electrical assisted bicycle shall not use the electrical motor on a bike or pedestrian path where it is prohibited by official traffic control devices.

H. Any person who violates any provision of this section commits a Class 4 traffic offense.

SECTION 20. Lakewood Municipal Code Section 10.51.060 is hereby amended to read in its entirety as follows:

#### **10.51.060 Speed**

No person shall operate a bicycle, electrical assisted bicycle, EPAMD or electric mobility device at a speed greater than is reasonable and prudent under the conditions then existing. Any person who violates any provision of this section commits a Class 4 traffic offense.

SECTION 21. Lakewood Municipal Code Section 10.51.070 is hereby amended to read in its entirety as follows:

#### **10.51.070 Control of bicycles**

No bicyclist, EPAMD or electric mobility device rider shall ride on any roadway within the city in such a manner as to demonstrate a lack of control over his or her bicycle, EPAMD or electric mobility device or his or her direction and manner of travel or in any fashion that constitutes a danger to the person or property of another or himself/herself. Any person who violates any provision of this section commits a Class 4 traffic offense.

SECTION 22. Lakewood Municipal Code Section 10.51.080 is hereby amended to read in its entirety as follows:

#### **10.51.080 Entering or emerging from alley or driveway**

Every bicyclist, EPAMD or electric mobility device rider emerging from an alley, driveway or building shall, upon approaching a sidewalk or sidewalk area extending across any alleyway, stop and yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway. Any person who violates any provision of this section commits a Class 4 traffic offense.

SECTION 23. Lakewood Municipal Code Section 10.51.090 is hereby amended to read in its entirety as follows:

### **10.51.090 Parking**

Every bicycle, electrical assisted bicycle, EPAMD or electric mobility devices shall be parked in such a manner as to afford the least obstruction to pedestrian travel, and to vehicular traffic and parking. Any person who violates any provision of this section commits a Class 4 traffic offense.

SECTION 24. Lakewood Municipal Code Section 10.51.100 is hereby amended to read in its entirety as follows:

### **10.51.100 Riding on sidewalks**

- A. When signs are erected giving notice thereof, no person shall ride a bicycle, electrical assisted bicycle, EPAMD or electric mobility devices upon a sidewalk.
- B. Whenever any person is riding a bicycle, electrical assisted bicycle, EPAMD or electric mobility devices upon a sidewalk, such person shall yield the right-of-way to any pedestrian.
- C. Any person who violates any provision of this section commits a Class 4 traffic offense.

SECTION 25. Lakewood Municipal Code Section 10.51.110 is hereby amended to read in its entirety as follows:

### **10.51.110 Equipment on bicycles, Electric Assisted Bicycles and Personal Assisted Mobility Devices ("EPAMD").**

- A. Every bicycle, electrical assisted bicycle, EPAMD, or electric mobility device when in use on a street or highway between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, person and vehicles on the street or highway are not clearly discernible at a distance of one thousand feet (1,000') ahead, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet (500') to the front.
- B. Every bicycle, electrical assisted bicycle, EPAMD, or electric mobility device shall be equipped with a red reflector on the rear of a type approved by the department of revenue, which shall be visible for six hundred feet (600') to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet (500').
- C. No bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall be equipped with, nor shall any person use upon a bicycle, electrical assisted bicycle, EPAMD or electric mobility device any siren or whistle.
- D. Every bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall be equipped with a brake or brakes that will enable its rider to stop the bicycle, electrical

assisted bicycle, EPAMD or electric mobility device within twenty-five feet (25') from a speed of ten miles per hour (10 mph) on dry, level, clean pavement.

E. Any person who violates any provision of this section commits a Class 4 traffic offense.

SECTION 26. Lakewood Municipal Code Section 10.51.120 is hereby amended to read in its entirety as follows:

**10.51.120 Clinging to vehicles**

No person riding upon any bicycle, electrical assisted bicycle, EPAMD or electric mobility device, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway. Any person who violates any provision of this section commits a Class 4 traffic offense.

SECTION 27. Lakewood Municipal Code Section 10.51.130 is hereby amended to read in its entirety as follows:

**10.51.130 Bicycles, electrical assisted bicycles, EPAMD and electric mobility devices prohibited**

Whenever official signs are erected giving notice that bicycles, electrical assisted bicycles, EPAMD or electric mobility devices are prohibited, as authorized in this title, no bicyclist, EPAMD or electric mobility device rider shall violate any of the instructions contained thereon. Any person who violates any provision of this section commits a Class 4 traffic offense.

SECTION 28. Lakewood Municipal Code Section 10.51.140 is hereby amended to read in its entirety as follows:

**10.51.140 Personal mobility devices**

A. A rider of an EPAMD shall have all the same rights and duties as an operator of any other vehicle under this title, except as to those provisions that by their nature have no application.

B. An EPAMD may be operated on a roadway in conformity with vehicle use.

C. An EPAMD may be operated only on a roadway that has a speed limit less than or equal to thirty-five miles per hour (35 mph), except that it may be operated to directly cross a roadway that has a speed limit greater than thirty-five miles per hour (35 mph) at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than thirty-five miles per hour (35 mph).

D. An EPAMD shall not be operated:

1. On a limited-access highway;
2. At a speed greater than twenty miles per hour (20 mph).

3. On a soft surface or hard surface park path.
  4. Whenever official signs are erected giving notice that EPAMD are prohibited, as authorized in this title, no EPAMD rider shall violate any of the instructions contained thereon.
- E. A person who violates this section commits a Class 4 traffic offense.

SECTION 29. Title 10 of the Lakewood Municipal Code is hereby amended to include the following section:

**10.51.160 Electric Mobility Devices**

- A. A rider of an electric mobility device shall have all the same rights and duties as an operator of any other vehicle under this title, except as to those provisions that by their nature have no application.
- B. An electric mobility device may be operated on a roadway in conformity with vehicle use.
- C. An electric mobility device may be operated only on a roadway that has a speed limit less than or equal to thirty-five miles per hour (35 mph), except that it may be operated to directly cross a roadway that has a speed limit greater than thirty-five miles per hour (35 mph) at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than thirty-five miles per hour (35 mph).
- D. An electric mobility device shall not be operated:
1. On a limited-access highway;
  2. At a speed greater than twenty miles per hour (20 mph).
  3. On a soft surface or hard surface park path.
  4. Whenever official signs are erected giving notice that electric mobility devices are prohibited, as authorized in this title, no electric mobility device rider shall violate any of the instructions contained thereon.
- E. A person who violates this section commits a Class 4 traffic offense.

SECTION 30. Lakewood Municipal Code Section 10.54.010(A) is hereby amended to read in its entirety as follows:

- A. The use of certain streets and roadways by motor-driven cycles, trucks or other commercial vehicles, bicycles, electrical assisted bicycles, EPAMD, electric mobility devices, and horse-drawn vehicles or other non-motorized traffic shall be restricted or prohibited when declared by the traffic engineer, and when official signs giving notice thereof are erected as authorized in Section 10.69.080.

SECTION 31. Lakewood Municipal Code Section 10.54.040 is hereby amended to read in its entirety as follows:

#### **10.54.040 Projecting loads on vehicles**

A. No passenger-type vehicle, except a motorcycle, bicycle, electrical assisted bicycle, EPAMD or electric mobility device shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

SECTION 32. Lakewood Municipal Code Section 10.54.130(C)(7) is hereby amended to read in its entirety as follows:

7. Bicycles, electrical assisted bicycles, EPAMD or electric mobility devices.

SECTION 33. Lakewood Municipal Code Section 10.60.140(A) is hereby amended to read in its entirety as follows:

A. All machinery, equipment and vehicles, except bicycles, electrical assisted bicycles, EPAMD or electric mobility device and other human-powered vehicles, designed to operate or normally operated at speed of less than twenty-five miles per hour (25 mph) on a public highway shall display a triangular slow-moving emblem on the rear. Bicycles, electrical assisted bicycles, EPAMD or electric mobility devices and other human-powered vehicles shall be permitted but not required to display the emblem specified in this subsection (A).

SECTION 34. Lakewood Municipal Code Section 10.66.130 is hereby amended to read in its entirety as follows:

#### **10.66.130 Presumption in reference to illegal parking**

In any prosecution charging a violation of any provision of this title governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner or renter of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner or renter was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

SECTION 35. Effective Date. This Ordinance shall become effective thirty days after approval on second reading.

SECTION 36. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 10<sup>th</sup> day of June, 2019; published by title in the Denver Post and in full on the City of Lakewood's website, [www.lakewood.org](http://www.lakewood.org), on the 13<sup>th</sup> day of June, 2019; set for public hearing to be held on the 24<sup>th</sup> day of June, 2019, continued to the 9<sup>th</sup> day of September, 2019; read, finally passed and adopted by the City Council on the \_\_\_\_ day of September, 2019; and signed and approved by the Mayor on the \_\_\_\_ day of September, 2019.

\_\_\_\_\_  
Adam Paul, Mayor

ATTEST:

\_\_\_\_\_  
Michele Millard, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Timothy P. Cox, City Attorney