

ORDINANCE NO. 20-_____

AN ORDINANCE AMENDING CHAPTER 10 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MOTOR VEHICLES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 202 (Definitions) of Part 2 (Definitions) of Article 1 (Administration and Enforcement) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

10.1.202: DEFINITIONS:

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ALLEY OR ALLEYWAY: ~~A narrow minor street, usually without sidewalks, on which the rears of buildings customarily adjoin.~~ **A street or highway intended to provide access to the rear or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic.**

APPURTENANCE: **A piece of equipment that is affixed or attached to a motor vehicle or trailer and is used for a specific purpose or task, including awnings, support hardware, and extractable equipment. "Appurtenance" does not include any item or equipment that is temporarily affixed or attached to the exterior of a motor vehicle for the purpose of transporting such vehicle.**

AUTHORIZED EMERGENCY VEHICLE: Vehicles of the Fire Department, police vehicles, and ambulances, **and other special-purpose vehicles as** are publicly owned **and operated by or for a government agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles**, and other publicly or privately owned vehicles as are designated by the State motor vehicle licensing agency as provided under Colorado Revised Statutes section 42-4-108(5).

AUTHORIZED SERVICE VEHICLE: **Such highway or traffic maintenance vehicles as are publicly owned and operated on a highway by or for a governmental agency the function of which requires the use of service vehicle warning lights as prescribed by state law and such other vehicles having a public service function, including, but not limited to, public utility vehicles and tow trucks, as determined by the department of transportation under Colorado Revised Statutes section 42-4-214(5). Some vehicles may be designated as both an authorized emergency vehicle and an authorized service vehicle.**

AUTOCYCLE: **A three-wheeled motorcycle that does not use handlebars or any other device that is directly connected to a single front wheel to steer and in which the driver**

and each passenger ride in a fully or partly enclosed seating area that is equipped with safety belts for all occupants that constitute a safety belt system, as defined in Colorado Revised Statutes section 42-4-237(1)(b). For purposes of this definition, "partly enclosed seating area" means a seating area that is entirely or partly surrounded on the sides by the frame or body of a vehicle but is not fully enclosed.

AUTOMATED DRIVING SYSTEM: Hardware and software that are collectively capable, without any intervention or supervision by a human operator, of performing all aspects of the dynamic driving task for a vehicle on a part-time or full-time basis, described as levels 4 and 5 automation in SAE International's standard J3016, as it existed in September 2016.

AUTOMOBILE: Any motor vehicle.

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BARRICADE: A portable or fixed device, **including but not limited to** ~~to include~~ cones, vertical panels and drums with appropriate markings, **physical obstacles, and authorized emergency vehicles**, used to control traffic by closing, restricting, or delineating all or a portion of the right of way to traffic.

BICYCLE: ~~Every device propelled by human power upon which any person may ride, having two (2) or more wheels, any of which is more than fourteen inches (14") in diameter.~~ **A vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.**

BICYCLE BOULEVARD: A low speed street that has been optimized for bicycles, and/or electrical assisted bicycles, and/or electric scooters, and/or low-power scooters, and/or EPAMDs travel, allows local motor vehicle travel, but gives priority to bicycles, and/or electrical assisted bicycles, and/or electric scooters, and/or low-power scooters, and/or EPAMDs at intersections.

BIKE BOX: Designated locations at the edge of intersections where the operator of bicycles, and/or electrical assisted bicycles, and/or electric scooters, and/or low-power scooters, and/or EPAMDs can safely wait for the duration of the traffic signal.

BICYCLE LANE: Portion of roadway or shoulder designated for preferential or exclusive use by bicycles, and/or electrical assisted bicycles, and/or electric scooters, and/or low-power scooters, and/or EPAMDs and other authorized users of bicycle lanes. It is distinguished from the portion of the roadway for motor vehicle traffic by a paint stripe, and marking, curb or other devices.

BIKE ROUTE: A system of bikeways designating preferred routes for bicycles, and/or electrical assisted bicycles, and/or electric scooters, and/or low-power scooters, and/or EPAMDs use by signing with appropriate direction and informational route makers.

BIKE SIGNALS: A traffic control device that is exclusively for bicycles, and/or electrical assisted bicycles, and/or electric scooters, and/or low-power scooters, and/or EPAMDs, represented with a bicycle symbol and a red, yellow, and green color indication.

BIKEWAY: A generic term for any road, street, path, or way which, in some manner, is designated as being available for bicycles, and/or electrical assisted bicycles, and/or electric scooters, and/or low-power scooters, and/or EPAMDs travel, regardless of whether such facilities are designated for the exclusive use of bicycles, and/or electrical assisted bicycles, and/or electric scooters, and/or low-power scooters, and/or EPAMDs or are to be shared with other transportation modes.

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CAMPER COACH: An item of mounted equipment, weighing more than five hundred pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations.

CAMPER TRAILER: A wheeled vehicle having an overall length of less than twenty-six feet, without motive power, which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

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COMMERCIAL CARRIER: Any owner of a motor vehicle, truck, laden or unladen truck tractor, trailer, or semitrailer used in the business of transporting persons or property over the public highways for profit, hire, or otherwise in any business or commercial enterprise.

COMMERCIAL VEHICLES: ~~Every vehicle designated, maintained or used primarily for the transportation of property.~~ **A vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise. This definition shall not apply for purposes of Sections 10.20.109 and 10.4.103(A) of this Code.**

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DECLARED GROSS VEHICLE WEIGHT: The combined weight of the vehicle or combination vehicle and its cargo when operated on the public highways of this state. Such weight shall be declared by the vehicle owner at the time the vehicle is registered. Accurate records shall be kept of all miles operated by each vehicle over the public highways of this state by the owner of each vehicle.

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DIVIDED HIGHWAY: A highway with separated roadways **usually** for traffic **moving** in opposite directions, ~~such~~ the separation being indicated by depressed dividing strips, raised curbing, traffic islands, or other physical separations **so constructed as to impede vehicular traffic**, or **otherwise** indicated by standard pavement markings or other official traffic control devices **as prescribed in the state traffic control manual.**

DRIVE-AWAY TRANSPORTER or TOW-AWAY TRANSPORTER: Every person engaged in the transporting of vehicles which are sold or to be sold and not owned by such transporter, by the drive-away or tow-away methods, where such vehicles are driven, towed, or

transported singly, or by saddlemount, towbar, or fullmount methods, or by any lawful combination thereof.

DRIVER: Every person, including a minor driver under the age of twenty-one years old, who drives or is in actual physical control of a vehicle.

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ELECTRICAL ASSISTED BICYCLE: 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 required to conform to one of three classes as follows:

A. **CLASS 1 ELECTRICAL ASSISTED BICYCLE:** 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:** 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.

C. **CLASS 3 ELECTRICAL ASSISTED BICYCLE:** 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.

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE or EPAMD: A 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.

ELECTRIC SCOOTER: A device:

A. Weighing less than one hundred pounds;

B. With or without handlebars;

C. That is powered by an electric motor; and

D. That has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor.

“Electric scooter” does not include an electrical assisted bicycle, EPAMD, motorcycle, or low-power scooter.

EMPTY WEIGHT: The weight of any motor vehicle or trailer or any combination thereof, including the operating body and accessories, as determined by weighing on a scale approved by the department.

ESSENTIAL PARTS: All integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

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FARM TRACTOR: Every ~~motor vehicle~~ **implement of husbandry designed and used primarily as a farm implement for drawing plows **and** mowing machines and other implements of husbandry.**

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GOLF CAR: A self-propelled vehicle not designed primarily for operation on roadways and that has:

- A. A design speed of less than twenty miles per hour;**
- B. At least three wheels in contact with the ground;**
- C. An empty weight of not more than one thousand three hundred pounds; and**
- E. A carrying capacity of not more than four persons.**

HUMAN OPERATOR: A natural person in the vehicle with immediate access to controls for steering, braking, and acceleration.

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IMPLEMENT OF HUSBANDRY: Every vehicle which is designed, **adapted, or used for agricultural purposes, ~~and used by the owner in the conduct of the owner's agricultural operations. This term shall~~ **It also includes** equipment used solely for the application of liquid, gaseous and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to the application. ~~This term shall~~ **It also includes** hay balers, hay stacking equipment, combines, **tillage and harvesting equipment, agricultural commodity handling equipment,** and other heavy movable farm equipment primarily used on farms and not on the highways. **Trailers specially designed to move such equipment on highways shall, for the purposes of section 10.20.102 of this code, be considered as component parts of such implements of husbandry.****

INTERSECTION: The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.

~~A. The area embraced within the prolongation of lateral curb lines or, if none, then the lateral boundary lines of two (2) or more streets or highways which join one another at an angle, whether or not one street or highway crosses the other.~~

~~B. Where a street or highway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of the divided street or highway by an intersecting street or highway shall be regarded as a separate intersection.~~

~~C. In the event the intersecting street or highway also includes two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) or more roadways of the streets or highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.~~

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LOW-POWER SCOOTER: 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:

A. A cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or

B. A wattage not exceeding four thousand four hundred seventy-six if powered by electricity.

"Low-power scooter" does not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist people with mobility impairments who use pedestrian rights-of-way.

LOW-SPEED ELECTRIC VEHICLE: vehicle that:

A. Is self-propelled utilizing electricity as its primary propulsion method;

B. Has at least three wheels in contact with the ground;

C. Does not use handlebars to steer; and

D. Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

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~~MOTOR-DRIVEN CYCLE: Every motorcycle, including every motor scooter, with a motor which produces not to exceed six (6) brake horsepower, and every bicycle with motor attached, but not trail bikes, minibikes, go-carts, golf carts and similar vehicles which are not designed for, or approved by the Department of Revenue for use on the public roads or highways, and not "motorized bicycles" as defined in this section.~~

~~MOTORCYCLE: Every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground except any vehicle as may be included within the term "farm~~

~~tractor" as herein defined.~~ **An autocyce or a motor vehicle that uses handlebars or any other device connected to the front wheel to steer and that is designed to travel on not more than three wheels in contact with the ground; except that the term does not include a farm tractor, low-speed electric vehicle, or low-power scooter.**

~~MOTORIZED BICYCLE: A vehicle having two (2) or three (3) wheels with operable pedals which may be propelled by human power or helper motor, or both, with a motor rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cc, and an automatic transmission which produces a maximum design speed of not more than thirty (30) miles per hour on a flat surface.~~

MOTOR HOME: A vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van.

~~MOTOR VEHICLE: Any self-propelled vehicle which~~ **that** is designed primarily for travel on the public highways and ~~which~~ **that** is generally and commonly used to transport persons and/or property over the public highways **or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, electric scooters, low-power scooters, wheelchairs, or vehicles moved solely by human power.** This term shall include "recreational vehicle" as defined in this section. **For the purpose of the offense described in section 10.6.101 of this code, for farm tractors and off-highway vehicles, operated on streets and highways, "motor vehicle" includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle.**

MULTIPURPOSE TRAILER: A wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle over the public highways. A "multipurpose trailer" is generally and commonly used for temporary living or sleeping accommodation and transporting property wholly upon its own structure and is registered as a vehicle.

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OFF-HIGHWAY VEHICLE: any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "Off-highway vehicle" does not include the following:

- A. Vehicles designed and used primarily for travel on, over, or in the water;**
- B. Snowmobiles;**
- C. Military vehicles;**
- D. Golf carts;**
- E. Vehicles designed and used to carry individuals with disabilities;**
- F. Vehicles designed and used specifically for agricultural, logging, or mining purposes; or**
- G. Vehicles registered pursuant to article 3 of title 42, C.R.S.**

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OFFICIAL TRAFFIC CONTROL DEVICES: All signs, signals, markings and devices, **not inconsistent**—consistent with statute or this chapter, placed or ~~erected~~ **displayed** by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

OFFICIAL TRAFFIC CONTROL SIGNAL: Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

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PARK or PARKING: The standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

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PEDESTRIAN: Any person afoot **or any person using a wheelchair.**

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PROTECTED BIKE LANE: Also known as Separated Bike Lane or Cycle Track, these lanes are separated from motorized traffic in various ways including special striping, bollards, parked cars and other devices for the purposes of creating a safer environment for bicycles, and/or electrical assisted bicycles, and/or electric scooters, and/or low-power scooters, and/or EPAMDs operators.

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RIGHT OF WAY: ~~The privilege of the immediate use of the street or highway by pedestrians or vehicles, this being the~~ **The** right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under the circumstances or direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

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ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel exclusive of the **sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles and exclusive of that portion of a highway designated for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians.** In the event a street or highway includes two (2) or more separate roadways, the term "roadway" shall refer to any roadway separately but not to all roadways collectively.

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SCHOOL BUS: ~~Every~~ **A** motor vehicle ~~owned by a public, private, or governmental agency and operated for the transportation of children to or from school but not including informal or intermittent arrangements such as sharing of actual gasoline expense, or participation in a car pool, for the transportation of children to or from school.~~ **that is designed and used specifically for the transportation of school children to or from a public or private school or a school-related activity, whether the activity occurs within or without the territorial limits of any district and whether or not the activity occurs during school hours. "School bus" does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity.**

SCHOOL VEHICLE: A motor vehicle, including but not limited to a school bus that is owned by or under contract to a public or private school and operated for the transportation of school children to or from school or a school-related activity. "School vehicle" does not include:

- A. Informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity; or**
- B. A motor vehicle that is owned by or under contract to a child care center, as defined in section 26-6-102(5), C.R.S., and that is used for the transportation of children who are served by the child care center.**

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SEMITRAILER: Any wheeled vehicle, without motive power, which is designed to be used in conjunction with a **laden or unladen truck tractor** ~~or road tractor~~ so that some part of its own weight and that of its cargo load rests upon or is carried by ~~the~~ **such laden or unladen truck tractor** ~~or road tractor~~ and ~~which~~ **that** is generally and commonly used to carry and transport property over the public highways.

SHARED-USE PATHS: A bikeway physically separated from motorized vehicular traffic by an open space or barrier. Shared-use paths may also be used by pedestrians, skaters, joggers or other non-motorized users.

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STOP or STOPPING: ~~When required, means the complete cessation of movement. When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.~~

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TOY VEHICLE: Any vehicle that has wheels and is not designed for use on public highways or for offroad 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 electric scooters, off-highway vehicles or snowmobiles.

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TRAILER: Any wheeled vehicle, without motive power that is designed to be drawn by a motor vehicle **and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property** over the public highways. **The term includes, but is not limited to, multipurpose trailers as defined in this section.**

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VEHICLE: Any device which is capable of moving itself, or **of** being moved, from place to place upon wheels or endless tracks. This term shall **include a bicycle, electrical assisted bicycle, electric scooter, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile,** ~~not mean or include any~~ farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations, or any device moved ~~by muscular power, or moved~~ exclusively over stationary rails or tracks, or designed to move primarily through the air. This term shall include "recreational vehicle" as defined in this section.

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Section 2. Section 309 (Duties and Powers of Traffic Engineer) of Part 3 (Administration) of Article 1 (Administration and Enforcement) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

10.1.309: DUTIES AND POWERS OF TRAFFIC ENGINEER:

It shall be the general duty of the Traffic Engineer to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigation of traffic conditions, to plan the operation of traffic on the streets and highways of this City, and to cooperate with other City officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties as are imposed by this chapter. By way of example, but not by way of limitation, the Traffic Engineer is authorized, consistent with the provisions of this chapter, to act as follows:

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U. Designate and sign those streets and roadways where pedestrians, **bicycles, electrical assisted bicycles, electric scooters, low-power scooters, motorcycles, off-highway vehicles, EPAMDs, and/or** ~~bicyclists,~~ or other nonmotorized traffic, or persons operating a vehicle ~~motor driven cycle~~ shall be excluded as provided by law;

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Section 3. Section 104 (Bicycle Lanes) of Article 2 (Right of Way) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, is created to read as follows:

10.2.104: BICYCLE LANES:

The driver of a vehicle shall yield the right-of-way to bicycles, and/or electrical assisted bicycles, and/or electric scooters, and/or low-power scooters, and/or EPAMDs and other authorized users of bicycle lanes and, in a bicycle lane and/or protected bicycle lane.

Section 4. Section 102 (Controlled-Access Roads) of Article 10 (Driving on Divided Streets, Controlled-Access Highways) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

10.10.102: CONTROLLED-ACCESS ROADS:

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D. Pedestrians, **bicycles, electrical assisted bicycles, electric scooters, low-power scooters, motorcycles, off-highway vehicles, EPAMDs, and/or** ~~bicyclists or other~~ nonmotorized traffic, or any person operating a vehicle ~~motor-driven cycle~~, shall be excluded from use of any controlled-access roadway when official signs are erected on or at entrances to any roadway, giving notice as authorized in section 10.1.309 of this chapter.

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Section 5. Section 101 (Stopping, Standing or Parking in Specified Places) of Article 12 (Stopping, Standing or Parking Regulations) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

10.12.101: STOPPING, STANDING OR PARKING IN SPECIFIED PLACES:

Except as otherwise provided in the EXCEPTIONS below, ~~no~~ person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic, vehicular or pedestrian, or in compliance with directions of a police officer or traffic control device, in any of the following places:

- A. * * *
- R. Within a bus stop or taxicab stand;
- S. **Within a bicycle lane.**

EXCEPTIONS:

- A. **Subsection (1)(A) of this section does not prohibit a person from parking a bicycle, electrical assisted bicycle, or electric scooter on a sidewalk in accordance with the provisions of Colorado Revised Statutes section 42-4-1412(11)(a) and (11)(b).**
- B. **Subsection (1)(M) of this section does not prohibit persons from parking two or more bicycles, electrical assisted bicycles, or electric scooters abreast in accordance with the provisions of Colorado Revised Statutes section 42-4-1412(11)(d).**
- C. **Subsections 1(B), 1(F), and 1(G) of this section do not apply to a bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk in accordance with Colorado Revised Statutes 42-4-1412(11)(a) and 11(b).**

Section 6. Section 110 (Barricades) of Article 17 (Official Traffic Control Devices) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

10.17.110: BARRICADES:

Wherever barricades are erected to close off a part of or all of a street or highway, as authorized in section 10.1.309 of this chapter **or by the Police Department, Fire Department or other authorized governmental agency**, no person shall ~~drive~~ **operate a vehicle** around, through or between the barricades or into the barricaded area, except as directed or permitted by official signs or in compliance with the directions of a police officer or other authorized person.

Nothing in this section shall limit or otherwise affect the authority of, or be construed to deny access to the barricades area, any person charged by law with the responsibility of rendering assistance at or investigating the barricaded area.

Section 7. Section 102 (Right of Way in Crosswalks) of Article 18 (Pedestrians' Rights and Duties, Drivers to Exercise Due Care) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

10.18.102: RIGHT OF WAY IN CROSSWALKS:

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C. ~~No~~ **A pedestrian shall not suddenly leave a curb or other place of safety and ride a bicycle, an electrical assisted bicycle, or electric scooter, or walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.**

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Section 8. Article 19 (Operation of Bicycles) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, title and various sections are amended to read as follows. The Codifier is also directed to repeal and reserve Sections 103, 104, 105, 106, and 109 of the same Article:

ARTICLE 19 Operation of Bicycles, Electric Scooters, and Other Human-Powered Vehicles

10.19.101: ~~TRAFFIC LAWS APPLY TO BICYCLE RIDERS~~ OPERATION OF BICYCLES, ELECTRIC SCOOTERS, AND OTHER HUMAN-POWERED VEHICLES:

A. **A person operating a bicycle, electrical assisted bicycle, or electric scooter has all the rights and duties applicable to the driver of any other vehicle under this chapter except as to special regulations in this article, and except as to those provisions that by their nature can have no application.** ~~No person riding a bicycle shall violate any provision of this chapter, except those provisions of this chapter, which, by their very nature, can have no application. All bicycle riders shall also comply with special rules set forth in this article.~~

B. **A person operating a bicycle, electrical assisted bicycle, or electric scooter shall comply with the provisions of article 4, title 42 Colorado Revised Statutes and §42-4-1412 regarding the operations of bicycles, electric scooter, and other human-powered vehicle, as amended.** ~~Every person operating a bicycle shall also comply with the provisions of article 4, title 42, Colorado Revised Statutes as it relates to the operation of bicycles.~~

~~C. Whenever the word "vehicle" is used in any of the driving rules set forth in this chapter that are applicable to bicycle riders, that term shall include bicycles.~~

DC. It shall be unlawful for any person to fail to comply with the requirements of this section. In citing a person with a violation of this section, the summons and complaint shall specify the provisions of this chapter or of article 4, title 42, Colorado Revised Statutes alleged to have been violated.

10.19.102: ~~OBEDIENCE TO TRAFFIC CONTROL DEVICES~~ TURNS PROHIBITED:

~~A. Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.~~

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle, **electrical assisted bicycle, or electric scooter** shall disobey the direction of any sign, except when the person dismounts from the bicycle, **electrical assisted bicycle, or electric scooter** to make any turn, in which event the person shall then obey the regulations applicable to pedestrians.

~~10.19.103: RIDING ON BICYCLES:~~

~~10.19.104: RIDING ON ROADWAYS AND BICYCLE PATHS:~~

~~10.19.105: SPEED:~~

~~10.19.106: ENTERING OR EMERGING FROM ALLEY OR DRIVEWAY:~~

~~10.19.107: RIDING ON SIDEWALKS:~~

A. When authorized signs are erected giving notice, no person shall operate a bicycle, **electrical assisted bicycle, electric scooter, EPAMD**, skateboard, roller skates, or similar device upon a sidewalk.

B. Whenever any person is operating a bicycle, **electrical assisted bicycle, electric scooter, EPAMD**, skateboard, roller skates, or similar device upon a sidewalk, the person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.

~~C. It shall be unlawful for any person to operate a bicycle, **electrical assisted bicycle, electric scooter, EPAMD**, skateboard, roller skates, or similar device on any sidewalk:~~

~~1. Either bordering on or included within the area bordered on the north by Boulder Street, on the south by Vermijo Avenue, on the east by Weber Street and on the west by Cascade Avenue.~~

~~2. Either bordering on or included within Colorado Avenue bordered on the east by 24th Street and on the west by 27th Street.~~

~~3C.~~ For purposes of this section, "sidewalk" shall be defined as all pathways intended for pedestrian use, including that portion of an alley or driveway between the curb lines or the lateral lines of a roadway, and the adjacent property lines.

~~D. Signage as provided in subsection A of this section shall not be required in the areas defined in subsection C of this section.~~

~~10.19.108: EQUIPMENT ON BICYCLES, **ELECTRICAL ASSISTED BICYCLES, ELECTRIC SCOOTERS, AND PERSONAL MOBILITY DEVICES:**~~

~~A. Every bicycle, **electrical assisted bicycle, electric scooter, or EPAMD** shall be equipped as required by article 4 of title 42, Colorado Revised Statutes and §42-4-221. It~~

~~shall be a violation of this section for any person to operate a bicycle, electrical assisted bicycle, electric scooter, or EPAMD that fails to comply with equipment required by this section. 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, persons 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 emitting a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type approved by the Colorado Department of Motor Vehicles, 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. During insufficient lighting conditions stated above, every bicycle being used shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred feet (600') when directly in front of lawful lower beams of headlamps on a motor vehicle or, in lieu of the reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet (500'). A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.~~

~~B. Every bicycle shall be equipped with a brake or brakes which will enable its rider to stop the bicycle within twenty five feet (25') from a speed of ten (10) miles per hour on dry, level, clean pavement.~~

~~C. Every bicycle operated upon the streets or highways of the City shall comply with the provisions of article 4 of title 42, Colorado Revised Statutes, as it relates to the operation of bicycles¹.~~

~~10.19.109: CLINGING TO VEHICLES:~~

~~10.19.110: BICYCLES, **ELECTRICAL ASSISTED BICYCLES, ELECTRIC SCOOTERS**, EXCLUDED:~~

~~Wherever official signs are erected giving notice that bicycles, **electrical assisted bicycles, or electric scooters** are excluded, as authorized in section 10.1.309 of this chapter, no **person** bicycle rider shall violate any of the instructions.~~

~~10.19.111: IMPOUNDING BICYCLES, **ELECTRICAL ASSISTED BICYCLES, ELECTRIC SCOOTERS AND EPAMDS**:~~

~~Members of the Police Department are authorized to remove a bicycle, **electrical assisted bicycle, electric scooter, or EPAMD** from any street, alley, highway, sidewalk, bridge, viaduct, tunnel, path or other public place or way, to the bicycle pound or to any lot or place maintained by the City or the Department for the storage of impounded bicycles, **electrical assisted bicycles, electric scooters, or EPAMDS** or to any other place of safety under any of the circumstances below enumerated:~~

~~A. When the bicycle, **electrical assisted bicycle, electric scooter, or EPAMD** is not in safe mechanical condition.~~

~~B. When the bicycle, **electrical assisted bicycle, electric scooter, or EPAMD** is not equipped as required by section 10.19.108 of this article.~~

~~C. When the bicycle, is operated by any person under the age of sixteen (16) years in violation of any ordinance of the City relating to traffic or in violation of any of the provisions of this chapter.~~

CD. When any bicycle, **electrical assisted bicycle, electric scooter, or EPAMD** is seized, found or given to the Police Department as evidence of a crime, evidence in a traffic matter or lost or abandoned.

10.19.112: RELEASE OF IMPOUNDED BICYCLES, ELECTRICAL ASSISTED BICYCLES, ELECTRIC SCOOTERS AND EPAMDS:

A. No bicycle, **electrical assisted bicycle, electric scooter, or EPAMD** removed or impounded because of an unsafe mechanical condition or because it is not equipped as required by section 10.19.108 of this article, shall be released until:

1. Then safe mechanical condition has been corrected or lacking equipment has been placed on the bicycle, **electrical assisted bicycle, electric scooter, or EPAMD**; or

2. The City's authorized agent has been satisfied that the bicycle, **electrical assisted bicycle, electric scooter, or EPAMD** will not be ridden, propelled or operated upon any street, alley, highway, sidewalk, bridge, viaduct, tunnel, path or other public place or way until such unsafe mechanical condition has been corrected or lacking equipment has been placed on the bicycle, **electrical assisted bicycle, electric scooter, or EPAMD** and the bicycle, **electrical assisted bicycle, electric scooter, or EPAMD** shall be released to the owner or person entitled to possession when the same is in safe mechanical condition and when the lacking equipment has been placed on the bicycle, **electrical assisted bicycle, electric scooter, or EPAMD**.

B. Bicycles, **electrical assisted bicycle, electric scooter, or EPAMD** otherwise will be released and disposed of in accord with section 9.1.206 of this Code and treated as "property" as defined in section 9.1.201 of this Code.

~~**Footnotes** Click any footnote link to go back to its reference.~~

~~Footnote 1: See CRS §§ 42-4-204, 42-4-221, for specific language regarding bicycles.~~

Section 9. Multiple Sections of Article 20 (Regulating the Kinds and Classes of Traffic) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, are amended to read as follows:

10.20.101: EXCLUDED, RESTRICTED, PROHIBITED USE OF STREETS:

A. The use of certain streets and roadways by pedestrians, **bicycles, electrical assisted bicycles, electric scooters, low-power scooters, motorcycles, off-highway vehicles, EPAMDs, and/or** ~~motor-driven cycles, bicycles and~~ horse-drawn vehicles or other nonmotorized traffic, shall be excluded when official signs giving notice are

erected as authorized in sections 10.1.309 and 10.19.110 of this chapter. The use of certain streets and roadways by vehicles or loads of certain weight or size shall be restricted when official signs giving notice are erected as authorized in section 10.1.309 of this chapter. The use of certain streets and roadways by trucks other than those streets and roadways officially designated as truck routes shall be prohibited as authorized in section 10.21.102 of this chapter.

* * *

10.20.103: PROJECTING LOADS ON VEHICLES:

A. ~~No passenger type vehicle~~ **Except with regard to the operation of a motorcycle, bicycle, electrical assisted bicycle, electric scooter, or EPAMD, a person shall be operated not operate a passenger type vehicle** on any highway with any load carried on the vehicle extending beyond the line of the fenders on the left side of the vehicle, nor extending more than six inches (6") beyond the line of the fenders on the right side of the vehicle.

* * *

Section 10. Multiple Sections of Article 22 (Vehicle Equipment and Inspection) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, are amended to read as follows. The Codifier is also directed to repeal and reserve Sections 229 of the same Article:

10.22.222: ~~MOTORIZED BICYCLES; LIGHTING EQUIPMENT; DEPARTMENT CONTROL; USE AND OPERATION~~ **LOW-POWER SCOOTERS: LIGHTING EQUIPMENT – DEPARTMENT CONTROL – USE AND OPERATION:**

Every **low-power scooter shall be equipped and operated in accordance with Colorado Revised Statutes section 42-4-220, as amended.** ~~motorized bicycle and motor driven cycle, motor vehicle or equipment shall be equipped with lamps, an audible signal device, and brakes as required by Colorado Revised Statutes section 42-4-220.~~

10.22.223: HORNS OR WARNING DEVICES:

Every **motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or low-power scooter**, when operated upon a street or roadway shall be equipped with **and comply with the requirements, restrictions and prohibitions.** ~~horn in good working order as set forth in Colorado Revised Statutes section 42-4-224. Every driver shall abide by the regulations and restrictions regarding the use of, and prohibitions of the use of, the audible warning devices on any motor vehicle, or bicycle, and the requirements and limitations of the use of visual warning devices on snowplows, and the requirements for the conduct of a snowplow, set forth in Colorado Revised Statutes section 42-4-224.~~

10.22.229: ALTERATION OF SUSPENSION SYSTEM:

10.22.230: SLOW MOVING VEHICLES; DISPLAY OF EMBLEM:

All machinery, equipment, and vehicles, except bicycles, **electrical assisted bicycles**, **electric scooters**, and other human powered vehicles, designed to operate or normally operated at a speed of less than twenty five (25) miles per hour on a public roadway shall display a triangular slow moving vehicle emblem on the rear as required by Colorado Revised Statutes section 42-4-234.

Section 11. Multiple Sections of Article 23 (Miscellaneous Rules of the Road) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, are amended to read as follows:

10.23.113: MOTORCYCLE RULES:

A. No person shall operate any motorcycle, ~~motor driven cycle, or motorized bicycle~~ on any street or highway within this City unless the person and any passenger is wearing eye goggles or eyeglasses made of safety glass or plastic lens.

* * *

10.23.116: SAFETY BELT SYSTEMS; MANDATORY USE:

A. Required: Unless exempted pursuant to subsection B of this section, every driver of and every front seat passenger in a motor vehicle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on any street or highway within the City. Drivers and any front seat passenger traveling in a motor vehicle **or an autocycle** equipped with a lap and a shoulder belt, or any other belt or combination of belts installed in the motor vehicle, must wear all belts designed to restrain the driver and any front seat passenger in order to comply with this subsection.

B. Exempt: The requirement of subsection A of this section shall not apply to the following:

1. A child required by Colorado Revised Statutes section 42-4-235~~6~~ or any other applicable law to be restrained by a child restraint system;

2. * * *

C. Violation: No driver in a motor vehicle **or autocycle** shall be cited for a violation of subsection A of this section unless the driver was stopped by a law enforcement officer for an alleged violation of this chapter other than a violation of this section, or unless the driver was stopped by a law enforcement officer for an alleged violation of articles 1 to 4 of title 42 Colorado Revised Statutes other than a violation of section 42-4-237, "Safety belt systems - mandatory use - exemptions - penalty". Probable cause must have existed

for the stop, although an officer need not cite the driver for the alleged violation constituting an independent basis for the stop.

D. Definitions:

MOTOR VEHICLE: A self-propelled vehicle intended primarily for use and operation on the public highways and includes passenger cars, station wagons, vans, taxicabs, ambulances, motor homes, and pickups. The term **does not shall not** include motorcycles, **low-power scooters, bicycles, electrical assisted bicycles, electric scooters, EPAMD** ~~motor scooters, motorbicycles, motorized bicycles,~~ passenger buses, **school buses**, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

SAFETY BELT SYSTEM: A system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle or **an autocycle** to restrain drivers and passengers, which system conforms to Federal motor vehicle safety standards.

10.23.117: CHILD RESTRAINT SYSTEMS; MANDATORY USE:

A. Definitions: As used in this section, unless the context otherwise requires:

* * *

MOTOR VEHICLE: A passenger car, a pickup truck, or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand (10,000) pounds. For purposes of this section "motor vehicle" does not include motorcycles **that are not autocycles**, low power scooters, ~~motorscooters, motorbicycles, motorized bicycles~~ **bicycles, electrical assisted bicycles, electric scooters, EPAMD**, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

* * *

Section 12. Section 104 (Bicycles) of Article 27 (Park Traffic Offenses) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

10.27.104: BICYCLES:

It shall be unlawful for any person to **operate a bicycle, electrical assisted bicycle, electric scooter, low-power scooter, motorcycle, off-highway vehicle, or EPAMD** ~~ride a bicycle~~ within any park on other than a paved or improved dirt vehicular road or path specifically designated for **such bicycle** traffic. A **bicycle, electrical assisted bicycle, electric scooter, low-power scooter, motorcycle, off-highway vehicle, or EPAMD** ~~bicyclist~~ shall be permitted **to be walked** ~~a bicycle~~ over any grassy area, trail or on any other area reserved for pedestrian use.

Section 13. Section 101 (Compulsory Vehicle Insurance) of Article 28 (Compulsory Insurance) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

10.28.101: COMPULSORY VEHICLE INSURANCE:

A. Insurance Required; Owner: No owner of a motor vehicle **or low-power scooter** required to be registered in this State shall operate a vehicle or permit it to be operated on the streets and highways when the owner has failed to have a complying policy or certificate of self-insurance in force and effect as required by title 10, article 4 of the Colorado Revised Statutes.

B. Insurance Required; Operator: No person shall operate any motor vehicle **or low-power scooter** on the streets and highways of this Municipality without a complying policy or certificate of self-insurance in full force and effect as required by title 10, article 4 of the Colorado Revised Statutes.

C. Present Evidence When Requested: When requested to do so following any lawful traffic contact or during any traffic investigation by a police officer, no owner or operator of a motor vehicle **or low-power scooter** shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by title 10, article 4 of the Colorado Revised Statutes.

D. Failure To Present Evidence: Testimony of the failure of any owner or operator of a motor vehicle **or low-power scooter** to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by title 10, article 4 of the Colorado Revised Statutes, when requested to do so by a police officer, shall constitute prima facie evidence, at a trial concerning a violation charge under subsection A, B or C of this section, that the owner or operator of a motor vehicle **or low-power scooter** violated subsection A, B or C of this section.

E. * * *

Section 14. Any person convicted of a violation of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, shall be punished as provided in Section 101 (Penalties) of Part 1 (General Provisions) of Article 1 (Administration and Enforcement) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended.

Section 15. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 16. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2020.

Finally passed: _____

Council President

Mayor's Action:

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

Mayor

Council Action After Disapproval:

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

Council President

ATTEST:

Sarah B. Johnson, City Clerk