

1 BY AUTHORITY

2
3 ORDINANCE NO. _____
4 SERIES OF 2009

COUNCIL BILL NO. 666
COMMITTEE OF REFERENCE: GreenPrint

5
6
7 A BILL

8 **For an ordinance amending sections of Chapter 54 of the Revised**
9 **Municipal Code to reflect recent changes made in corresponding state**
10 **traffic laws in regard to bicycles and electrical assisted bicycles and to**
11 **allow bicycles and electrical assisted bicycles to ride on a sidewalk**
12 **when in the process of parking.**

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

15
16 **Section 1.** That subsection (6) of Section 54-1, D.R.M.C., Definitions, shall be
17 amended by deleting the language stricken and adding the language underlined; and that
18 said Section 54-1 shall be further amended by adding new subsection (19.5) and repealing
19 existing subsection (37), all to read as follows.

20
21 **Sec. 54-1. Definitions.**

22
23 Words and phrases used in this chapter shall have the following
24 meaning respectively ascribed to them:

25
26 (6) *Bicycle* means ~~every device~~ a vehicle upon which a person
27 ~~may ride which is propelled solely by human power~~ applied to pedals
28 ~~upon and which a person may ride having~~ has two (2) wheels in tandem
29 ~~or two (2) parallel wheels and one forward wheel, all of which are more~~
30 ~~than fourteen (14) with such wheels not less than twenty (20) inches in~~
31 diameter.

32
33 (19.5) *Electrical assisted bicycle* shall mean a vehicle having
34 two (2) tandem wheels or two (2) parallel wheels and one (1) forward
35 wheel, fully operable pedals, and electric motor not exceeding seven-
36 hundred and fifty watts of power, and top motor-powered speed of
37 twenty miles per hour.

38
39
40 ~~(37) *Motorized bicycle* shall mean every vehicle having two (2)~~
41 ~~or three (3) wheels with operable pedals which may be propelled by~~
42 ~~human power or helper motor, or both, with a motor rated no more than~~
43 ~~two-brake horsepower, a cylinder capacity not exceeding fifty (50) cubic~~
44 ~~centimeters and an automatic transmission which produces a maximum~~
45 ~~design speed of not more than thirty (30) miles per hour on a flat~~
46 ~~surface.~~

1
2
3 **Section 2.** That Section 54-125, D.R.M.C., Clinging to moving
4 vehicles, shall be amended by deleting the language stricken and
5 adding the language underlined, as follows:
6

7 **Sec. 54-125. Clinging to moving vehicles.**
8

9 Any person riding upon any bicycle, ~~motorized bicycle~~ electrical
10 assisted bicycle, EPAMD, low-power scooter, motorcycle, coaster, sled,
11 roller skates, skateboard or any other toy vehicle or device shall not
12 attach the same or themselves to any moving motor vehicle and the
13 driver of any motor vehicle shall not knowingly permit any such bicycle,
14 ~~motorized bicycle~~ electrical assisted bicycle, EPAMD, low-power
15 scooter, motorcycle, coaster, sled, roller skates or any other toy vehicle
16 to be so attached to the vehicle the person is driving.
17
18

19 **Section 3.** That Section 54-228, D.R.M.C., Passing oncoming vehicles, shall be
20 amended by deleting the language stricken and adding the language underlined, as follows:
21

22 **Sec. 54-228. Passing oncoming vehicles.**
23

24 (a) Drivers of vehicles proceeding in opposite directions shall pass
25 each other to the right, and upon roadways having width for not more than
26 one (1) lane of traffic in each direction, each driver shall give to the other at
27 least one-half of the main traveled portion of the roadway.
28

29 (b) A driver shall not pass a bicyclist moving in the same direction
30 and in the same lane when there is oncoming traffic unless the driver
31 can simultaneously:
32

33 (1) Allow oncoming vehicles at least one-half of the main-traveled portion
34 of the roadway in accordance with subsection (1) of this section; and
35

36 (2) Allow the bicyclist at least a three-foot separation between the right
37 side of the driver's vehicle, including all mirrors and projections, and the
38 left side of the bicyclist at all times.
39

40 (3) Any person who violates the provision of this section commits a class
41 A traffic infraction.
42

43 **Section 4.** That Section 54-229, D.R.M.C., Overtaking a vehicle on the left,
44 shall be amended by deleting the language stricken and adding the language
45 underlined, as follows:
46

47 **Sec. 54-229. Overtaking a vehicle on the left.**
48

49 The following rules shall govern the overtaking and passing of
50 vehicles proceeding in the same direction, subject to the limitations,

1 exceptions and special rules hereinafter stated; provided the driver of the
2 overtaking or passing vehicle gives in advance an audible signal of the
3 intention to pass or overtake; and provided further, that neither overtaking
4 or passing of another vehicle may be attempted in either the immediate
5 approach to or within an intersection except as otherwise specifically
6 provided herein or except upon the direction of a police officer.
7

8 (1) The driver of a vehicle overtaking another vehicle proceeding in the
9 same direction shall pass to the left ~~thereof~~ of the vehicle at a safe distance
10 and shall not again drive to the right side of the roadway until safely clear of
11 the overtaken vehicle.
12

13 (2) The driver of a motor vehicle overtaking a bicyclist proceeding in the
14 same direction shall allow at least a three-foot separation between the right
15 side of the driver's vehicle, including all mirrors or other projections, and the
16 left side of the bicyclist at all times.
17

18 ~~(2)~~ (3) Except when overtaking and passing on the right is permitted, the
19 driver of the overtaken vehicle shall give way to the right in favor of the
20 overtaking vehicle on audible signal and shall not increase the speed of the
21 vehicle until completely passed by the overtaking vehicle.
22

23 **Section 5.** That Section 54-230, D.R.M.C., When overtaking on the right side is
24 permitted, shall be amended by deleting the language stricken and adding the language
25 underlined, as follows:
26

27 **Sec. 54-230. When overtaking on the right side is permitted.**
28

29 (a) It shall be unlawful for the driver of a vehicle to overtake and
30 pass to the right of another vehicle except under the following conditions:
31

32 (1) When the driver of the vehicle overtaken is making or giving indication
33 of making a left turn;
34

35 (2) The driver of a motor vehicle upon a one-way roadway with two or more
36 marked lanes, when overtaking a bicyclist proceeding in the same direction
37 and riding on the left-hand side of the road, shall allow the bicyclist at least
38 a three-foot separation between the left side of the driver's vehicle,
39 including all mirrors or other projections, and the right side of the bicyclist at
40 all times;
41

42 ~~(2)~~ (3) Upon a street or highway with unobstructed pavement not occupied
43 by parked vehicles of sufficient width for two (2) or more lanes of moving
44 traffic in each direction;
45

46 ~~(3)~~ (4) Upon a one-way street, or upon any roadway on which traffic is
47 restricted to one (1) direction of movement, where the roadway is free of
48 obstruction and of sufficient width for two (2) or more lanes of moving
49 vehicles.
50

1 (b) The driver of a vehicle may overtake and pass another vehicle
2 upon the right only under conditions permitting such movement in safety. In
3 no event shall such movement be made by driving off the pavement or
4 main traveled portion of the roadway.
5

6 **Section 6.** That Section 54-231, D.R.M.C., Limitations on overtaking on the left,
7 shall be amended by deleting the language stricken and adding the language
8 underlined, as follows:
9

10 **Sec. 54-231. Limitations on overtaking on the left.**
11

12 (a) It shall be unlawful for any person to drive any vehicle to the left
13 side of the center of the roadway in overtaking and passing another vehicle
14 proceeding in the same direction unless authorized by the provisions of this
15 division and unless such left side is clearly visible and is free of oncoming
16 traffic for a sufficient distance ahead to permit such overtaking and passing
17 to be completely made without interfering with the operation of any vehicle
18 approaching from the opposite direction or any vehicle overtaken. In every
19 event the overtaking vehicle must return to an authorized lane of travel as
20 soon as practicable and if the passing movement involves the use of a lane
21 authorized for vehicles approaching from the opposite direction, before
22 coming within two hundred (200) feet of any approaching vehicle.
23

24 (b) The provisions of subsection (a) above shall not apply to the
25 driver of a vehicle passing a bicyclist moving in the same direction and in
26 the same lane when such movement can be made in safety and without
27 interfering with, impeding, or endangering other traffic lawfully using the
28 roadway.
29

30
31 **Section 7.** That Section 54-564, D.R.M.C., Scope, shall be amended by
32 deleting the language stricken and adding the language underlined, as follows:
33

34 **Sec. 54-564. Scope.**
35

36 (a) The provisions of this article applicable to bicycles shall apply
37 whenever a bicycle is operated upon any street, roadway, highway or
38 upon any public path set aside for the exclusive operation and use of
39 bicycles, subject to those exceptions contained herein.
40

41 (b) The provisions of this article applicable to ~~motorized bicycles~~
42 an electrical assisted bicycle shall apply whenever ~~a motorized bicycle~~
43 an electrical assisted bicycle is operated upon any street, roadway or
44 highway, subject to those exceptions stated herein.
45

46
47 **Section 8.** That Section 54-565, D.R.M.C., Application of traffic laws, shall be
48 amended by deleting the language stricken and adding the language underlined, as follows:
49

50 **Sec. 54-565. Application of traffic laws.**

1
2 Every person riding a bicycle or ~~motorized bicycles~~ electrical
3 assisted bicycle upon a roadway shall be granted all of the rights and
4 shall be subjected to all of the duties applicable to the driver of a vehicle
5 by the traffic rules and regulations of this city applicable to the driver of a
6 vehicle, except as to special regulations and except as to the provisions
7 of laws and ordinances which by their nature can have no application.
8

9
10 **Section 9.** That Section 54-567, D.R.M.C., Obedience to traffic-control devices,
11 shall be amended by deleting the language stricken and adding the language underlined,
12 as follows:
13

14 **Sec. 54-567. Obedience to traffic-control devices.**

15
16 (a) Any person operating a bicycle or ~~motorized bicycles~~
17 electrical assisted bicycle, shall obey the instructions of official traffic-
18 control signals, signs and other control devices applicable to vehicles,
19 unless otherwise directed by a police officer.
20

21 (b) Whenever authorized signs are erected indicating that no
22 right or left or U-turn is permitted, it shall be unlawful for any person
23 operating a bicycle or ~~motorized bicycles~~ electrical assisted bicycle to
24 disobey the direction of any such sign, except where such person
25 dismounts from the bicycle or ~~motorized bicycles~~ electrical assisted
26 bicycle to make any such turn, in which event, such person shall then
27 obey the regulations applicable to pedestrians.
28

29 **Section 10.** That Section 54-568, D.R.M.C., Riding on permanent seat, shall be
30 amended by deleting the language stricken and adding the language underlined, as follows:
31

32 **Sec. 54-568. Riding on permanent seat.**

33
34 It shall be unlawful for any person propelling or riding upon a
35 bicycle or ~~motorized bicycles~~ an electrical assisted bicycle to ride other
36 than astride a permanent and regular seat attached thereto.
37

38 **Section 11.** That Section 54-569, D.R.M.C. Carrying persons, shall be amended by
39 deleting the language stricken and adding the language underlined, as follows:
40

41 **Sec. 54-569. Carrying persons.**

42
43 No bicycle or ~~motorized bicycles~~ electrical assisted bicycle shall be used
44 to carry more persons at one (1) time than the number for which it is designed
45 and a bicycle or electrical assisted bicycle must be equipped with permanent
46 seat, hand holds and foot rests.
47

48 **Section 12.** That Section 54-570, D.R.M.C., Carrying articles, shall be amended
49 by deleting the language stricken and adding the language underlined, as follows:

1
2 **Sec. 54-570. Carrying articles.**
3

4 It shall be unlawful for any person operating a bicycle or ~~motorized~~
5 ~~bicycles~~ electrical assisted bicycle to carry any package, bundle or article
6 which prevents the rider from keeping at least one (1) hand upon the
7 handlebars.
8

9 **Section 13.** That Section 54-571, D.R.M.C., Right-of-way, shall be amended by
10 deleting the language stricken and adding the language underlined, as follows:
11

12 **Sec. 54-571. Right-of-way.**
13

14 A bicycle or electrical assisted bicycle shall be considered a vehicle
15 under all portions of this Code which govern right-of-way.
16

17 **Section 14.** That Section 54-572, D.R.M.C., Riding on roadways and bicycle paths,
18 shall be amended by deleting the language stricken and adding the language underlined,
19 as follows:
20

21 **Sec. 54-572. Riding on roadways and ~~bicycle paths.~~**
22

23 (a) Every person operating a bicycle or electrical assisted bicycle
24 upon a roadway shall ride as near to the right-hand side of the roadway as
25 judged safe by the bicyclist to facilitate the movement of such overtaking
26 vehicles unless other conditions make it unsafe to do so. ~~practicable,~~
27 ~~exercising due care when passing a standing vehicle or one (1)~~
28 ~~proceeding in the same direction.~~
29

30 (b) Persons riding bicycles upon a roadway shall not ride more
31 than two (2) abreast except on ~~paths or parts of~~ roadways set aside for the
32 exclusive use of bicycles. Persons riding bicycles two abreast shall not
33 impede the normal and reasonable movement of traffic and, on a laned
34 roadway, shall ride within a single lane.
35

36 (c) ~~Whenever a usable path for bicycles has been provided~~
37 ~~adjacent to a roadway, bicycle riders shall use such path and shall not use~~
38 ~~the roadway.~~ Persons riding electrical assisted bicycles upon a roadway
39 shall not ride more than two (2) abreast.
40

41 (d) This section shall not apply to a uniformed city, state, or
42 federal employee riding a bicycle or electrical assisted bicycle while
43 engaged in the discharge of his or her duties or to a police officer riding a
44 bicycle or electrical assisted bicycle that is a marked or unmarked official
45 police bicycle or electrical assisted bicycle, while engaged in the discharge
46 of his or her official duties.
47

48 (e) An electrical assisted bicycle shall not be operated on a
49 limited-access highway.
50

1 **Section 15.** That Section 54-573, D.R.M.C., Speed, shall be amended by
2 deleting the language stricken and adding the language underlined, as follows:

3
4 **Sec. 54-573. Speed.**

5
6 (a) It shall be unlawful for any person to operate a bicycle or ~~motorized~~
7 ~~bicycles~~ electrical assisted bicycle on a roadway or bicycle path at a speed
8 greater than is reasonable and prudent under the conditions then existing or in
9 excess of the posted speed limit.

10
11 (b) It shall be unlawful for any person to operate a bicycle or electrical
12 assisted bicycle on a sidewalk, which is not part of a designated bicycle route, at
13 a speed in excess of six (6) miles per hour.

14
15 (c) This section shall not apply to a uniformed city, state, or federal
16 employee riding a bicycle or electrical assisted bicycle while engaged in the
17 discharge of his or her duties or to a police officer riding a bicycle or electrical
18 assisted bicycle that is a marked or unmarked official police bicycle, while
19 engaged in the discharge of his or her official duties.

20
21 **Section 16.** That Section 54-574, D.R.M.C., Emerging from alley or driveway, shall
22 be amended by deleting the language stricken and adding the language underlined, as
23 follows:

24
25 **Sec. 54-574. Emerging from alley or driveway.**

26
27 The operator of a bicycle or ~~motorized bicycles~~ electrical assisted bicycle
28 emerging from an alley, driveway or building shall, upon approaching a sidewalk
29 or the sidewalk area extending across any alleyway, yield the right-of-way to all
30 pedestrians approaching on the sidewalk or sidewalk area, and upon entering the
31 roadway shall yield the right-of-way to all vehicles approaching on the roadway.

32
33 **Section 17.** That Section 54-575, D.R.M.C., Parking, shall be amended by deleting
34 the language stricken and adding the language underlined, as follows:

35
36 **Sec. 54-575. Parking.**

37
38 ~~(a) It shall be unlawful for any person to park a~~ A bicycle or
39 ~~motorized bicycles~~ electrical assisted bicycle may be parked upon a street
40 ~~other than upon the roadway at any angle to the curb or edge of the~~
41 roadway at any location where parking is allowed. against the curb or
42 upon the sidewalk in a rack to support the bicycle or motorized bicycles
43 against a building or at the curb, in such manner as to afford the least
44 obstruction to pedestrian traffic.

45
46 (b) A bicycle or electrical assisted bicycle may be parked on the
47 roadway abreast of another such bicycle or electrical assisted bicycle
48 near the side of the roadway or any location where parking is allowed in
49 such a manner as does not impede the normal and reasonable movement
50 of traffic.

1
2 (c) A bicycle or electrical assisted bicycle may park on a sidewalk in
3 a rack to support such bicycle or electrical assisted bicycle or against a
4 building or at the curb, in such a manner as to not impede the normal and
5 reasonable movement of pedestrian or other traffic.
6
7

8 **Section 18.** That Section 54-576, D.R.M.C., Riding on sidewalks, shall be amended
9 by deleting the language stricken and adding the language underlined, as follows:
10

11 **Sec. 54-576. Riding on sidewalks.**

12
13 (a) Riding bicycles or electrical assisted bicycles upon or along
14 sidewalks, whether on public property or private property opened for use
15 by the general public, shall be unlawful except:

16
17 (1) ~~When~~ When the operator or rider thereof is a uniformed city
18 employee or uniformed state employee or uniformed federal employee,
19 which are working as part of their official duties and are riding a bicycle or
20 electrical assisted bicycle or a police officer riding a bicycle or electrical
21 assisted bicycle that is a marked or unmarked official police bicycle or
22 electrical assisted bicycle or while engaged in the discharge of his or her
23 official duties; or
24

25 (2) ~~When~~ When the operator or rider of a bicycle thereof is engaged in
26 the delivery of newspapers; or
27

28 (3) ~~Where~~ Where the sidewalk is part of a designated bicycle route; or
29

30 (4) When the operator or rider thereof is preparing to dismount and
31 park the bicycle or electrical assisted bicycle at a location on the block on
32 which the bicycle or electrical assisted bicycle is being operated, or the
33 operator has just mounted and has not yet crossed a street or alley.
34

35 (b) Bicyclists shall yield the right-of-way to pedestrians on the
36 sidewalks, ~~and shall leave the sidewalk or dismount if necessary to yield~~
37 ~~such right-of-way.~~
38

39 ~~(b)(c)~~ (c) Riding ~~motorized~~ electrical assisted bicycles upon or along
40 sidewalks shall be unlawful, except as provided for in this section above.
41

42
43 **Section 19.** That Section 54-577, D.R.M.C., Prohibited on roadways where posted,
44 shall be amended by deleting the language stricken and adding the language underlined,
45 as follows:
46

47 **Sec. 54-577. Prohibited on roadways where posted.**

48
49 The city traffic engineer is authorized to erect signs on any roadway
50 prohibiting the riding of bicycles or ~~motorized bicycles~~ electrical assisted

1 bicycle thereon by any person, and when such signs are in place, no
2 person shall disobey the same, except a uniformed city or state or federal
3 employee riding a bicycle or electrical assisted bicycle, while engaged in
4 the discharge of his or her duties, or a police officer riding a bicycle or
5 ~~motorized bicycles~~ electrical assisted bicycle that is a marked or
6 unmarked official police bicycle or ~~motorized bicycles~~ an electrical assisted
7 bicycle, while engaged in his or her official duties.

8
9 **Section 20.** That Section 54-578, D.R.M.C. Lamps and reflectors, shall be
10 amended by deleting the language stricken and adding the language underlined, as follows:

11
12 **Sec. 54-578. Lamps and reflectors.**

13
14 (a) Every bicycle or ~~motorized bicycles~~ electrical assisted bicycle,
15 when in use at night time, shall be equipped with a lamp on the front which
16 shall emit a white light visible from a distance of at least five hundred (500)
17 feet to the front and ~~with a red reflector on the rear of a type which shall be~~
18 ~~visible from all distances from fifty (50) feet to three hundred (300) feet to~~
19 ~~the rear when directly in front of lawful upper beams of headlamps on a~~
20 ~~motor vehicle. A lamp emitting a red light visible from a distance of five~~
21 ~~hundred (500) feet to the rear may be used in addition to the red reflector.~~

22
23 (b) Every bicycle or electrical assisted bicycle, when in use at
24 night time, shall be equipped with a red reflector of a type approved by the
25 department, which shall be visible for six (6) hundred feet to the rear when
26 directly in front of lawful lower beams of head lamps on a motor vehicle.

27
28 (c) Every bicycle or electrical assisted bicycle, when in use at
29 night time, shall be equipped with reflective material of sufficient size and
30 reflectibility to be visible from both sides for six (6) hundred feet when
31 directly in front of lawful lower beams or head lamps on a motor vehicle or,
32 in lieu of such reflective material, with a lighted lamp visible from both
33 sides from a distance of at least five hundred feet.

34
35 (d) A bicycle or electrical assisted bicycle may be equipped with
36 lights or reflectors in addition to those required in this section.

37
38 **Section 21.** That Section 54-579, D.R.M.C., Loud sirens, whistles, etc., prohibited,
39 shall be amended by adding the language underlined, as follows:

40
41 **Sec. 54-579. Loud sirens, whistles, etc., prohibited.**

42
43 No bicycle or an electrical assisted bicycle shall be equipped with,
44 nor shall any person install upon or use upon any bicycle or an electrical
45 assisted bicycle a siren, whistle, or other device which emits a loud or
46 raucous noise, except a police officer engaged in the discharge of his or
47 her official duties and the bicycle or electrical assisted bicycle is a marked
48 or unmarked official police bicycle or electrical assisted bicycle.

49
50 **Section 22.** That Section 54-580, D.R.M.C., Impoundment, shall be amended by

1 deleting the language stricken and adding the language underlined, as follows:

2
3 **Sec. 54-580. Impoundment.**
4

5 (a) Members of the police department are hereby authorized to
6 remove a bicycle or an electrical assisted bicycle from any street, alley,
7 highway, sidewalk, bridge, viaduct, tunnel, path or other public place or
8 way, to the bicycle pound or to any lot or place maintained by the city or
9 the department for the storage of impounded bicycles or electrical assisted
10 bicycles, or to any other place of safety under any of the circumstances
11 hereinafter enumerated.
12

13 ~~(1) When such bicycle is not licensed according to the provisions of this~~
14 ~~article, or when the license plate is not attached to the frame of such~~
15 ~~bicycle as required by section 54-605(b);~~
16

17 ~~(2)~~ (2) When such bicycle or electrical assisted bicycle is not in safe
18 mechanical condition;
19

20 ~~(3)~~ (2) When such bicycle or electrical assisted bicycle is not equipped as
21 required by sections 54-578 and ~~54-603~~;
22

23 ~~(4)~~ (3) When such bicycle or electrical assisted bicycle is operated by
24 any person under the age of sixteen (16) years in violation of any
25 ordinance of the city relating to traffic or in violation of any of the
26 provisions of this article.
27

28 ~~(b) No bicycle removed or impounded because not licensed or~~
29 ~~because the license plate is not attached to the frame thereof shall be~~
30 ~~released until such bicycle is licensed in accordance with the provisions of~~
31 ~~this article and the required license plate is firmly attached to the frame~~
32 ~~thereof in such position as to be plainly visible from the rear, and such~~
33 ~~bicycle shall be released to the owner or person entitled to the possession~~
34 ~~thereof when the same is licensed and the license plate is so attached and~~
35 ~~a fee of five dollars (\$5.00) is paid for handling and storage.~~
36

37 ~~(b)~~ (e) No bicycle or electrical assisted bicycle removed or
38 impounded because not in safe mechanical condition or because not
39 equipped as required by sections 54-578 ~~or 54-603~~ shall be released until
40 such unsafe mechanical condition has been corrected or such lacking
41 equipment has been placed on such bicycle or the manager of safety has
42 been satisfied that such bicycle or electrical assisted bicycle will not be
43 ridden, propelled or operated upon any street, alley, highway, sidewalk,
44 bridge, viaduct, tunnel, path or other public place or way until such unsafe
45 mechanical condition has been corrected or such lacking equipment has
46 been placed on such bicycle or electrical assisted bicycle, and such
47 bicycle or electrical assisted bicycle shall be released to the owner or
48 person entitled to the possession thereof when the same is in safe
49 mechanical condition and when such lacking equipment has been placed
50 thereon or when the manager of safety has been so satisfied.

1
2 (c) ~~(d)~~ No bicycle or electrical assisted bicycle removed or
3 impounded because operated by any person under the age of sixteen (16)
4 years in alleged violation of any ordinance of the city relating to traffic or in
5 alleged violation of any of the provisions of this article shall be released
6 until the manager of safety shall have had a reasonable period of time in
7 which to investigate or cause to be investigated the facts relative to such
8 alleged violation; if at the conclusion of such investigation the manager
9 finds such alleged violation to have occurred, the manager may order
10 such bicycle or electrical assisted bicycle to be retained or further
11 impounded for such further period not exceeding thirty (30) days as in the
12 manager's discretion shall seem proper, and at the expiration of such
13 period or upon the conclusion of such investigation if the manager shall
14 determine that such alleged violation did not occur, such bicycle shall be
15 released to the owner or person entitled to the possession thereof.
16

17 (d) ~~(e)~~ Whenever a bicycle or electrical assisted bicycle is
18 removed from any public place or way or impounded as authorized by this
19 article and the identity of the owner or person entitled to the possession
20 thereof is known, such owner or person shall be given notice in writing of
21 the fact of such removal or impounding, the reasons therefor, and the
22 place to which the bicycle or electrical assisted bicycle has been removed
23 or in which it is impounded.
24

25 (e) ~~(f)~~ Whenever a bicycle or electrical assisted bicycle shall have
26 been impounded for a period of two (2) months and no claim of ownership
27 or the right to the possession thereof shall have been made and
28 established to the satisfaction of the manager of safety, the manager shall
29 consider such bicycles or electrical assisted bicycle as abandoned and the
30 property of the city, to be disposed of as such, after the first advertising in
31 one or more official publications of the city a notice stating that all bicycles
32 impounded and unclaimed for a period of two (2) months will be
33 considered as abandoned and become city property if not properly
34 claimed within ten (10) days of the date of publication of the notice.
35

36 (f) ~~(g)~~ The manager of safety shall be, and is hereby empowered
37 and authorized to adopt rules and regulations governing the procedure to
38 be followed in the removal and impounding of bicycles or electrical
39 assisted bicycle pursuant to the provisions of this article.
40
41

42 **Section 23.** That Section 54-582, D.R.M.C., Responsibilities of rental agencies,
43 shall be deleted:
44

45 ~~**Section 54-582. Responsibilities of rental agencies.**~~
46

47 ~~A rental agency shall not rent or offer any bicycle for rent unless the bicycle is~~
48 ~~licensed, and license plate is attached thereto as provided herein and such bicycle is~~
49 ~~equipped with the lamps and other equipment required in this article.~~
50

1 **Section 24.** That Section 54-583, D.R.M.C., Responsibilities of dealers, shall be
2 amended deleting the language stricken and adding the language underlined, as follows:

3
4 **Sec. 54-5832. Responsibilities of dealers.**

5 Every person engaged in the business of buying or selling new or secondhand bicycles
6 shall make a report to the police department of every bicycle purchased or sold by such
7 dealer, giving the name and address of the person from whom purchased, or to whom
8 sold, a description of such bicycle by name or make, and the frame number thereof, ~~and~~
9 ~~the number of the license plate, if any, found thereon.~~

10
11
12 COMMITTEE APPROVAL DATE: November 3, 2009.

13 MAYOR-COUNCIL DATE: November 10, 2009

14 PASSED BY THE COUNCIL _____, 2009.

15 Jeanne Robb - PRESIDENT

16 APPROVED: _____ - MAYOR _____ 2009.

17 ATTEST: _____ - CLERK AND RECORDER,
18 EX-OFFICIO CLERK OF THE
19 CITY AND COUNTY OF DENVER
20

21 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2009; _____ 2009.

22
23 PREPARED BY: Michael J. Joyce, ASSISTANT CITY ATTORNEY November 10, 2009.

24 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the
25 office of the City Attorney. We find no irregularity as to form, and have no legal objection to
26 the proposed ordinance. The proposed ordinance is not submitted to the City Council for
27 approval pursuant to §3.2.6 of the Charter.
28

29 David R. Fine, City Attorney

30 BY: _____, _____ City Attorney

31 DATE: _____