

1 BY AUTHORITY

2
3 ORDINANCE NO. _____
4 SERIES OF 2009

COUNCIL BILL NO. 667
COMMITTEE OF REFERENCE: GreenPrint

5
6
7 A BILL

8 **For an ordinance amending Chapter 54 of the Revised Municipal Code**
9 **in regard to the regulation of low-power scooters, electric personal**
10 **assisted mobility devices, neighborhood electric vehicles, and school**
11 **bus stopping.**

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

15
16 **Section 1.** That subsections (34), (38), (39.5), (61) and (79) of Section 54-1,
17 D.R.M.C., Definitions, shall be amended by deleting the language stricken and adding the
18 language underlined; and that said Section 54-1 shall be further amended by repealing
19 existing subsection (35) and adding new subsections, (19.6), (31.5) and (70.5), all to read
20 as follows:

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

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

26
27 (19.6) Electric personal assistive mobility device or "EPAMD"
28 shall mean a self-balancing, nontandem two-wheeled device, designed
29 to transport only one person, that is powered solely by an electric
30 propulsion system producing an average power output of no more than
31 seven hundred fifty watts.

32
33
34 (31.5) Low-power scooter shall mean a self-propelled vehicle
35 designed primarily for use on the roadways with not more than three (3)
36 wheels in contact with the ground, no manual clutch, and either of the
37 following: (I) A cylinder capacity not exceeding fifty cubic centimeters if
38 powered by internal combustion; or (II) A wattage not exceeding four
39 thousand four hundred seventy-six if powered by electricity. Low-power
40 scooter shall not include a toy vehicle, bicycle, electrical assisted
41 bicycle, wheelchair, or any device designed to assist mobility impaired
42 people who use pedestrian rights-of-way.

43
44 (34) *Motorcycle* shall mean every motor vehicle that uses
45 handlebars to steer and is designed to travel on not more than three (3)
46 wheels in contact with the ground except any such vehicle as may be

1 included within the term that the term does not include a "farm tractor-"
2 or low-power scooter as defined in subsection (31.5) of this section.

3
4 ~~(35) *Motor-driven cycle* shall mean every motorcycle, including~~
5 ~~every motorscooter, with a motor which produces not to exceed six-~~
6 ~~brake horsepower, and every bicycle with motor attached but not trail~~
7 ~~bikes, minibikes, go-carts and similar vehicles, which are not designed~~
8 ~~for use on the public roads or highways.~~

9
10 (38) *Motor vehicle* shall mean ~~every~~ any self-propelled vehicle
11 that is designed primarily for travel on the public highways or roadways
12 and that is generally and commonly used to transport persons and
13 property over the public highway or roadway; except that the term does
14 not include low-power scooters, wheelchairs, or vehicles moved solely
15 by human power. "Motor vehicle" includes a neighborhood electric
16 vehicle operated pursuant to section 54-660 of this chapter. which is
17 self-propelled.

18
19 (39.5) *Neighborhood electric vehicle or Low-speed electric*
20 *vehicle* shall mean a self-propelled, electrically powered motor vehicle
21 that:

- 22 a. Has a speed attainable in one (1) mile that does not exceed ~~twenty-~~
23 ~~five (25) thirty-five (35)~~ miles per hour.
24 b. Meets the equipment standards established by the State of Colorado
25 and by sections 54-70, 54-71, 54-73, 54-75(b), and 54-76, 54-77, and
26 54-78 of this Code.
27 (c). Has at least three (3) wheels in contact with the ground.
28 (d). Does not use handlebars to steer.
29 (e). Exhibits the manufacturer's compliance with 49 CFR 565 or
30 displays a seventeen-character vehicle identification number as
31 provided in 49 CFR 565.

32
33 (61) *School holidays* shall mean, where used in this chapter, or
34 on official signs, days on which classes are not in session, but the term
35 "School Holiday" does not include days in which classes are delayed
36 due to weather or on a delayed or late-start schedule.

37
38 (70.5) *Toy vehicle* shall mean any vehicle that has wheels and
39 is not designed for use on public highways or for off-road use.

40 (a) *Toy vehicle* includes, but is not limited to, gas-powered or
41 electric-powered vehicles commonly known as mini bikes, "pocket
42 bikes", kamikaze boards, go-peds, and stand-up scooters.

43 (b) *Toy vehicle* does not include off-highway vehicles or
44 snowmobiles.

45
46 (79) *Vehicle* shall mean every device that is capable of moving
47 itself, or of being moved, from place to place upon wheels or endless
48 tracks. *Vehicle* includes, without limitation, a motor vehicle, a
49 motorcycle, a bicycle, electrical assisted bicycle, or EPAMD, but does
50 not include a wheelchair, off-highway vehicle, snowmobile, farm tractor,

1 or implement of husbandry designed primarily or exclusively for use and
2 used in agricultural operations or any device moved exclusively over
3 stationary rails or tracks or designed to move primarily through the air.
4 ~~in, upon or by which any person or property is or may be transported or~~
5 ~~drawn upon a public highway, excepting devices moved by human~~
6 ~~power or used exclusively upon stationary rails or tracks.~~
7
8

9 **Section 2.** That Section 54-70, D.R.M.C., Lighting equipment, shall be amended by
10 deleting the language stricken and adding the language underlined, as follows:
11

12 **Sec. 54-70. Lighting equipment.**

13 (a) *When lighted lamps are required.*

14
15
16 (1) Every vehicle upon a roadway within this city, between sunset and
17 sunrise and at any other time when, due to insufficient light or
18 unfavorable atmospheric conditions, persons and vehicles on the
19 highway are not clearly discernible at a distance of one thousand
20 (1,000) feet ahead, shall display lighted lamps and illuminating devices
21 as required by this section for different classes of vehicles, subject to
22 exceptions with respect to parked vehicles.
23

24 (2) Whenever a requirement is declared by this section as to distance
25 from which certain lamps and devices shall render objects visible or
26 within which such lamps or devices shall be visible, such provisions shall
27 apply during the times stated in subsection (a)(1) of this section in
28 respect to a vehicle without load when upon a straight, level, unlighted
29 highway under normal atmospheric conditions, unless a different time or
30 condition is expressly stated.
31

32 (3) Whenever a requirement is declared by this section as to the
33 mounted height of lamps or devices, it shall mean from the center of
34 such lamp or device to the level ground upon which the vehicle stands
35 when such vehicle is without a load.
36

37 (b) *Head lamps on motor vehicles.*

38
39 (1) Every motor vehicle, other than a motorcycle ~~or motor-driven cycle,~~
40 shall be equipped with at least two (2) head lamps with at least one (1)
41 on each side of the front of the motor vehicle, which head lamps shall
42 comply with the requirements and limitations set forth in this article.
43

44 (2) Every motorcycle ~~and every motor-driven cycle~~ shall be equipped
45 with at least one (1) and not more than two (2) head lamps which shall
46 comply with the requirements and limitations of this article where
47 applicable thereto.
48

49 (3) Every head lamp upon every motor vehicle, including every
50 motorcycle ~~and motor-driven cycle,~~ shall be located at a height

1 measured from the center of the head lamp of not more than fifty-four
2 (54) inches nor less than twenty-four (24) inches, to be measured as set
3 forth in subsection (a)(3).
4

5 (4) A low-power scooter when in use at the times specified in the
6 Colorado Revised Statutes, shall be equipped with a lamp on the front
7 that shall emit a white light visible from a distance of at least five
8 hundred feet to the front.
9

10 (c) *Multiple-beam road lights.*

11
12 (1) Except as provided in this article, the head lamps or the auxiliary
13 driving lamp or the auxiliary passing lamp or combination thereof on
14 motor vehicles, other than motorcycles or ~~motor-driven cycles~~, low-
15 power scooters, shall be so arranged that the driver may select at will
16 between distributions of light projected to different elevations, and such
17 lamps may, in addition, be so arranged that such selection can be made
18 automatically, subject to the following limitations:
19

20 a. There shall be an uppermost distribution of light or composite beam
21 so aimed and of such intensity as to reveal persons and vehicles at a
22 distance of at least three hundred fifty (350) feet ahead for all conditions
23 of loading.
24

25 b. There shall be a lowermost distribution of light or composite beam
26 so aimed and of sufficient intensity to reveal persons and vehicles at a
27 distance of at least one hundred (100) feet ahead; and on a straight
28 level road under any condition of loading, none of the high-intensity
29 portion of the beam shall be directed to strike the eyes of an
30 approaching driver.
31

32 (2) ~~Every~~ A new motor vehicle, other than a motorcycle or ~~motor-driven~~
33 ~~cycle~~ low-power scooter, ~~registered in this state after July 1, 1955, which~~
34 that has multiple-beam road-lighting equipment shall be equipped with a
35 beam indicator, which shall be lighted whenever the uppermost
36 distribution of light from the head lamps is in use and shall not otherwise
37 be lighted. Such indicator shall be so designed and located that when
38 lighted it will be readily visible without glare to the driver of the vehicle so
39 equipped.
40

41 (3) Whenever a motor vehicle is being operated on a roadway or
42 shoulder adjacent thereto during the times specified in subsection (a),
43 the driver shall use a distribution of light, or composite beam, directed
44 high enough and of sufficient intensity to reveal persons and vehicles at
45 a safe distance in advance of the vehicle, subject to the following
46 requirements and limitations:
47

48 a. Whenever a driver of a vehicle approaches an oncoming vehicle
49 within five hundred (500) feet, such driver shall use a distribution of light
50 or composite beam so aimed that the glaring rays are not projected into

1 the eyes of the oncoming driver. The lowermost distribution of light or
2 composite beam specified in subsection (c)(1)b. shall be deemed to
3 avoid glare at all times, regardless of road contour and loading.
4

5 b. Whenever the driver of a vehicle follows another vehicle within two
6 hundred (200) feet to the rear, except when engaged in the act of
7 overtaking and passing, such driver shall use a distribution of light
8 permissible under this chapter other than the uppermost distribution of
9 light specified in subsection (c)(1)a.
10

11 (4) Head lamps arranged to provide a single distribution of light not
12 supplemented by auxiliary driving lamps shall be permitted for
13 neighborhood electric vehicles or low-speed electric vehicles in lieu of
14 multiple-beam road-lighting equipment specified in this subsection (c) if
15 the single distribution of light complies with the requirements of
16 paragraph (1)b. of this subsection (c).
17

18 (d) *Tail lamps and reflectors.*
19

20 (1) Every motor vehicle, trailer, semitrailer and pole trailer and any
21 other vehicle which is being drawn at the end of a train of vehicles shall
22 be equipped with at least one (1) tail lamp mounted on the rear, which,
23 when lighted as required in subsection (a), shall emit a red light plainly
24 visible from a distance of five hundred (500) feet to the rear; but, in the
25 case of a train of vehicles, only the tail lamp on the rear-most vehicle
26 need actually be seen from the distance specified. Furthermore, every
27 such vehicle, other than a truck tractor, registered in this state and
28 manufactured or assembled after January 1, 1958, shall be equipped
29 with at least two (2) tail lamps mounted on the rear, on the same level
30 and as widely spaced laterally as practicable, which, when lighted as
31 required in subsection (a), shall comply with the provisions of this
32 subsection.
33

34 (2) Every tail lamp upon every vehicle shall be located at a height of
35 not more than seventy-two (72) inches nor less than twenty (20) inches.
36

37 (3) Either a tail lamp or a separate lamp shall be so constructed and
38 placed as to illuminate with a white light the rear registration plate and
39 render it clearly legible from a distance of fifty (50) feet to the rear. Any
40 tail lamp or tail lamps, together with any separate lamp for illuminating
41 the rear registration plate, shall be so wired as to be lighted whenever
42 the head lamps or auxiliary driving lamps are lighted.
43

44 (4) Every motor vehicle operated on and after January 1, 1958, upon a
45 roadway in the city, ~~other than a truck tractor~~, shall carry on the rear,
46 either as part of a the tail lamps or separately, ~~one (1)~~ two (2) red
47 reflectors; except that every motorcycle shall carry at least one reflector
48 meeting the requirements of this section; ~~and except that~~ vehicles
49 having either a width at any part in excess of eighty (80) inches, an
50 overall length, including the combination of all towed vehicles, in excess
of thirty (30) feet, or both such width and length, shall be equipped with

1 reflectors as required by the clearance and identification section of the
2 current version of the Colorado "Uniform Safety Code of 1935," as
3 amended.
4

5 (5) Every new motor vehicle sold and operated on and after January 1,
6 1958, upon a highway, other than a truck tractor, shall carry on the rear,
7 whether as a part of the tail lamps or separately, two (2) red reflectors;
8 except that every motorcycle and every motor-driven cycle shall carry at
9 least one (1) reflector meeting the requirements of this section; and
10 except that vehicles having either a width at any part in excess of eighty
11 (80) inches, an overall length, including the combination of all towed
12 vehicles, in excess of thirty (30) feet, or both such width and length,
13 shall be equipped with reflectors as required by the clearance and
14 identification section of the current version of the Colorado "Uniform
15 Safety Code of 1935," as amended.
16

17 (6) Every new motor vehicle sold and operated on and after January 1,
18 1958, upon a highway, other than a truck tractor, shall carry on the rear,
19 whether as a part of the tail lamps or separately, two (2) red reflectors;
20 except that every motorcycle and every motor-driven cycle shall carry at
21 least one (1) reflector meeting the requirements of this section, and
22 vehicles of the type mentioned in C.R.S. 1973, 42-4-206, shall be
23 equipped with reflectors as required in those sections applicable thereto.
24

25 (7) Every such reflector shall be mounted on the vehicle at a height not
26 less than twenty (20) inches nor more than sixty (60) inches, measured
27 as set forth in subsection (a)(3) and shall be of such size and
28 characteristics and so mounted as to be visible at night from all
29 distances within three hundred fifty (350) feet to one hundred (100) feet
30 from such vehicle when directly in front of lawful upper beams and head
31 lamps; except that visibility from a greater distance is required by law of
32 reflectors on certain types of vehicles.
33

34 (8) Paragraph (3) of this subsection 54-70(d) shall not apply to
35 neighborhood electric vehicles.
36

37 (9) A low-power scooter shall be equipped with a red reflector on the
38 rear, of a type approved by the state of Colorado that shall be visible
39 from all distances from fifty feet to three hundred feet to the rear when
40 directly in front of lawful upper beams of head lamps on a motor vehicle.
41 A lamp emitting a red light may be used in addition to the rear reflector.
42

43 (e) *Stop lamps and turn signals.*
44

45 (1) Every motor vehicle or motor-drawn vehicle shall be equipped with
46 a stop light in good working order at all times and shall meet the
47 requirements of subsection (f)(1).
48

1 (2) No person shall sell or offer for sale or operate on the highways any
2 motor vehicle registered in this state and manufactured or assembled
3 after January 1, 1958, unless it is equipped with at least two
4 (2) stop lamps meeting the requirements of subsection (f)(1); except that
5 a motorcycle, ~~motor-driven cycle or truck tractor~~ manufactured or
6 assembled after such date shall be equipped with at least one (1) stop
7 lamp meeting the requirements of subsection (f)(1).
8

9 (3) No person shall sell or offer for sale or operate on the highway any
10 motor vehicle, trailer or semitrailer registered in this state and
11 manufactured or assembled after January 1, 1958, and no person shall
12 operate any motor vehicle, trailer or semitrailer on the highways when
13 the distance from the center of the top of the steering post to the left
14 outside limit of the body, cab or load of such motor vehicle exceeds
15 twenty-four (24) inches, unless it is equipped with electrical turn signals
16 meeting the requirements of subsection (f)(2). This subsection (3) shall
17 not apply to any motorcycle or ~~motor-driven cycle~~ low-power scooter,
18 nor to any trailer or semitrailer where the turn signals on the towing
19 vehicle are clearly visible to the extent required of such turn signals by
20 subsection (f)(2).
21

22 (f) *Signal lamps and devices; additional lighting equipment.*
23

24 (1) Any motor vehicle may be equipped, and when required under this
25 chapter, shall be equipped with a stop lamp or lamps on the rear of the
26 vehicle which shall display a red or amber light, or any shade of color
27 between red and amber, visible from a distance of not less than one
28 hundred (100) feet to the rear in normal sunlight, and which shall be
29 actuated upon application of the service (foot) brake, and which may but
30 need not be incorporated with one (1) or more other rear lamps. Such
31 stop lamp or lamps may also be automatically actuated by a mechanical
32 device when the vehicle is reducing speed or stopping. If two (2) or
33 more stop lamps are installed on any motor vehicle, any device
34 actuating such lamps shall be so designed and installed that all stop
35 lamps are actuated by such device.
36

37 (2) Any motor vehicle may be equipped, and when required under this
38 chapter, shall be equipped with lamps showing to the front and rear for
39 the purpose of indicating an intention to turn either to the right or to the
40 left. Such lamps showing to the front shall be located on the same level
41 and as widely spaced laterally as practicable and when in use shall
42 display a white or amber light, or any shade of color between white and
43 amber, visible from a distance of not less than one hundred (100) feet to
44 the front in normal sunlight, and the lamps showing to the rear shall be
45 located at the same level and as widely spaced laterally as practicable
46 and when in use shall display a red or amber light, or any shade of color
47 between red and amber, visible from a distance of not less than one
48 hundred (100) feet to the rear in normal sunlight. When actuated, such
49 lamps shall indicate the intended direction of turning by flashing the light
50 showing to the front and rear on the side toward which the turn is made.

1 (3) No stop lamp or signal lamp shall project a glaring or dazzling light.

2
3 (4) Any motor vehicle may be equipped with not more than two (2) side
4 cowl or fender lamps which shall emit an amber or white light without
5 glare.

6
7 (5) Any motor vehicle may be equipped with not more than one (1)
8 runningboard courtesy lamp on each side thereof, which shall emit a
9 white or amber light without glare.

10
11 (6) Any motor vehicle may be equipped with not more than two (2)
12 back-up lamps either separately or in combination with other lamps, but
13 no such back-up lamp shall be lighted when the motor vehicle is in
14 forward motion.

15
16 (7) Any vehicle may be equipped with lamps which may be used for the
17 purpose of warning the operators of other vehicles of the presence of a
18 vehicular traffic hazard requiring the exercise of unusual care in
19 approaching, overtaking or passing and, when so equipped and when
20 the vehicle is not in motion and at no other time, may display such
21 warning in addition to any other warning signals required by this chapter.
22 The lamps used to display such warning to the front shall be mounted at
23 the same level and as widely spaced laterally as practicable and shall
24 display simultaneously flashing white or amber lights, or any shade of
25 color between white and amber. The lamps used to display such
26 warning to the rear shall be mounted at the same level and as widely
27 spaced laterally as practicable and shall show simultaneously flashing
28 amber or red lights, or any shade of color between amber and red.
29 These warning lights shall be visible from a distance of not less than five
30 hundred (500) feet under normal atmospheric conditions at night.

31
32 (8) Any commercial vehicle eighty (80) inches or more in overall width
33 may be equipped with not more than three (3) identification lamps
34 showing to the front which shall emit an amber light without glare and
35 not more than three (3) identification lamps showing to the rear which
36 shall emit a red light without glare. Such lamps shall be placed in a row
37 and may be mounted either horizontally or vertically.

38
39 (g) *Flashing lights prohibited.* Flashing lights are prohibited on
40 vehicles except as a means of signaling right or left turns, and any motor
41 vehicle may be equipped with such automatic directional signaling
42 devices, but the same shall not be required; provided, that emergency
43 vehicles as provided for in this chapter, are excepted from the provisions
44 of this subsection.

45
46 (h) *Lamp or flag on projecting load.* Whenever the load upon
47 any vehicle extends to the rear four (4) feet or more beyond the bed or
48 body of such vehicle, there shall be displayed at the extreme rear end of
49 the load, at the time specified in subsection (a), a red light or lantern
50 plainly visible from a distance of at least five hundred (500) feet to the

1 sides and rear. The red light or lantern required under this subsection
2 shall be in addition to the red rear light required upon every vehicle. At
3 any other time, there shall be displayed at the extreme rear end of such
4 load a red flag or cloth not less than twelve (12) inches square and so
5 hung that the entire area is visible to the driver of a vehicle approaching
6 from the rear.

7
8 (i) *Lamps on parked vehicles.*

9
10 (1) Whenever a vehicle is lawfully parked upon a roadway during the
11 hours between sunset and sunrise and in the event there is sufficient
12 light to reveal any person or object within a distance of one thousand
13 (1,000) feet upon such highway, no lights need be displayed upon such
14 parked vehicle.

15
16 (2) Whenever a vehicle is parked or stopped upon a roadway or
17 shoulder adjacent thereto, whether attended or unattended, during the
18 hours between sunset and sunrise and there is not sufficient light to
19 reveal any person or object within a distance of one thousand (1,000)
20 feet upon such highway, such vehicle so parked or stopped shall be
21 equipped with one (1) or more operating lamps meeting the following
22 requirements: At least one (1) lamp shall display a white or amber light
23 visible from a distance of five hundred (500) feet to the front of the
24 vehicle, and the same lamp or at least one (1) other lamp shall display a
25 red light visible from a distance of five hundred (500) feet to the rear of
26 the vehicle, and the location of the lamp or lamps shall always be such
27 that at least one (1) lamp or combination of lamps meeting the
28 requirements of this section is installed as near as practicable to the
29 side of the vehicle ~~which~~ that is closest closer to passing traffic. The
30 foregoing provisions shall not apply to a ~~motor-driven cycle~~ low power
31 scooter .

32
33 (3) Any lighted head lamps upon a parked vehicle shall be depressed
34 or dimmed.

35
36 (j) *Spot lamps and auxiliary lamps.*

37
38 (1) Any motor vehicle may be equipped with not more than two (2) spot
39 lamps, and every lighted spot lamp shall be so aimed and used upon
40 approaching another vehicle that no part of the high-intensity portion of
41 the beam will be directed to the left of the prolongation of the extreme
42 left side of the vehicle nor more than one hundred (100) feet ahead of
43 the vehicle.

44
45 (2) Any motor vehicle may be equipped with not more than two (2) fog
46 lamps mounted on the front at a height not less than twelve (12) inches
47 nor more than thirty (30) inches above the level surface upon which the
48 vehicle stands and so aimed that, when the vehicle is not loaded, none
49 of the high-intensity portion of the light to the left of the center of the
50 vehicle shall, at a distance of twenty-five (25) feet ahead, project higher

1 than a level of four (4) inches below the level of the center of the lamp
2 from which it comes. Lighted fog lamps meeting the requirements of this
3 subsection (2) may be used with lower head-lamp beams as specified in
4 subsection (c)(1)b.
5

6 (3) Any motor vehicle may be equipped with not more than two (2)
7 auxiliary passing lamps mounted on the front at a height not less than
8 twenty (20) inches nor more than forty-two (42) inches above the level
9 surface upon which the vehicle stands. The provisions of subsection (c)
10 shall apply to any combination of head lamps and auxiliary passing
11 lamps.
12

13 (4) Any motor vehicle may be equipped with not more than two (2)
14 auxiliary driving lamps mounted on the front at a height not less than
15 sixteen (16) inches nor more than forty-two (42) inches above the level
16 surface upon which the vehicle stands. The provisions of subsection (c)
17 shall apply to any combination of head lamps and auxiliary driving
18 lamps.
19

20 **Section 3.** That Section 54-71, D.R.M.C., Horns or other warning devices, shall
21 be amended by deleting the language stricken and adding the language underlined, as
22 follows:
23

24 **Sec. 54-71. Horns or other warning devices.**
25

26 (a) Every motor vehicle when operated upon the streets and
27 highways of the city shall be equipped with a horn in good working order
28 and capable of emitting sound audible under normal atmospheric
29 conditions for a distance of not less than two hundred (200) feet, but no
30 horn or other warning device shall emit an unreasonably loud or harsh
31 sound. The driver of a vehicle, when reasonably necessary to ensure
32 safe operation, shall give an audible warning with his horn, but shall not
33 otherwise use such horn when upon a street or highway.
34

35 (b) It shall be unlawful for any person to own, have charge of,
36 drive, install, cause the installation to be made, or use upon any motor
37 vehicle any siren, exhaust whistle, ~~or bell~~, or any red spotlight; provided,
38 the provisions of this subsection shall not apply to authorized
39 emergency vehicles as provided for in this chapter.
40

41 (c) A low-power scooter shall be equipped with a bell or other
42 device capable of giving a signal audible for a distance of at least one
43 hundred feet; except that a low-power scooter shall not be equipped
44 with nor shall any person use upon a low-power scooter a siren or
45 whistle.
46

47 **Section 4.** That Section 54-73, D.R.M.C. Brakes, shall be amended by deleting
48 the language stricken and adding the language underlined, as follows:
49

50 **Sec. 54-73. Brakes.**

1
2 (a) *Brake equipment required:*
3

4 (1) Every motor vehicle, other than a motorcycle or low-power scooter,
5 when operated upon a highway roadway, shall be equipped with brakes
6 adequate to control the movement of and to stop and hold such vehicle,
7 including two (2) separate means of applying the brakes, each of which
8 means shall be effective to apply the brakes to at least two (2) wheels. If
9 these two (2) separate means of applying the brakes are connected in
10 any way, they shall be so constructed that failure of any one (1) part of
11 the operating mechanism shall not leave the motor vehicle without
12 brakes on at least two (2) wheels.
13

14 (2) Every motorcycle, low-power scooter, and bicycle with motor
15 attached, when operated upon a highway roadway shall be equipped
16 with at least one (1) brake, which may be operated by hand or foot,
17 which enables the operator to make the braked wheels skid on dry,
18 level, clean pavement.
19

20 (3) Every trailer or semitrailer of a gross weight of three thousand
21 (3,000) pounds or more, when operated upon a highway roadway, shall
22 be equipped with brakes adequate to control the movement of and to
23 stop and to hold such vehicle and so designed as to be applied by the
24 driver of the towing motor vehicle from the cab, and the brakes shall be
25 so designed and connected that in case of an accidental breakaway of
26 the towed vehicle the brakes shall be automatically applied, except for
27 trailers owned by farmers when transporting agricultural products
28 produced on the owner's farm or supplies back to the farm of the owner
29 of the trailer, tank trailers not exceeding ten thousand (10,000) pounds
30 gross weight used solely for transporting liquid fertilizer or gaseous
31 fertilizer under pressure, or distributor trailers not exceeding ten
32 thousand (10,000) pounds gross weight used solely for transporting and
33 distributing dry fertilizer when hauled by a truck capable of stopping
34 within the distance specified in subsection (b).
35

36 (4) Every motor vehicle, trailer or semitrailer constructed or sold in this
37 city or operated upon the streets of the city shall be equipped with
38 service brakes upon all wheels of every such vehicle; except that any
39 trailer or semitrailer of less than fifteen hundred (1,500) pounds gross
40 weight, or any horse trailer of a capacity of two (2) horses or less, or
41 trailers owned by farmers when transporting agricultural products
42 produced on the owner's farm or supplies back to the farm of the owner
43 of the trailer, or tank trailers not exceeding ten thousand (10,000)
44 pounds gross weight used solely for transporting liquid fertilizer or
45 gaseous fertilizer under pressure, or distributor trailers not exceeding
46 ten thousand (10,000) pounds gross weight used solely for transporting
47 and distributing dry fertilizer when hauled by a truck capable of stopping
48 with loaded trailer attached in the distance specified by subsection (b)
49 need not be equipped with brakes, and any two-wheel motor vehicle
50 need have brakes on only one (1) wheel; and except that any truck or

1 truck tractor, having three (3) or more axles, need not have brakes on
2 the wheels of the front or tandem steering axles if the brakes on the
3 other wheels meet the performance requirements of subsection (b).
4

5 (b) *Performance ability of brakes:*
6

7 (1) The service brakes upon any motor vehicle or combination of
8 vehicles shall be adequate to stop such vehicle when traveling twenty
9 (20) miles per hour within a distance of forty (40) feet when upon dry
10 asphalt or concrete pavement surface free from loose material where
11 the grade does not exceed one (1) percent.
12

13 (2) Under the conditions stated in subsection (b)(1), the hand brakes
14 shall be adequate to stop such vehicle within a distance of fifty-five (55)
15 feet, and hand brake shall be adequate to hold such vehicle stationary
16 on any grade upon which operated.
17

18 (3) Under the conditions stated in subsection (b)(1), the service brakes
19 upon a motor vehicle equipped with two (2) wheel brakes only, when
20 permitted under this section, shall be adequate to stop the vehicle within
21 a distance of fifty-five (55) feet.
22

23 (4) All braking distances specified in this section shall apply to all
24 vehicles mentioned, whether such vehicles are not loaded or are loaded
25 to the maximum capacity permitted under this chapter.
26

27 (5) All brakes shall be maintained in good working order and shall be
28 so adjusted as to operate as equally as possible with respect to the
29 wheels on opposite sides of the vehicle.
30

31 **Section 5.** That Section 54-74, D.R.M.C., Mufflers, prevention of noise, shall be
32 amended by adding the language underlined, as follows:
33

34 **Sec. 54-74. Mufflers, prevention of noise.**
35

36 (a) Every motor vehicle shall, at all times, be equipped with a
37 muffler in good working order and in constant operation to prevent
38 excessive, raucous or unusually loud noise, smoke or flame, and no
39 person shall operate a motor vehicle upon the streets and highways of
40 this city which is not so equipped, or which is equipped with a muffler
41 cutout, bypass, Hollywood pipes or any similar device. A muffler is
42 defined for the purpose of this article as a device consisting of a series
43 of chambers or other mechanical devices for the purpose of receiving
44 exhaust gases from an internal combustion engine which is designed for
45 the purpose of breaking up the sound tones and the diffusion of smoke
46 and flame emitting therefrom.
47

48 (b) No person shall sell, give away for use upon, install or cause
49 the installation to be made, or use upon any motor vehicle operated in
50 the city, any type of muffler or other device that will modify the exhaust

1 system of a motor vehicle in any manner so as to amplify or increase the
2 noise emitted by the motor of such motor vehicle to the point where it
3 becomes excessive or unreasonable to the ear of the ordinary person.
4

5 (c) No person shall sell, give away for use upon, install or cause
6 the installation to be made upon, or use upon any motor vehicle
7 operated or to be operated in the city any device, apparatus, equipment,
8 instrument or other system, method or instrumentality with, in, or on, any
9 exhaust system designed or intended to ignite exhaust gases to produce
10 a flame, within or outside the exhaust system of the motor vehicle.
11

12 (d) This section 54-74 shall not apply to neighborhood electric
13 vehicles or low-speed electric vehicles.
14

15 **Section 6.** That Section 54-75, D.R.M.C., Mirrors, shall be amended by deleting
16 the language stricken and adding the language underlined, as follows:
17

18 **Sec. 54-75. Mirrors.**
19

20 ~~(a) (1) It shall be unlawful for any person to operate any bus,~~
21 ~~truck, multi-purpose vehicle, or passenger car within the city when such~~
22 ~~vehicle is so constructed or loaded as to obstruct the view of the~~
23 ~~operator to the rear thereof from the position of the operator; or when~~
24 ~~such vehicle is equipped with a rear window, or windows, composed of,~~
25 ~~covered by or treated with any material which makes the rear window, or~~
26 ~~windows, opaque and nontransparent from the view of the operator,~~
27 ~~unless said vehicle is equipped with two (2) outside rear view mirrors,~~
28 ~~one (1) mounted on the left side and one (1) on the right side thereof,~~
29 ~~and each so located as to enable the operator to view the rearward~~
30 ~~scene.~~

31 ~~(2) Subsection (a) of this section 54-75 shall not apply to neighborhood~~
32 ~~electric vehicles.~~
33

34 ~~(b) It shall be unlawful for any person to operate any bus, truck,~~
35 ~~multi-purpose vehicle, or passenger car within the city other than motor~~
36 ~~vehicles constructed, loaded or equipped as provided in subsection (a),~~
37 ~~unless such vehicle is equipped with a rear vision mirror mounted within~~
38 ~~the interior thereof to enable the operator to view the rearward scene.~~
39

40 ~~(c) It shall be unlawful for any person to operate a motorcycle~~
41 ~~without a rearview mirror located so as to enable the operator to view~~
42 ~~the rearward scene.~~
43

44 (a) Every motor vehicle shall be equipped with a mirror or
45 mirrors so located and so constructed to reflect to the driver a free and
46 unobstructed view of the roadway for a distance of at least two hundred
47 (200) feet to the rear of such vehicle.
48

49 (b) Whenever any motor vehicle is not equipped with a rear
50 window and rear side windows or has a rear window and rear side

1 windows composed of, covered by, or treated with any material or
2 component that, when viewed from the position of the driver, obstructs
3 the rear view of the driver or makes such window or windows
4 nontransparent, or whenever any motor vehicle is towing another
5 vehicle or trailer or carrying any load or cargo or object that obstructs
6 the rear view of the driver, such vehicle shall be equipped with an
7 exterior mirror on each side so located with respect to the position of the
8 driver as to comply with the visual requirements of subsection (a) of this
9 section.

10
11 **Section 7.** That Article VI, Operation of Vehicle, Division 3, Right-of Way, of
12 Chapter 54 , Traffic Regulations, of the Denver Revised Municipal Code shall be
13 amended by the addition of a new section 54-184, D.R.M.C., Low-power scooter on
14 sidewalk, to read as follows:

15
16 **Sec. 54-184. Low-power scooter on sidewalk.**

17
18 A low-power scooter may be ridden on the sidewalk, for the
19 purposes of parking the vehicle, from the roadway nearest to the point of
20 parking on the sidewalk. A low-power scooter must not exceed a speed
21 limit of 6 miles per hour when on the sidewalk or what is reasonable under
22 the existing conditions. The low-power scooter must yield the right of way
23 to any pedestrian traffic.
24

25 **Section 8.** That Section 54-257, D.R.M.C., School bus stopping, shall be
26 amended by deleting the language stricken and adding the language underlined, as
27 follows:

28
29 **Sec. 54-257. School bus stopping.**

30
31 (a) The driver of any vehicle upon any street, highway or other
32 public way, ~~shall stop the vehicle~~ upon overtaking or meeting from any
33 direction a school bus, displaying flashing red lights and which is stopped
34 or stopping, shall stop their vehicle at least twenty (20) feet before
35 reaching the school bus and shall not proceed until such visual signal
36 lights are no longer being actuated.

37 (b) Every vehicle used for the transportation of school children
38 shall have the words "school bus," in letters no less than eight (8) inches
39 in height, clearly visible on both the front and rear of such vehicle. The
40 vehicle shall be equipped with four (4) flashing red lights, two (2) facing to
41 the front and two (2) to the rear, which shall be placed at the same level
42 as high and as far apart as practicable. These lights shall be actuated by
43 the driver of the bus when stopping to load or discharge passengers,
44 except that such lights need not be actuated where the city traffic engineer
45 shall have, by written designation, declared such actuation unnecessary.
46

47 (c) The driver of any school bus shall stop as far as possible to the
48 right of the street, highway or other public way before discharging or
49 loading passengers, and, shall not stop at any place where the visibility is
50 obscured for a distance of two hundred (200) feet in either direction.

1
2 (d) The driver of a vehicle upon a highway with separate roadways need
3 not stop upon meeting or passing a school bus which is on a different roadway.
4

5 **Section 9.** That Section 54-435, D.R.M.C., Standing or parking close to curb,
6 shall be amended by deleting the language stricken and adding the language
7 underlined, as follows:
8

9 **Sec. 54-435. Standing or parking close to curb.**

10
11 (a) No person shall stand or park a vehicle, except a motorcycle, ~~motor-driven cycle~~
12 low-power scooter or ~~motorized bicycle~~ electric assisted bicycle, in a roadway other
13 than parallel with the edge of the roadway headed in the direction of lawful traffic
14 movement in which such vehicle could proceed if it were to move forward, and with the
15 curb side wheels of the vehicle in the roadway within eighteen (18) inches of the curb or
16 edge of the roadway, except as otherwise provided in this division.

17 (b) A person may stand or park a motorcycle, ~~motor-driven cycle~~ low-power scooter or
18 ~~motorized bicycle~~ electric assisted bicycle at an angle to the edge of the roadway
19 headed in the direction of lawful traffic movement in which such vehicle could proceed if
20 it were to move forward; except:

21 (1) Any person may stand or park a motorcycle, ~~motor-driven cycle~~ low-power scooter
22 or ~~motorized bicycle~~ electric assisted bicycle in a metered space already occupied by a
23 parked motorcycle, ~~motor-driven cycle~~ low-power scooter or ~~motorized bicycle~~ electric
24 assisted bicycle, provided, however, that no such vehicle may be parked in excess of
25 the time limit indicated by the sign accompanying the parking meter and further
26 provided that all vehicles in a metered parking spot may be ticketed if the time on the
27 meter has expired; and

28 (2) That it shall be unlawful for any person to stand or park a motorcycle, ~~motor-driven~~
29 ~~cycle~~ low-power scooter or ~~motorized bicycle~~ electric assisted bicycle at such an angle
30 with the edge of the roadway, that any part of such vehicle protrudes into the roadway
31 at a distance from the edge of the roadway greater than the width of any motor vehicle
32 that is lawfully parked parallel with the edge of the roadway.
33

34 **Section 10.** That Section 54-458, D.R.M.C., Generally, shall be amended by
35 deleting the language stricken and adding the language underlined, as follows:
36

37 **Sec. 54-458. Generally.**

38
39 It shall be unlawful for any person to stop or allow a vehicle to stand except when necessary
40 to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or
41 traffic-control device in any of the following places:
42

43 (1) On a sidewalk or sidewalk area, Low-power scooters and electric personal assistive mobility
44 devices are exempt from this subsection as long as the parked low-power scooter or "EPAMD"
45 does not impede the normal and reasonable flow of pedestrian traffic;
46

47 (2) Within five (5) feet of, or in front of an alley or a public or private driveway;
48

49 (3) Within an intersection;
50

51 (4) Within ten (10) feet of a fire hydrant;

- 1
2 (5) On a crosswalk;
3
4 (6) Within twenty (20) feet of a crosswalk or stop sign at an intersection;
5
6 (7) Within thirty (30) feet upon the approach to any flashing beacon or traffic-control signal located
7 at the side of a roadway;
8
9 (8) Within fifty (50) feet of the nearest rail of a railroad crossing;
10
11 (9) Within twenty (20) feet of the driveway entrance to any fire station, and on the side of a street
12 opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly
13 posted with signs or other markings;
14
15 (10) Along side or opposite any street excavation or obstruction when the same would obstruct
16 other traffic;
17
18 (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, except
19 that:
20 a. A vehicle may be stopped at the roadway side of a vehicle while waiting for another
21 vehicle to clear a parking space, while such other vehicle is actually doing so; or
22 b. A taxi may be stopped at the roadway side of a vehicle to load or unload passengers in
23 compliance with subsection 54-160(b); however, the loading or unloading of taxi passengers shall
24 not be construed to be an affirmative defense for a violation of any other subsection of this section.
25
26 (12) Upon any bridge or viaduct or other elevated structure upon a highway or within a highway,
27 tunnel or underpass.
28

29 **Section 11.** That the caption of Article IX, Bicycles, Division 2, of Chapter 54, Traffic
30 Regulations, of the Denver Revised Municipal Code shall be amended to read “Bicycles
31 and Electrical Personal Assistive Mobility Devices;” that the caption of Division 1 of said
32 Article IX shall be amended to read “Bicycles;” and that a new Division 2 shall be added to
33 said Article IX, to read as follows:
34

35 **Division 2: Electric Personal Assistive Mobility Devices**

36
37 **Sec. 54-600. Scope.**

38
39 The provisions of this article applicable to Electrical Personal
40 Assistive Mobility Device “EPAMD” shall apply whenever an EPAMD is
41 operated upon any street, roadway, or upon any public path designated
42 for the use of an EPAMD, subject to those exceptions contained herein.
43

44 **Sec. 54-601. Application of traffic laws.**

45
46 Every person operating an Electrical Personal Assistive Mobility
47 Device “EPAMD” upon a roadway shall be granted all of the rights and
48 shall be subjected to all of the duties applicable to the driver of a vehicle
49 by the traffic rules and regulations of this city applicable to the driver of a
50 vehicle, except as to special regulations and except as to the provisions of
51 laws and ordinances which by their nature can have no application.

1
2 **Sec. 54-602. Obedience to traffic-control devices.**
3

4 (a) Any person operating an EPAMD shall obey the instructions of
5 official traffic-control signals, signs and other control devices applicable to
6 vehicles, unless otherwise directed by a police officer.
7

8 (b) Whenever authorized signs are erected indicating that no right
9 or left or U-turn is permitted, it shall be unlawful for any person operating
10 an EPAMD to disobey the direction of any such sign, except where such
11 person dismounts from the EPAMD to make any such turn, in which event,
12 such person shall then obey the regulations applicable to pedestrians.
13

14 **Sec. 54-603. Carrying persons.**
15

16 No EPAMD shall be used to carry more persons at one (1) time than the
17 number for which it is designed.
18

19 **Sec. 54-604. Carrying articles.**
20

21 It shall be unlawful for any person operating an EPAMD to carry
22 any package, bundle or article which prevents the rider from keeping at
23 least one (1) hand upon the handlebars.
24

25 **Sec. 54-605. Right-of-way.**
26

27 An EPAMD shall be considered a vehicle under all portions of this
28 Code which govern right-of-way. The operator of an EPAMD shall at all
29 times yield the right-of-way to a pedestrian.
30

31 **Sec. 54-606. Riding on roadways and bicycle lanes.**
32

33 (a) An electrical personal assisted mobility device or "EPAMD"
34 shall not be operated on a roadway unless such roadway contains a
35 bicycle lane, or if there is no sidewalk adjacent to the roadway. However,
36 an EPAMD shall be allowed to cross a roadway at a designated crossing
37 or intersection in order to access the opposite sidewalk.
38

39 (b) An EPAMD shall be allowed to operated on bicycle lanes.
40

41 (c) Persons operating an EPAMD shall not ride more than two (2)
42 abreast except on bicycle lanes on roadways set aside for the exclusive
43 use of bicycles.
44

45 (d) This section shall not apply to a uniformed city, state, or
46 federal employee operating an EPAMD while engaged in the discharge or
47 his or her duties or to a police officer operating an EPAMD that is a
48 marked or unmarked official police EPAMD, while engaged in the
49 discharge of his or her official duties.
50

1 **Sec. 54-607. Speed.**

2
3 (a) It shall be unlawful for any person to operate an EPAMD on a
4 sidewalk at a speed greater than six (6) miles per hour or in excess of the posted
5 speed limit.

6
7 (b) It shall be unlawful for any person to operate an EPAMD on a
8 roadway when no adjacent sidewalk is available, or bicycle lane at a speed
9 greater than twelve and one-half (12 ½) miles per hour or that is reasonable and
10 prudent under the conditions then existing.

11
12 (c) This section shall not apply to a uniformed city, state, or federal
13 employee operating an EPAMD while engaged in the discharge of his or her
14 duties or to a police officer operating an EPAMD that is a marked or unmarked
15 official police bicycle, while engaged in the discharge of his or her official duties.

16
17 **Sec. 54-608. Parking.**

18
19 An EPAMD may park on a sidewalk in such a manner as to not
20 impede the normal and reasonable movement of pedestrian or other
21 traffic.

22
23 **Sec. 54-609. Riding on sidewalks.**

24
25 It shall be lawful to ride or operate an electrical personal assisted
26 mobility "EPAMD" device upon or along sidewalks, whether on public
27 property or private property opened for use by the general public.

28
29 **Sec. 54-610. Lamps and reflectors.**

30
31 (a) Every EPAMD, when in use during dusk to dawn, shall be
32 equipped with a lamp on the front which shall emit a white light visible
33 from a distance of at least five hundred (500) feet to the front.

34
35 (b) Every EPAMD, when in use during dusk to dawn, shall be
36 equipped with a red reflector of a type approved by the department, which
37 shall be visible for six (6) hundred feet to the rear when directly in front of
38 lawful lower beams of head lamps on a motor vehicle.

39
40 (c) Every EPAMD, when in use from dusk to dawn, shall be
41 equipped with reflective material of sufficient size and reflectibility to be
42 visible from both sides for six (6) hundred feet when directly in front of
43 lawful lower beams or head lamps on a motor vehicle or, in lieu of such
44 reflective material, with a lighted lamp visible from both sides from a
45 distance of at least five hundred feet.

46
47 (d) An EPAMD may be equipped with lights or reflectors in
48 addition to those required in this section.

49
50 **Sec. 54-611. Loud sirens, whistles, etc., prohibited.**

1
2 No EPAMD shall be equipped with, nor shall any person install
3 upon or use upon any EPAMD a siren, whistle, or other device which
4 emits a loud or raucous noise, except a police officer engaged in the
5 discharge of his or her official duties and the EPAMD is a marked or
6 unmarked official police EPAMD.
7

8 **Section 13.** That Section 54-660, D.R.M.C., Authorization to operate
9 neighborhood electric vehicles, shall be amended by adding the language underlined,
10 as follows.
11

12 **Sec. 54-660. Authorization to operate neighborhood electric vehicles.**

13 Persons who are licensed to drive a motor vehicle by the State of
14 Colorado or who are exempted from the state driver's license requirement
15 by the laws of the State of Colorado may operate a neighborhood electric
16 vehicle or low-speed electric vehicle upon the streets and highways within
17 the city, provided however, that operation of neighborhood electric
18 vehicles or low-speed electric vehicle shall conform to the provisions of
19 sections 54-661 and 54-662.
20

21 **Section 14.** That Section 54-661, D.R.M.C., Application of traffic laws, shall be
22 amended by adding the language underlined, as follows.
23

24 **Sec. 54-661. Application of traffic laws.**

25 This Chapter 54, all traffic laws of the State of Colorado, including
26 but not limited to, laws concerning financial responsibility, and all traffic
27 laws and regulations of the United States of America shall apply to
28 persons operating neighborhood electric vehicles or low-speed electric
29 vehicle.
30

31 **Section 15.** That Section 54-662, D.R.M.C., Prohibited use of neighborhood electric
32 vehicles, shall be amended by adding the language underlined, as follows.
33

34 **Sec. 54-662. Prohibited use of neighborhood electric vehicles.**

35 It shall be unlawful for any person to operate a neighborhood
36 electric vehicle under any of the following conditions:
37

38 (1) Neighborhood electric vehicles or low-speed electric vehicles shall not
39 be operated upon any street or highway that has a posted speed limit in
40 excess of thirty (30) miles per hour, provided however, that neighborhood
41 electric vehicles or low-speed electric vehicles shall be allowed to cross, at
42 intersections, streets and highways that have a posted speed limit in
43 excess of thirty (30) miles per hour.
44

45 (2) Neighborhood electric vehicles or low-speed electric vehicles shall not
46 be operated on controlled-access highways.
47

48 (3) Neighborhood electric vehicles or low-speed electric vehicles shall not
49 be operated at a speed in excess of twenty-five (25) miles per hour.
50

1 (4) Neighborhood electric vehicles or low-speed electric vehicles shall not
2 carry a greater number of persons or carry a greater load than that
3 specified by the manufacturer. The driver and all passengers must be
4 seated in seats substantially similar to those placed in the vehicle by the
5 manufacturer.
6

7 COMMITTEE APPROVAL DATE: November 3, 2009.

8 MAYOR-COUNCIL DATE: November 10, 2009.

9 PASSED BY THE COUNCIL _____, 2009.

10 Jeanne Robb - PRESIDENT

11 APPROVED: _____ - MAYOR _____ 2009.

12 ATTEST: _____ - CLERK AND RECORDER,
13 EX-OFFICIO CLERK OF THE
14 CITY AND COUNTY OF DENVER
15

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

17
18 PREPARED BY: Michael J. Joyce, ASSISTANT CITY ATTORNEY November 10, 2009.

19 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the
20 office of the City Attorney. We find no irregularity as to form, and have no legal objection to
21 the proposed ordinance. The proposed ordinance is not submitted to the City Council for
22 approval pursuant to §3.2.6 of the Charter.
23

24 David R. Fine, City Attorney

25 BY: _____, _____ City Attorney

26 DATE: _____