

ORDINANCE NO. 11

Series 2011

AN ORDINANCE CONCERNING THE OPERATION OF PEDICABS WITHIN THE TOWN OF BRECKENRIDGE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 6-3H-5(A) of the Breckenridge Town Code is amended by the addition of the following definition:

PEDICAB: As defined in the Town's Traffic Code adopted by reference in Title 7, Chapter 1 of this Code.

Section 2. Section 6-3H-5 of the Breckenridge Town Code, entitled "Riverwalk Restrictions", is amended by the addition of a new subsection F.5, which shall read in its entirety as follows:

F.5 Pedicabs may lawfully be operated on the Riverwalk only from November 1 through the end of the ski season at the Breckenridge Ski Area. It is unlawful to operate a pedicab on the Riverwalk at any other time.

Section 3. Section 7-1-2 of the Breckenridge Town Code is amended by the addition of a new subsection T.5, which shall read in its entirety as follows:

T.5 The adopted code is amended by the addition of a new Section 1417, to be entitled "Operation of Pedicabs", which shall read in its entirety as follows:

1417. Operation of Pedicabs. (1) Every person operating a pedicab shall have all of the rights and duties applicable to the driver of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions which by their nature can have no application. Said operators shall comply with the rules set forth in this section when using the streets and highways within the Town.

(2) No pedicab shall be operated on Colorado Highway 9 (Park Avenue) south of the intersection of Colorado Highway 9 (Park Avenue) and South Main Street and north of the intersection of Colorado Highway 9 (Park Avenue) and Village Road within the Town. Pedicabs may lawfully be operated on Colorado Highway 9 (Park Avenue) between the intersection of Colorado Highway 9 (Park Avenue) and South Main Street and the intersection of Colorado Highway 9 (Park Avenue) and Village Road within the Town, subject to the other rules described in this section. It shall not be a violation of this section if a pedicab is operated on Colorado Highway 9 in a direct route to and from the pedicab's garage facility if no passengers are carried when the pedicab is traveling on such route and if the pedicab is otherwise operated to the other rules described in this section.

(3) No pedicab shall be used to carry more persons at one time than the number for which it is designed or equipped.

(4) No person operating upon any pedicab shall attach the same or himself or herself to any motor vehicle upon a roadway.

(5)(a) Any person operating a pedicab upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

(I) If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a pedicab operator shall ride far enough to the right as judged safe by the pedicab operator to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A pedicab operator may use a lane other than the right-hand lane when:

(A) Preparing for a left turn at an intersection or into a private roadway or driveway;

(B) Overtaking a slower vehicle; or

(C) Taking reasonably necessary precautions to avoid hazards or road conditions.

(III) Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a pedicab operator may ride on the left-hand portion of the dedicated right-turn lane even if the pedicab operator does not intend to turn right.

(b) A pedicab operator shall not be expected or required to:

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

(II) Ride without a reasonable safety margin on the right-hand side of the roadway.

(c) A person operating a pedicab upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as judged safe by the pedicab operator, subject to the following conditions:

(I) If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a pedicab operator shall ride far enough to the left as judged safe by the pedicab operator to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A pedicab operator shall not be expected or required to:

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

(B) Ride without a reasonable safety margin on the left-hand side of the roadway.

(6)(a) A person operating a pedicab upon a roadway shall ride in a single file.

(b) A person operating a pedicab shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(7) A person operating a pedicab shall keep at least one hand on the handlebars at all times.

(8)(a) A person operating a pedicab intending to turn left shall follow a course described in sections 901(1), 903, and 1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).

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

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (8), the police chief may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

(9)(a) Except as otherwise provided in this subsection (9), every person operating a pedicab shall signal the intention to turn or stop in accordance with section 903; except that a person operating a pedicab may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the pedicab before turning and shall be given while the pedicab is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the pedicab.

(10) A person shall not operate a pedicab on a sidewalk, except when necessary to cross a street or highway.

(11)(a) A person may not park a pedicab on a sidewalk.

(b) Pedicabs parked anywhere on a street shall conform to the provisions of part 12 of this Code regulating the parking of vehicles.

(12) Any person who violates any provision of this section commits a misdemeanor traffic offense; except that section 42-2-127, C.R.S., shall not apply.

(13) Upon request, the law enforcement agency having jurisdiction shall complete a report concerning an injury or death incident that involves a pedicab anywhere within the Town, even if such accident does not involve a motor vehicle.

Section 4. Section 7-1-2(Y) of the Breckenridge Town Code is amended by the addition of the following additional definition:

(69.5) "Pedicab" means a three-wheeled vehicle for hire that regularly transports passengers for a fee using only human power.

Section 5. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 6. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

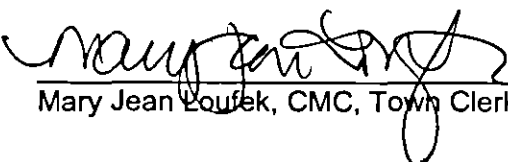
Section 7. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 8. This ordinance shall be published as provided by Section 5.9 of the Breckenridge Town Charter, and shall become effective upon the last to occur of: (i) approval of this ordinance by the Colorado Department of Transportation pursuant to Sections 42-4-110(1)(e) and 43-2-135(1)(g), C.R.S.; and (ii) the effective dated provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 8th day of March, 2011. A Public Hearing on the ordinance shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado, on the 22nd day of March, 2011 at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


John G. Warner, Mayor

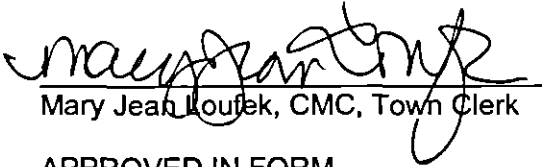
This Ordinance was published in full on the Town of Breckenridge website, on February 24, February 25, February 26, February 27, and February 28, 2011.

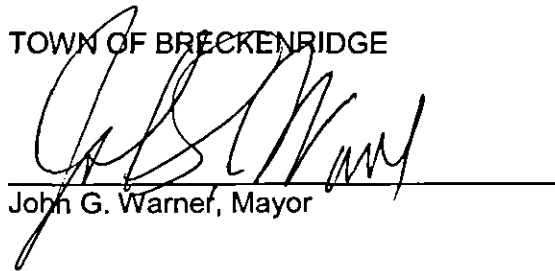
The public hearing on this ordinance was held on March 8, 2011.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 8th day of March, 2011. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

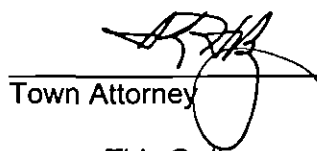
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Koufek, CMC, Town Clerk


John G. Warner, Mayor

APPROVED IN FORM


Town Attorney

3/8/11
Date

This Ordinance was published on the Town of Breckenridge website on March 10, March 11, March 12, March 13, and March 14, 2011. This ordinance shall become effective on April 13, 2011.