

COUNCIL NO. 23

Series 2018

AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING ELECTRICAL PERSONAL ASSISTIVE MOBILITY DEVICES

WHEREAS, Section 42-4-110(1)(b), C.R.S., authorizes local authorities to adopt by reference a model traffic code embodying the rules of the road and vehicle requirements set forth in Article 4 of Title 42, C.R.S., and such additional local regulations as are provided for in Section 42-4-111, C.R.S.; and

WHEREAS, the Town of Breckenridge has adopted (and amended) the Model Traffic Code For Colorado, 2010 edition, as the Traffic Code for the Town; and

WHEREAS, Section 42-4-111(1)(cc), C.R.S., provides that, subject to the notice requirements of Section 42-4-111(2), C.R.S., nothing in Article 4 of Title 42, C.R.S. (the State of Colorado's traffic code) prevents local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from ". . . prohibiting, . . . the use of an electrical personal assistive mobility device ("EPAMD") on a roadway, sidewalk, bike path, or pedestrian path . . ."; and

WHEREAS, Section 42-4-117(2), C.R.S., provides that a local authority may prohibit EPAMDs from being operated on a roadway; and

WHEREAS, Section 117 of the Model Traffic Code For Colorado, 2010 edition, as adopted by the Town, is substantively identical to Section 42-4-117(2), C.R.S; and

WHEREAS, the term "roadway" is defined in both Section 42-1-102(85), C.R.S., and the Model Traffic Code For Colorado, 2010 edition, as adopted by the Town, as "that portion of a highway improved, designed, or ordinarily used for vehicular travel" *exclusive of* (among other locations) "the sidewalk" and "that portion of a highway designated for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians (emphasis added); and

WHEREAS, the foregoing provisions of state law and the Model Traffic Code For Colorado, 2010 edition, as adopted by the Town, authorize the Town to prohibit EPAMDs from being operated on the roadways, sidewalks, bike paths, and bike lanes within the streets of the Town; and

WHEREAS, the Town Council finds, determines, and declares that the Model Traffic Code For Colorado, 2010 edition, as previously adopted (and amended) by the Town should be further amended as set forth in this ordinance.

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

Section 1. Section 7-1-2 of the Breckenridge Town Code is amended to include the following amendment to Section 117 of the Model Traffic Code For Colorado, 2010 edition:

117. Personal mobility devices.

An EPAMD shall not be operated in the following places within the Town:

- (a) On a limited-access highway;
 - (b) On a roadway;
 - (c) On a sidewalk; or
 - (d) On a bike or pedestrian path, including, but not limited to, that portion of a roadway designated for the exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians.
- (2) Notice of the prohibitions of this section shall be given as required by Section 42-4-111(2), C.R.S.

Section 2. 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 3. 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 4. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i); Section 42-4-111(1)(cc), C.R.S; (ii) Section 42-4-117, C.R.S.; (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the Breckenridge Town Charter.

Section 6. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter; provided, however, that this ordinance shall not become effective with respect to any state highway located within the corporate limits of the Town of Breckenridge until it has been approved by the Colorado Department of Transportation pursuant to Sections 42-4-110(1)(e) and 43-2-135(1)(g), C.R.S.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 11th day of September, 2018.

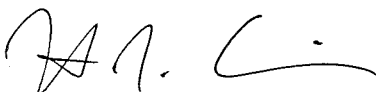
This ordinance was published in full on the Town of Breckenridge website on September 13, September 14, September 15, September 16 and September 17, 2018.

A public hearing on this ordinance was held on September 25, 2018.

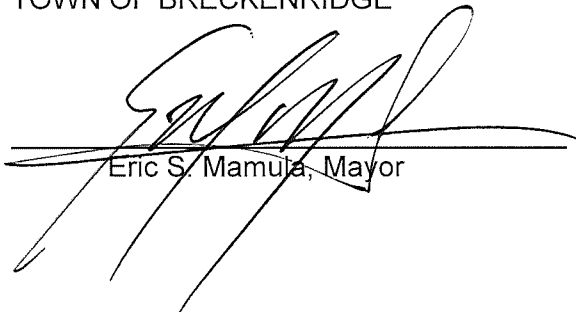
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 25th day of September, 2018. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM

Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on September 27, September 28, September 29, September 30 and October 1, 2018. This ordinance shall become effective on October 31, 2018.