

ORDINANCE NO. 174, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING VARIOUS SECTIONS OF PART 21 OF THE
FORT COLLINS TRAFFIC CODE REGULATING BICYCLES

WHEREAS, on February 18, 2003, by Ordinance No. 016, 2003, the City Council adopted the Fort Collins Traffic Code (the "Traffic Code"); and

WHEREAS, at the time of the adoption of the Traffic Code, it was the understanding of staff and the City Council that the Traffic Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Traffic Code remains consistent with Colorado traffic laws; and

WHEREAS, in 2011, the City Council considered whether to permit electric assisted bicycles on trails in parks and natural areas, and voted against it, only permitting motorized wheelchairs, or other power mobility devices as defined in Title II of the Americans with Disabilities Act; and

WHEREAS, on October 6, 2015, by Ordinance No. 120, 2015, the City Council adopted a new Part 21 of the Traffic Code to include all laws regulating bicycles; and

WHEREAS, the Colorado General assembly has amended certain statutory provisions relating to electric assisted bicycles; and

WHEREAS, staff recommends including those amendments in Part 21 of the Traffic Code to make the Traffic Code consistent with state law and the City Code provisions regulating electric assisted bicycles on trails; and

WHEREAS, the Council has determined that these Traffic Code amendments are in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 2002 of the Fort Collins Traffic Code is hereby amended to read as follows:

2002. Definitions.

...

- (11) *Electrical assisted bicycle.* A vehicle having two (2) or three (3) wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty (750) watts of power.

Electrical assisted bicycles are further required to conform to one of three classes as follows:

- (a) “Class 1 electrical assisted bicycle” means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour.
- (b) “Class 2 electrical assisted bicycle” means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty (20) miles per hour.
- (c) “Class 3 electrical assisted bicycle” means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight (28) miles per hour.

The term “electrical assisted bicycles” shall include class 1, 2 and 3, unless otherwise specified.

- ...
- (16) *Motor vehicle.* Any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, low-power scooters, wheelchairs or vehicles moved solely by human power. For purposes of the offense described in section 1401 of this Traffic Code, motor vehicle includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle.
- ...

Section 3. That Section 2101 of the Fort Collins Traffic Code is hereby amended to read as follows:

2101. - General provisions.

- (1) Every person riding a bicycle or electrical assisted bicycle upon a roadway where bicycle and electrical assisted bicycle travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this Traffic Code, except those provisions of this Traffic

Code that, by their very nature, can have no application. Said riders shall also comply with special rules set forth in this Part and when using streets and highways within the City, shall be subject to local ordinances regulating the operation of bicycles and electrical assisted bicycles as provided in Section 42-4-111, C.R.S. Whenever the word vehicle is used in any of the driving rules set forth in this Traffic Code that are applicable to bicycle or electrical assisted bicycle riders, such term shall include bicycles and electrical assisted bicycles.

- (a) These regulations not in conflict with the Rules and Regulations promulgated by Colorado State University pursuant to Sections 23-5-106 and 107, C.R.S. shall apply on the campus of the University.
 - (b) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provision of this Part.
- (2) All persons are prohibited from riding electrical assisted bicycles while the motor is engaged on a bike or pedestrian path or on a recreational trail unless otherwise authorized by the City Code.
- (3) Persons prohibited from operating or riding a class 3 electrical assisted bicycle upon roadways:
- (a) A person under sixteen (16) years of age shall not ride a class 3 electrical assisted bicycle upon any street or highway; except that such person may ride as a passenger on a class 3 electrical assisted bicycle that is designed to accommodate passengers.
 - (b) A person shall not operate or ride as a passenger on a class 3 electrical assisted bicycle unless:
 - (I) each person under eighteen (18) years of age is wearing a protective helmet of a type and design manufactured for use by operators of bicycles;
 - (II) the protective helmet conforms to the design and specifications set forth by the United States Consumer Product Safety Commission or the American Society for Testing and Materials; and
 - (III) the protective helmet is secured properly on the person's head with a chin strap while the class 3 electrical assisted bicycle is in motion.

Section 4. That Section 2107 of the Fort Collins Traffic Code is hereby amended to read as follows:

2107. - Lights, reflectors and equipment.

- (1) Every bicycle or electrical assisted bicycle in use at the times described in Section 204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred (500) feet to the front.
- (2) Every bicycle or electrical assisted bicycle shall be equipped with a red reflector of a type approved by the State Department of Revenue, which shall be visible for six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.
- (3) Every bicycle or electrical assisted bicycle when in use at the times described in Section 204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred (600) feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred (500) feet.
- (4) Every bicycle or electrical assisted bicycle shall be equipped with a brake or brakes that will enable its rider to stop the bicycle or electrical assisted bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.
- (5) A bicycle or electrical assisted bicycle or its rider may be equipped with lights or reflectors in addition to those required by Subsections (1) through (3) of this Section.
- (6) No bicycle or electrical assisted bicycle shall be equipped with, nor shall any person use upon such a vehicle, a siren or whistle.
- (7) A person shall not knowingly modify an electrical assisted bicycle so as to change the speed capability or motor engagement of the electrical assisted bicycle without also appropriately replacing, or causing to be replaced, the manufacturer or distributor label, which is required after January 1, 2018, that contains the classification number, top assisted speed, and motor wattage of the electrical assisted bicycle.
- (8) An electrical assisted bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Safety Commission and Codified at 16 CFR 1512 or its successor regulation.
- (9) A class 2 electrical assisted bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied. Class 1 and Class 3 electrical assisted bicycles must be equipped with a mechanism or circuit that cannot be bypassed and that causes the electric motor to disengage or cease to function when the rider stops pedaling.


- (10) A class 3 electrical assisted bicycle must be equipped with a speedometer that displays, in miles per hour, the speed the electrical assisted bicycle is traveling.

Introduced, considered favorably on first reading, and ordered published this 19th day of December, A.D. 2017, and to be presented for final passage on the 2nd day of January, A.D. 2018.



Mayor

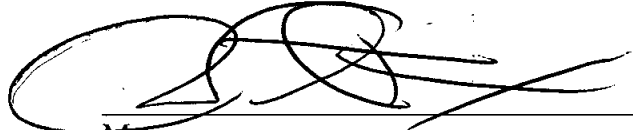
ATTEST:



City Clerk




Passed and adopted on final reading on the 2nd day of January, A.D. 2018.



Mayor

ATTEST:



City Clerk

