ORDINANCE NO. O-2018-25

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 18 OF THE CODE OF ORDINANCES FOR THE CITY OF DURANGO TO REGULATE THE USE OF MOTOR VEHICLES ON PARKS, TRAILS AND OPEN SPACE AND CREATING EXCEPTIONS FOR THE USE OF CLASS 1 AND CLASS 2 ELECTRICAL ASSISTED BICYCLES ON HARD SURFACE AND PAVED TRAILS WITHIN THE CITY AND DECLARING AN EFFECTIVE DATE.

WHEREAS, in May 2016 the City Council adopted Ordinance no. 2016-10 which in part restricted the use of non-human powered motorized vehicles, including electric bicycles (E-bikes) in City open space, parks and trails systems; and

WHEREAS, since that time the Parks and Recreation Advisory Board, Natural Lands Preservation Advisory Board and Multi-Modal Advisory Board, along with various subcommittees conducted an extensive public process to review the use of E-bikes on City trails. That process included the creation of an E-bike pilot program to study the use of E-bikes on City trails; and

WHEREAS, after reviewing the results of the pilot program the joint advisory boards have recommended additional amendments to the Code to allow for the use of Class 1 and Class 2 E-bikes, as defined by state statute, on City hard surface or paved trails, defined as the Animas River Trail, Florida Road Trail, Goeglein Gulch Road Trail, SMART 160 Trail and the Three Springs Trail; and

WHEREAS, a public hearing has heretofore been held before the City Council of the City of Durango, and the Council has determined, subsequent to said public hearing, that the amendments to Section 18-34(j) to the Code of Ordinances are in the best interest of the citizens of the City of Durango as set forth herein; and

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:
Section 1. That Section 18-34(j) of Article III of Chapter 18 of the Code of Ordinances of the City of Durango should be and the same is hereby amended to read in its entirety as follows:

Sec. 18-34. Prohibited acts.

Sec. 18-34(j) To drive, operate or park any motor vehicle on or in any park, playground, trail, recreational facility or city owned or managed open space except in areas maintained and marked as a public street, driveway or parking area. The term "motor vehicle" as used in this section shall include automobiles, motor vehicles, motorcycles, low power scooters, electrical assisted bicycles and commercial vehicles as those terms are defined in C.R.S. § 42-1-102.

The following exceptions shall be made to the restrictions contained in this subsection:

1) For the use of maintenance, patrol, emergency response and other official vehicles by authorized personnel.
2) For the use of motorized devices by disabled persons to gain access to city owned or managed public property under the provisions of the Americans with Disabilities Act.
3) For the use of Class 1 electrical assisted bicycles and Class 2 electrical assisted bicycles on city hard surface or paved trail systems, which shall be defined as the Animas River Trail, Florida Road Trail, Goeglein Gulch Road Trail, SMART 160 Trail and the Three Springs Trail. The terms “Class 1 electrical assisted bicycle” and “Class 2 electrical assisted bicycle” as used in this subsection shall be as those terms are defined in C.R.S. § 42-1-102.

Section 2. This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF DURANGO

Attest:

City Clerk

Mayor

STATE OF COLORADO)
COUNTY OF LA PLATA)

I, Amy Phillips, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance O-2018-25 was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 4th day of December, 2018, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango
Herald, a newspaper of general circulation, on the 8th day of December 2018, prior to its final consideration by the City Council.

[Signature]
City Clerk

I further certify that Ordinance No. O-2018-25, was duly adopted by the Durango City Council on the 18th day of December 2018, and that in accordance with instructions received from the Durango City Council, said amended ordinance was published by title only in the Durango Herald on the 22nd day of December, 2018.

[Signature]
City Clerk