



Denver Parks and Recreation

Temporary Directive: Safer operation of motorized “electric” mobility devices within the Parks and on Park Facilities

Effective: May 17, 2019
Expires: November 11, 2019

Number: 2019-2

Approved by Division Head: Bob Finch
Approved by Executive Director: Allegra “Happy” Haynes
Approved by Deputy Executive Director of Parks: Scott Gilmore

Background:

A. Executive Director’s Directive Powers:

- The Executive Director of Parks and Recreation (also referred to as the “Manager”) has the authority under the Denver City Charter to regulate certain uses or activities within parks and other recreational facilities under the jurisdiction of the Denver Department of Parks and Recreation (“the Department”).
- Under section 39-2(g) of the Denver Revised Municipal Code (“DRMC”), such uses, consistent with park purposes under the Charter, can be implemented and regulated through a written temporary directive signed by the Executive Director.
- Once executed, a temporary directive can be enforced through section 39-4(a), DRMC, which makes it “unlawful for any person, other than authorized personnel to engage in any use or activities in any area or part of any park . . . or other recreational facility in violation of any temporary directive issued by the Manager restricting or prohibiting such use or activities.”
- Under section 39-2(g), DRMC, a temporary directive shall endure for no more than 180 days. If the Executive Director desires to make the restrictions and prohibitions permanent, then the rulemaking process set forth in section 39-2, DRMC, will be followed, and a rule or rules adopting the restrictions or prohibitions put into place. The new rule or rules could be enforced under sections 39-1 or 39-4(a), DRMC, or such other ordinance adopted in Article I of Chapter 39 to enforce the new rule or rules.
- Additional specifics of these directive powers can be found in Rule 2.0 of the Denver Department of Parks and Regulations Rules & Regulations, as amended and restated May 27, 2015 (the “Park Use Rules & Regulations”).

B. Application of the Park Use Rules & Regulations:

Temporary Directive:

1. **Purpose:** The purpose of this Directive 2019-1 is to address usage of electric mobility devices, or “e-devices” within the park system in the best interest of the health and safety of the public and park patrons, as well as safe and appropriate use of park land and trails in order to preserve these amenities. Examples of e-devices include dockless electric scooters, electric bicycles, and other electric, rechargeable, and battery-operated mobility devices. Any gasoline and other fuel-powered vehicles are strictly excluded from the definition of e-devices. There has been rapidly increasing use of e-vehicles within the parks and park system, as well as through the City streets and sidewalks. Usage has increased far faster than the City has been able to respond and create laws, rules and regulations for safe e-vehicle operation. While the City and DPR seek to allow safe usage of e-devices, the size and speed of e-devices make them different from human-powered devices such as bicycles, skateboards and scooters, and therefore create unique usage and safety issues. Currently Park Use Rules and Regulations do not allow for the usage and operation of

motorized vehicles in parks which includes e-devices. Regardless, the City and DPR find that e-devices can be safely operated within parks. This Directive 2019-1 seeks to create a set for uniform rules and regulations to allow for the safe operation of e-devices within the parks and park system; to promote safe mutual use of the parks for other park patrons; and to ensure protection of park amenities, assets, trails, landscaping and equipment.

During this 180-day period, the Department will solicit input from stakeholders including DPR parks safety & ranger staff, Denver Police, other city agencies, the general public and the E-Device industry. After the 180-day period, the Department will evaluate the stakeholder input and analyze impact of these changes on safety and other park uses.

This temporary directive does not affect the ordinances, rules or regulations regarding the use of electric personal assistive mobility devices, wheelchairs or similar mobility assisted devices (whether electric or not) used by a disabled person for conveyance.

2. Directive: *The following Directive, as issued by the Executive Director of the Department of Parks and Recreation (“DPR Director”), shall be applicable at all times in the City Parks, Mountain Parks and any applicable park facility or facility managed and/or operated by the Department.*

Duration: *Directive 2019-1 shall be in effect from May 15, 2019, through November 11, 2019 (“Duration”), subject to any time extension specified below in this Directive.*

Electric Mobility Devices/E-Devices in the Parks: *Use and operation of certain e-devices shall be allowed in the parks and DPR regulated lands as limited by this Directive. Usage and operation of e-devices in violation of this Directive and other park rules and regulations shall be enforced over the duration of this Directive 2019-1.*

Definitions: *As utilized in this Directive 2019-1, the following terms and phrases shall have the following meanings:*

- E-Device: *For purposes of this Directive 2019-1, E-device shall mean electric and/or battery-powered bicycles; electric mobility scooters as defined in Division 3, Article IX of Chapter 54; skateboards; electric personal assistive mobility devices (“EPAMD” or “Segways”) as defined in Division 3, Article IX of Chapter 54; unicycles; and similar standing or sitting low-powered mobility devices.*
- 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 miles per hour.*
- 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 miles per hour.*
- 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 miles per hour.*
- Park Road: *Park Road shall mean roads as defined in Part III, 17.1.2 of the Park Use Rules and Regulations.*
- Trail: *Trail shall mean trails as defined in Part III, 16.1.6 of the Park Use Rules and Regulations*

Regulations Regarding E-Devices:

1. *Trails and Park Roads rules under the Park Use Rules and Regulations, Part III, Sub-part 16.0, et al., shall apply except as modified by this Directive 2019-1.*
2. *E-bicycle usage is limited to Class 1 e-bicycles only. No other class of e-bicycle is allowed, except as stated below.*
3. *All e-devices, when in use during dusk to dawn, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front; and shall be equipped*

with a red reflector visible for six hundred (600) feet to the rear when directly in front of lawful lower beam of head lamps on another device or vehicle.

4. No e-device may be left unattended, unused or abandoned in any area of any park, unless removed to a safe area that does not obstruct or interfere with standard, safe usage and enjoyment of the park.
5. E-devices must be removed from parks and trails by parks curfew.
6. E-devices must yield to pedestrians and slower operators of other allowed devices, consistent with Part 16.3.4 and Part 16.3.5 of the Park Use Rules.
7. Unless otherwise stated in this Directive 2019-1, usage of solely Human Powered Devices as set forth in Part 16 of the Park Use Rules shall apply to e-devices.
8. Prohibitions regarding Motorized Vehicles under Part 17 of the Park Use Rules shall not apply to e-devices as defined in this Directive 2019-1.
9. Commercial e-device providers, for example but limited to Lyft, Lime or Jump, shall be subject to all laws, rules and regulations regarding operation of and obstructions caused by E-devices, including applicable agreements or restrictions from any City agencies. E-devices may not be staged unaccompanied in any park, park facility or trail, or in any way that interferes with use by other park patrons of park trails or other park facilities.
10. Tours utilizing E-devices are not permitted to convene in or on a park facility in a manner that interferes with normal, reasonable park use to begin, conduct or conclude the tour.

Where Allowed:

1. Unless otherwise posted, closed or restricted, e-devices under this Directive 2019-1 shall be allowed only on certain park Trails and Trail segments; park sidewalks; and park roads. No operation on turf is permitted. Class One e-bicycles and e-devices are allowed on any designated multi-use trails, park sidewalks, Park Roads, Park Trails, and e-bicycles shall be allowed on any Trail, Trail segment, park sidewalks and Park Roads where standard and human-powered bicycles are allowed, except e-bicycles are not allowed on any bicycle courses.
2. E-devices other than e-bicycles are allowed in any designated areas where skateboards are allowed, except e-devices are not allowed in skate parks or designated bike parks.
3. All e-device users must abide by posted signs regulated use of vehicles, including speed limit signs, and signs regulating safe usage (such as passing signs).
4. No e-device may occupy more than 50% of the width of any trail or land width on a road in one direction.
5. No e-device usage is allowed in or on any pavilion, monument, event facility, open air theater, fountain, interactive water feature, playground area, athletic or playing field, ballpark, tennis court or basketball court located in a Park Facility and may not propel or jump any vehicle up or down steps, walls, rails or similar elevated features or surface in any Park Facility no designated by the DPR Executive Director for that purpose. (see Park Use Rules and Regulation, Part III, 16.5.5).
6. E-device are allowed on soft surface trails in city parks, except where posted.
7. No e-devices of any class or type shall be allowed on soft surface trails in Mountain Parks, except where other bicycles including human-powered bicycles are allowed.
8. Class Two and Class Three e-bicycles shall be allowed on Park Roads and parking lots only.
9. Sidewalks adjacent to parks are regulated in accordance with Division III, Article IX of Chapter 54.
10. Operators may not have a dog on leash while operating an e-device. This prohibition shall not apply to trained service animals for the disabled in wheelchairs or other mobility assisting devices to the extent necessary so that the animal can provide the services for which it was trained.
11. E-device usage must comply with all applicable State and local laws including the Denver Revised Municipal Code, including Chapter 54, D.R.M.C., regarding usage of sidewalks and public rights-of-way.

Restrictions for Gasoline and other Fuel Powered Vehicles Remain in Effect: The restrictions on the use and operation of gasoline and other fuel powered vehicles set forth in the Park Use Rules and Regulations, Part III, Sub-part 17.0, et al, shall remain in effect.

Violation: In accordance with § 39-2(g), DRMC, it shall be unlawful for any person to violate this Directive 2019-1 (“Violation”).

Enforcement: Enforcement of Directive 2019-1 is authorized as set forth in Park Use Rules and Regulation, Part I, Sub-part B; and the Administrative Citation Rules and Regulations, as amended and restated November 18, 2015.

Right of Appeal: The party receiving a citation in violation of Directive 2019-1 shall have all rights of appeal as set forth in Administrative Citation Rules and Regulations, Section IV and V. The party receiving a citation shall also have all rights to an appeal hearing and judicial appeal as set forth Administrative Citation Rules and Regulations, Section VI and VII.

3. Exercise of Authority under Section 39-2 (g), DRMC:

The Executive Director of Parks and Recreation may adopt temporary directives without following the notice and hearing requirements of section 39-2, DRMC, if such action is necessary to comply with state, local or federal law or if it is deemed necessary by the adopting authority to protect immediately the public health, safety or welfare or to protect and preserve a park or other recreational facility. By the execution of this Directive 2019-1, the Executive Director finds and determines that the health and safety of the public and the preservation of the Parks facilities identified above require the adoption of this Directive. The complete text of this Directive will be filed with the Denver city clerk and a notice of adoption will be published.

4. Enforcement under DRMC Section 39-4:

It shall be unlawful for any person, other than authorized personnel, to engage in any use of or activities in any area or part of any park, parkway, mountain park or other recreational facility in violation of any directive issued by the manager restricting or prohibiting such use or activities.

This Directive 2019-1 can be enforced by the Denver Police Department. Nothing in this Directive is intended to restrict or override the application or enforcement of the Park Use Rules and Regulations or Article I of Chapter 39, DRMC, or other applicable law.

It is so determined and directed by the Executive Director of Parks and Recreation that the Directive set forth above shall be effective this ____ day of _____, 2019, for the Duration of the Directive unless otherwise withdrawn by written order of the Executive Director of Parks and Recreation.

APPROVED AS TO FORM:

City Attorney
For the City and County of Denver

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF DENVER

Jason D. Moore
Assistant City Attorney

Allegra “Happy” Haynes
Executive Director for Parks

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4. Enforcement under DRMC Section 39-4:

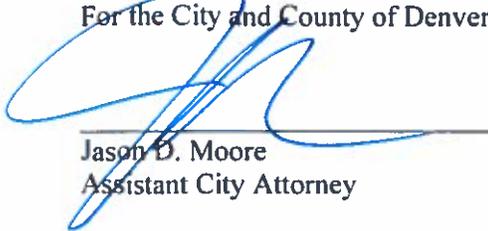
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It is so determined and directed by the Executive Director of Parks and Recreation that the Directive set forth above shall be effective this 17th day of May, 2019, for the Duration of the Directive unless otherwise withdrawn by written order of the Executive Director of Parks and Recreation.

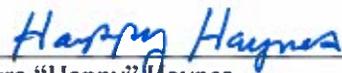
APPROVED AS TO FORM:

City Attorney
For the City and County of Denver



Jason D. Moore
Assistant City Attorney

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