

Item 8

# Memo

To: Mayor and Council Members

From: James Mahoney

Date: March 14, 2019

Re: Dismount Ordinance

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As bicycle use has increased over the years there have been more concerns and a few incidents concerning bicycle and pedestrian interaction in the Village Center which will likely only increase due to the expansion of the bike park and use of lift 4 for bike park access.

In examining ways to address this issue we have seen other communities such as Fort Collins, CSU and Durango implement dismount zones in high traffic areas.

Therefore, we are proposing to implement a dismount zone in the Village Center on all public sidewalks and plaza areas as set forth in the attached ordinance which adds a section the municipal code regarding regulating bicycle and skate board use.

If approved on first and second reading we do suggest a very heavy outreach program on this new provision and issuance of warnings rather than full penalty citations during the first few months.

**ORDINANCE NO. 2019 - \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE AMENDING MOUNTAIN VILLAGE MUNICIPAL CODE CHAPTER 9.18 TO IMPLEMENT CERTAIN DISMOUNT ZONES FOR BICYCLES**

**RECITALS:**

- A.** The Town of Mountain Village (the “**Town**”), in the County of San Miguel and State of Colorado, is a home rule municipality duly organized and existing under the laws of the State of Colorado and its Town Charter.
- B.** The Town Council hereby finds that it has the authority to adopt this ordinance pursuant to (i) Section 31-15-103, C.R.S and Section 31-14-401 both concerning municipal police powers; (ii) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (iii) the powers contained in the Town of Mountain Village Charter.
- C.** The Council has determined that it is in the best interests of the Town to adopt regulations imposing certain dismount zones within certain areas of the Town boundaries to prevent interactions with heavy pedestrian traffic areas.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:**

**Section 1. Legislative Findings.**

The recitals to this Ordinance are adopted as findings of the Town Council in support of the enactment of this Ordinance.

**Section 2. Chapter 9.18 of the Town Municipal Code is hereby amended to provide for a dismount zone as set forth on Exhibit A attached hereto.**

**Section 3. Severability.**

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If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared to be severable.

**Section 4. Ordinance Effect.**

Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, provided however, that the repeal of any ordinance or parts of ordinances of the Town shall not revive any other section of any ordinance

or ordinances hereto before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

**Section 5. Safety Clause.**

The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare of the citizens of the Town.

**Section 6. Effective Date.**

This Ordinance shall take effect on \_\_\_\_\_, 2019.

**Section 7. PUBLIC HEARING.**

A public hearing on this Ordinance was held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, in the Town Council Chambers, 455 Mountain Village Boulevard, Mountain Village, Colorado.

**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Jackie Kennefick, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Jackie Kennefick, Town Clerk

Approved As To Form:

James Mahoney, Assistant Town Attorney

I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town"), do hereby certify that:

1. The attached copy of Ordinance No. \_\_\_\_\_ ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council of the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on \_\_\_\_\_, 2018 by the affirmative vote of a quorum of the Town Council as follows:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton				
Bruce McIntire				
Dan Jansen				
Patrick Berry				
Jack Gilbride				
Natalie Binder				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance, was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on \_\_\_\_\_, 2019, in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.
4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on \_\_\_\_\_, 2019. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton				
Bruce McIntire				
Dan Jansen				
Patrick Berry				
Jack Gilbride				
Natalie Binder				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me, as Town Clerk, and duly numbered and recorded in the official records of the Town.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jackie Kennefick, Town Clerk

(SEAL)

**EXHIBIT A**

**CHAPTER 9.18**

**REGULATE RIDING BICYCLES AND SKATEBOARDS**

**Section 9.18.020 UNLAWFUL ACTS is hereby amended to add Section F as follows:**

It shall be unlawful for any person to ride or use a bicycle, roller skate, skateboard or other similar device, whether or not motorized, upon public sidewalks, public plazas or other public property of the city within the Village Center as defined by the Town's Community Development Codes. This prohibition shall not include the use of rolling devices by disabled persons upon public sidewalks, public plazas or on other publicly owned property.  
(Ord. No. O-2019-\_\_\_\_)