

ORDINANCE 26-14

AN ORDINANCE AMENDING THE ELIZABETH MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW ARTICLE VI OF CHAPTER 8 REGULATING THE OPERATION OF ELECTRICAL ASSISTED BICYCLES

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1. The Town of Elizabeth Municipal Code is amended by the addition thereto of a new Article VI to Chapter 8 to read as follows:

ARTICLE VI – Motorized Toys and Unlicensed Vehicles

Section 8-6-10. – Definitions.

As used in this Article:

Electrical Assisted Bicycles shall mean 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 (1) of three (3) classes as follows:

(a) **Class 1 Electrical Assisted Bicycle** shall mean 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** shall mean 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** shall mean 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.

Electric Personal Assistive Mobility Device ("EPAMD") shall mean a self-balancing, non-tandem two-wheeled device, designed to transport only one (1) person that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty (750) watts.

Electric Scooter shall mean a device (i) weighing less than one hundred (100) pounds; (ii) with handlebars and an electric motor; (iii) that is powered by an electric motor; and (iv) that has a maximum speed of twenty (20) miles per hour on a paved level surface

when powered solely by an electric motor. The term shall not include an electrical assisted bicycle, EPAMD, motorcycle, or low-power scooter.

Low-Power Scooter means a self-propelled vehicle designed primarily for use on the roadways with not more than three (3) wheels in contact with the ground, no manual clutch, and either of the following: (i) a cylinder capacity not exceeding fifty (50) cubic centimeters if powered by internal combustion or (ii) a wattage not exceeding four thousand four hundred seventy-six (4,476) if powered by electricity. The term shall not include a toy vehicle, bicycle, electrical assisted bicycle, electric scooter, wheelchair, or any device designed to assist people with mobility impairments who use pedestrian rights-of-way.

Low-Speed Electric Vehicle means a vehicle that (i) is self-propelled utilizing electricity as its primary propulsion method; (ii) has at least three (3) wheels in contact with the ground; (iii) does not use handlebars to steer; and (iv) exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565. Plug-In Electric Motor Vehicle shall mean:

(a) A motor vehicle that has received an acknowledgement of certification from the federal internal revenue service that the vehicle qualifies for the plug-in electric drive vehicle credit set forth in 26 U.S.C. sec. 30D, as amended, or any successor statute; or

(b) Any motor vehicle that can be recharged from an external source of electricity and that uses electricity stored in a rechargeable battery pack to propel or contribute to the propulsion of the vehicle's drive wheels.

Other Power Driven Mobility Device ("OPDMD") means any mobility device powered by batteries, fuel, or other engines whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts, electronic personal assistance mobility device ("EPAMD"), such as a Segway®, or any other mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair. An electric assisted bicycle, as defined herein, may be an OPDMD.

Toy Vehicle shall mean any vehicle that has wheels and is not designed for use on public highways or for off-road use. Toy vehicle includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini-bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters. The term does not include electric scooters, off-highway vehicles, or snowmobiles.

Unlicensed Vehicle shall mean any vehicle of any type required by state law to be licensed that is not actually licensed.

Vehicle shall mean a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. Vehicle includes a bicycle, electrical assisted bicycle, electric scooter, or EPAMD, but does not

include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

Section 8-6-20. – Use on Public Streets.

(a) *Electrical Assisted Bicycles.* Electrical assisted bicycles are permitted to be used on public streets; however, where the Town has determined that a roadway is too highly trafficked to safely allow for class 1 and class 2 electrical assisted bicycles and where a suitable bike path, horseback trail, or other trail parallel to or within four hundred fifty (450) feet of that right-of-way has been established, the Town may erect a sign giving notice that class 1 and class 2 electrical assisted bicycles are prohibited on that roadway.

(b) *EPAMDs.* EPAMDs may be operated on any public roadway.

(c) *Electric Scooters.* Electric scooters are permitted to be used on public streets, but not on sidewalks; however, where the Town has determined that a roadway is too highly trafficked to safely allow for electric scooters and where a suitable bike path, horseback trail, or other trail has been established parallel to or within one-fourth of a mile of that right-of-way, the Town may erect a sign giving notice that electric scooters are prohibited on that roadway.

(d) *Low-Power Scooters.* Low-power scooters are permitted on public roadways; however, no low-power scooter may travel on a roadway in excess of forty (40) miles per hour.

(e) *Low-Speed Electric Vehicles.* Low-speed electric vehicles may be operated on roadways that have a speed limit equal to or less than thirty-five (35) miles per hour, except that it may be operated to directly cross the roadway that has a speed limit greater than thirty-five (35) miles per hour to continue traveling along such roadway. Low-speed electric vehicles may also be operated on state highways that have a speed limit of forty (40) miles per hour or to cross a roadway with a speed limit in excess of forty (40) miles per hour if the roadway's lane width is eleven (11) feet or greater, such roadway provides two (2) or more lanes in either direction, and the state and Town determines, based on a traffic investigation, survey, appropriate design standards, or projected volumes that operation of such vehicles on the roadway poses no substantial safety risk or hazard to motorists, bicycles, pedestrians, or other persons.

(f) *Plug-in Electric Vehicles.* Plug-in Electric Vehicles may be operated on any public roadway.

(g) *Toy Vehicles.* Toy vehicles may not be operated on public roadways unless such area is posted indicating such use or operation is allowed within the Town.

(h) *Unlicensed Vehicles.* Unlicensed vehicles may not be operated on public

roadways within the Town except by written order of the Town Administrator or the Town Administrator's designee.

- (i) *OPDMDS*. OPDMDS may be operated on any public roadway.
- (j) No motorized toy or unlicensed vehicle as defined in this Article, with the exception of an OPDMMD, shall be permitted on a sidewalk where such sidewalk is adjacent to a public roadway where such devices may be operated in accordance with this Section.

Section 8-6-30. – Use on Town Property.

(a) Except where otherwise posted, class 1 and class 2 electrical assisted bicycles, EPAMDS, electric scooters, and OPDMDS are permitted to be used on trails and in certain park spaces, pursuant to the operating regulations set forth herein. The following spaces are excluded from use by class 1 and class 2 electrical assisted bicycles, EPAMDS, electric scooters, and OPDMDS:

- (1) Playgrounds;
- (2) Tennis, basketball, pickleball, or other courts of similar nature and design; and
- (3) Athletic fields.

(b) Prohibitions.

- (1) It shall be unlawful for any person to use or operate a toy vehicle, electric scooter, or unlicensed vehicle upon any property owned by the Town, within any Town park, or on other publicly owned recreational facility property within the Town in any location where duly authorized signs have been posted prohibiting such use; and
- (2) It shall be unlawful for any person to use or operate a class 3 electrical assisted bicycle upon any property owned by the Town excluding bike lanes, within any Town park, on any Town trail, or on other publicly owned recreational facility property within the Town, regardless of their designation as allowing or disallowing electrical assisted bicycles.

Section 8-6-40. – Use on School Grounds and Private Property.

(a) It shall be unlawful for any person to use or operate a class 3 electrical assisted bicycle, toy vehicle, or unlicensed vehicle on any property owned by a school district or any public school grounds or campus including a parking lot unless such operation is specifically permitted by written order of the district superintendent of schools or their designated representative; and

(b) It shall be unlawful for any person to use or operate a class 3 electrical assisted bicycle, toy vehicle, or unlicensed vehicle on any private property within the Town including parking lots and sidewalks unless by specific written order of the owner or designated representative of the owner of such property to the individual operating the class 3 electrical assisted bicycle, toy vehicle or unlicensed vehicle.

Section 8-6-50. – Written Orders.

The written orders specified in this Article must be in possession of the person operating the class 3 electrical assisted bicycle, electric scooter, toy vehicle, or unlicensed vehicle in prohibited areas during the time of such operation.

Section 8-6-60. – Parental Liability.

It shall be unlawful for any parent, guardian, legal custodian, or any adult to authorize, assist, permit, or encourage any minor to operate an electrical assisted bicycle, electric scooter, toy vehicle, or unlicensed vehicle in violation of the provisions of this Article VI. Any person found guilty of, or entering a plea of guilty or no contest to, a violation of this subsection shall be subject to a mandatory minimum fine of two hundred fifty dollars (\$250.00), exclusive of any mandatory fees and surcharges.

Section 8-6-70. – Operating Regulations.

Persons operating electrical assisted bicycles, EPAMDS, electric scooters, or OPDMDS pursuant to this Article shall:

- (a) Ride safely and responsibly according to any applicable operating manuals or instructions, and not faster than fifteen (15) miles per hour;
- (b) Ride on the right side of street lanes and yield the right of way to bicycles in the bike lane or bike path. If riding in the bike lane or bike path, riders shall maintain a safe distance;
- (c) Park the electrical assisted bicycle, EPAMD, electric scooter, or OPDMMD upright on a hard surface at a curb or edge of the road or on the edge of a sidewalk, provided that normal and reasonable movement of pedestrian traffic is not impeded; and
- (d) Wear a helmet at all times if the rider is under eighteen (18) years of age.

Section 8-6-80. – Exception for Police Officers.

Police officers are excepted from the prohibitions of this Article while operating any vehicle in the Town and acting in good faith within the scope of their duties.

Section 8-6-90. – Improper Operation of Electrical Assisted Bicycles.

Persons operating electrical assisted bicycles, of any class, are subject to the

provisions of the Model Traffic Code prohibiting reckless driving, careless driving, and eluding or attempting to elude a police officer, sections 1401, 1402, and 1413 respectively, as adopted by Section 8-1-10 of the Elizabeth Municipal Code and as applied throughout the Town by Section 8-1-40 of the Elizabeth Municipal Code.

Section 2. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 3. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this _____ day of _____, 2026.

Passed by a vote of _____ for and _____ against and ordered published.

Angela Ternus, Mayor

ATTEST:

Michelle M. Oeser, Town Clerk