

**NORTHGLENN POLICE DEPARTMENT MEMORANDUM
#7-2021**

DATE: Feb. 8, 2021
TO: Honorable Mayor Meredith Leighty and City Council Members
THROUGH: Heather Geyer, City Manager *Hmg*
FROM: James S. May, Jr., Chief of Police *JSM/2/17*
SUBJECT: CB-1966 – Amendment to Electric Vehicle Ordinance

PURPOSE

To consider CB-1966, an ordinance on second reading to repeal and reenact Article 9 of Chapter 7 of the Municipal Code relating to the Electric Vehicle Ordinance.

BACKGROUND

After the passage of House Bill 19-1221, State law changed how local municipalities may regulate electric scooters. In amending Article 9 of Chapter 7 of the Municipal Code to comply with HB 19-1221, many of the regulations regarding electric vehicles were outdated and could be construed to inadvertently regulate electric motor automobiles. This ordinance would incorporate all definitions in HB 19-1221 and adds definitions to include:

- Electrical assisted bicycles
- Electric personal assistive mobility devices
- Electric scooters
- Low-power scooters
- Low-speed electric vehicles
- Plug-in electric motor vehicles
- Vehicles

The ordinance would also amend the definition of toy vehicles and unlicensed vehicles.

The ordinance differentiates which specific vehicle types would be allowed on public streets, City property, school grounds, and private property.

- Plug-in electric motor vehicles and electric personal assistive mobility devices would be identified as being permitted on public roadways.
- The ordinance, with some stipulations or restrictions, would permit the use of electrical-assisted bicycles, electric scooters, low-powered scooters, and low-speed vehicles on public roadways.
- The City Manager has the authority to allow toy vehicles, electric scooters, and unlicensed vehicles on City property. Without the City Manager's written permission, these vehicles are prohibited from operating on City property.
- School and private property owners would also be allowed to have toy vehicles, electric scooters, and unlicensed vehicles with written permission on their property; otherwise, they are prohibited.

Finally, the ordinance would identify parental liability and prohibit adults from authorizing or allowing minors from operating specific vehicles in violation of the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of CB-1966 on second reading.

BUDGET/TIME IMPLICATIONS

There are no financial impacts to the City.

STAFF REFERENCE

If Council members have any questions, please contact Chief of Police James S. May, Jr., at 303.450.8967 or jmay@northglenn.org.

CB-1966 – Amendment to Electric Vehicle Ordinance

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1966
Series of 2021

Series of 2021

A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 9 OF CHAPTER 7 OF THE NORTHGLENN MUNICIPAL CODE RELATING TO TOY VEHICLES AND UNLICENSED VEHICLES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Article 9 of Chapter 7 of the Northglenn Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

CHAPTER 7

AUTOMOBILES AND TRAFFIC

ARTICLE 9

ELECTRIC, TOY, AND UNLICENSED VEHICLES

Section 7-9-1. Definitions.

As used in this Article:

Electrical Assisted Bicycle shall mean a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty (750) watts of power. Electrical Assisted Bicycles shall conform to the three classes as defined in C.R.S. § 44-1-102(28.5).

Electric Personal Assistive Mobility Device ("EPAMD") shall mean a self-balancing, non-tandem two-wheeled device, designed to transport only one 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 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 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.

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 7-9-2. Use on Public Streets.

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

- (b) EPAMDs. EPAMDs may be operated on any public roadway.
- (c) Electric Scooters. Where the City 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 City 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 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 feet or greater, such roadway provides two or more lanes in either direction, and the state and City 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 City.
- (h) Unlicensed Vehicles. Unlicensed vehicles may not be operated on public roadways within the City except by written order of the City Manager or the City Manager's designee.

Section 7-9-3. Use on City Property.

It shall be unlawful for any person to use or operate a toy vehicle, electric scooters, or unlicensed vehicle upon any property owned by the City, within any City park, or on other publicly owned recreational facility within the City, except in an area specifically posted for such use or when such operating is specifically permitted by written order of the City Manager or the City Manager's designee.

Section 7-9-4. Use on School Grounds and Private Property.

- (a) It shall be unlawful for any person to use or operate a toy vehicle, electric scooters, 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.

(b) It shall be unlawful for any person to use or operate a toy vehicle, electric scooters, or unlicensed vehicle on any private property within the City 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 toy or vehicle.

Section 7-9-5. Written Orders.

The written orders specified in Section 7-9-3, 7-9-4, and 7-9-5 must be in possession of the person operating the vehicle or toy in prohibited areas during the time of such operation.

Section 7-9-6. 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 a toy vehicle, electric scooters, or unlicensed vehicle in violation of the provisions of this Article 9.

Section 7-9-7. Violations.

Anyone found to be in violation of this ordinance, shall, upon conviction, be subject to a fine of not more than:

1 st Offense	\$25.00
2 nd Offense (in a 24 month period)	\$50.00
3 rd Offense (in a 24 month period)	\$75.00
4 th and Subsequent Offense	Jurisdictional Limit of the Court

INTRODUCED, READ AND ORDERED POSTED this 25th day of January, 2021.


MEREDITH LEIGHTY
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2021.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney