

BY AUTHORITY

ORDINANCE NO. 54
SERIES OF 2010

COUNCIL BILL NO. 50
INTRODUCED BY COUNCIL
MEMBER PENN

AN ORDINANCE AMENDING TITLE 11, CHAPTER 1, OF THE ENGLEWOOD MUNICIPAL CODE 2000, WITH THE ADDITIONS OF NEW PROVISIONS PERTAINING TO "GOLF CARS AND LOW POWERED SCOOTERS".

WHEREAS, the Colorado Legislature passed Senate Bill 09-075 regulating the operation of low-speed electric self-propelled vehicles on public Rights-of-Way; and

WHEREAS, other jurisdictions, including the Cities of Littleton and Erie have enacted ordinances or regulations regarding the operation of Golf Cars and Low Powered Scooters on public Rights-of-Way within their respective jurisdictions; and

WHEREAS, the Englewood City Council finds that "Toy Vehicles" are not appropriate for use on the City roadways and sidewalks; and

WHEREAS, the Englewood City Council deems it in the best interest of the City to update the regulation of such low powered electric self-propelled vehicles and toy vehicles for the health, safety and welfare of the citizens of the City of Englewood, Colorado;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 1, of the Englewood Municipal Code 2000, to read as follows:

11-1-1: Adoption of Code.

- A. Pursuant to Section 44, Article V of the Englewood Home Rule Charter, and Title 31, Article 16, Parts 1 and 2, C.R.S. 1973, as amended, there is hereby adopted by reference Articles I and II, inclusive of the 1995 Edition of the "Model Traffic Code for Colorado Municipalities," promulgated and published as such by the Colorado Department of Transportation, 4201 E. Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic-control regulations for the City. The purpose of this Chapter and the code adopted herein is to provide a system of traffic regulation consistent with State law and generally conforming to similar regulations throughout the State and Nation. A copy of the Model Traffic Code adopted herein is now filed in the office of the City Clerk of the City and may be inspected during regular business hours.
- B. The 1995 edition of the Model Traffic Code is adopted as if set out at length, except for the following parts and Sections of Article I which are declared to be inapplicable to this municipality and are therefore expressly deleted or amended:

1. Penalty Assessments--The City does not use penalty assessments for traffic violations and therefore all references to penalty assessments and procedures dealing with penalty assessments in any Article or Section are expressly deleted.
2. Part 1, Section 103, is amended by the addition of a new subsection to read as follows:
103(2)(c): Provisions of these Articles I and II, of the Model Traffic Code for Colorado Municipalities as adopted shall apply to all public highways and on private property made available for public use where the City has contracted to provide traffic and parking enforcement, such contract shall be a waiver of any objection the owner may assert concerning enforcement of this Section by peace officers of any political subdivision of this State and such officers are hereby authorized and empowered to so enforce this Code, provisions of law to the contrary notwithstanding.
3. Part 1, Section 106 is amended to read as follows:
Restricted Use Of Streets
 - (1) The use of certain streets and roadways by ~~motor driven cycles~~, trucks or other commercial vehicles, bicycles, ~~motorized bicycles~~ and horse-drawn vehicles or other nonmotorized traffic shall be restricted or prohibited when authorized by the Traffic Engineer and when official signs giving notice thereof are erected.
 - (2) For the purpose of road construction and maintenance any street or portion thereof may, by action of this municipality or by agreement with other concerned road agencies, be temporarily closed to through traffic or to all vehicular traffic during the Work project, and the traffic affected shall be guided along appropriate detours or alternative routes by official traffic control devices.
 - (3) When signs are so erected giving notice of restrictions or prohibitions upon the use of streets, no person shall disobey the directions or instructions stated on such signs.
 - (4) The provisions of subsection (1) shall not be construed to prohibit the drivers of any excluded vehicles from traveling over such restricted or prohibited streets, other than controlled-access roadways, for the purpose of delivering or picking up materials or merchandise or reaching their destinations which occur on these particular streets, provided such excluded vehicles enter such streets at the intersection nearest the destination of the vehicle and proceed thereon no farther than the nearest intersection thereafter.
4. Part 1, Section 109, ~~Motorized bicycles, gopeds/motorized~~ Golf cars, low powered scooters, animals, skis, skates, toy vehicles, and all-terrain recreational vehicles on highways.
 - (1) Every person riding a ~~motorized bicycle or a goped/motorized~~ golf car or low powered scooter, ~~seeter~~ upon a roadway where ~~motorized bicycle and goped/motorized seetter~~ golf car and low powered scooter travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this Code, except those provisions of this Code that by their very nature, can have no application. Said riders shall also comply with special rules set forth in this

section and in Part I, Section 220 (1)(b) and (1)(c) and, when using streets and highways within incorporated cities and towns, shall be subject to local ordinances regulating the operation of ~~motorized bicycles or gopeds/motorized scooters~~ golf cars or low powered scooters, as provided in Section 42-4-111, C.R.S. Whenever the word "vehicle" is used in any of the driving rules set forth in this article that are applicable to ~~motorized bicycle or goped/motorized scooter~~ golf cars and low powered scooter riders, such term shall include ~~motorized bicycles or gopeds/motorized scooters~~ golf car and low powered scooter.

- (2)(a) A person riding a ~~motorized bicycle-scooter~~ golf car or low powered scooter shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) ~~A person shall not ride a goped/motorized scooter, except on its platform.~~
- (3) No ~~motorized bicycle or goped/motorized scooter~~ golf car or low powered scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.
- (4) No person riding upon any ~~motorized bicycle, goped/motorized scooter~~ golf car or low powered scooter, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.
- (5) Every person operating a ~~motorized bicycle or goped/motorized scooter~~ golf car or low powered scooter, upon a roadway shall ride as close to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (6) Persons riding ~~motorized bicycles or gopeds/motorized~~ golf cars or low powered scooters, upon a roadway shall not ride more than two abreast except on lanes or parts of roadways set aside for the exclusive use of bicycles.
- (7) No person shall operate a ~~goped/motorized scooter~~ golf car on a street with a speed limit over thirty (30) miles per hour.
- (8) For the sake of uniformity and bicycle, ~~motorized bicycle and goped/motorized scooter~~ golf car and low powered scooter, safety throughout the State, the Department of Revenue in cooperation with the Department of Transportation shall prepare and make available to all local jurisdictions for distribution to bicycle, ~~motorized bicycle and goped/motorized scooter~~ golf car and low powered scooter riders therein a digest of State Regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to such riders and their bicycles, ~~motorized bicycles and gopeds/motorized scooters~~ golf cars or low powered scooters. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that are applicable within their respective jurisdictions.

- (9) Persons riding or leading animals on or along any highway shall ride or lead such animals on the left side of said highway, facing approaching traffic. This shall not apply to persons driving herds of animals along highways.
- (10) No person shall use the City highways ~~or~~, streets or sidewalks for traveling on skis, toboggans, coasting sleds, skates, toy vehicles, or similar devices. It is unlawful for any person to use any roadway of this State as a sled or ski course for the purpose of coasting on sleds, skis, or similar devices. It is also unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle or similar to go on any roadway except while crossing a highway in a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This Subsection (10) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose.
- (11) Every person riding or leading an animal or driving any animal-drawn conveyance upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except those provisions of this Code which by their very nature can have no application.
- (12) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way of heavily traveled streets and highways, the Department of Transportation may, subject to the provisions of Section 43-2-135, C.R.S., by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty (450) feet of the right-of-way of heavily traveled streets and highways upon which shall be prohibited any bicycle, animal rider, animal-drawn conveyance, or the class of kind of nonmotorized traffic which is found to be incompatible with the normal and safe movement of traffic, and upon such a determination, the Department of Transportation of local authority shall erect appropriate official signs giving notice thereof, except that with respect to controlled access highways the provisions of Section 42-4-1010(3), C.R.S., shall apply. When such official signs are so erected, no person shall violate any of the instructions contained thereon.
- (13) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provision of this Section.
- (14) Operation of an Electric Golf Car within the City.
- (1) A golf car used on City streets or roadways, must meet the definition stated in 42-1-102 C.R.S. and be powered by electricity.
- (2) Golf cars will be allowed on the streets and roadways of the City with the following restrictions:
- (a) Golf cars shall be allowed on city roadways with maximum speeds up to 30 mph.

(b) Golf cars shall be prohibited on sidewalks and pedestrian or bicycle pathways.

(c) Golf cars shall not be permitted continuous travel on the following roadways within the City:

- + Evans
- + Dartmouth
- + Hwy 285
- + Logan
- + Broadway
- + Downing
- + Santa Fe Dr.
- + University
- + Federal
- + Belleview

Nor on Sections of:

- + Navajo, from Quincy to Oxford
- + Windermere, from Oxford to Kenyon

(d) With the exception of Santa Fe Dr., golf cars may cross the roadways listed above, or other roadways with a speed limit of greater than 30 mph if they do so at a marked intersection.

(3) All golf cars used on the streets or roadways of the City shall have the following, operational equipment:

- (a) Head lamps.
- (b) Front and rear turn signals.
- (c) Tail lamps.
- (d) Stop lamps.
- (e) Reflex reflectors; one red on each side as far to rear as practicable and one red on the rear.
- (f) An exterior mirror mounted on the driver's side of the vehicle or an interior mirror.
- (g) A windshield, or the driver must be wearing state approved safety goggles.
- (h) Seat belts (type one or two) at all seat positions. Wearing seat belts is recommended but not required.
- (i) Parking brake.
- (j) Display slow-moving vehicle emblem per Model Traffic Code, Sec. 234.

(k) Display Englewood golf car permit sticker on the rear.

(4) Permits required.

(a) A golf car driver shall have in his or her possession a current driver's license or minor driver's license and proof of insurance.

(b). Golf car vehicle permit. The golf car shall be inspected for safety and required equipment by the Englewood Police Department every three years and issued a permit sticker. The vehicle owner must show proof of current driver's license and complying insurance at the time of permitting and at all times when operating the golf car on the City's roadways. Fees for the inspection and City permit shall be set by Council resolution.

(5) A golf car driver shall possess insurance consistent with Motor Vehicle Insurance limits required by State Statute.

(15) Operation of low-power scooters (under 50 c.c. Gasoline powered or 4,476 watts electric powered) within the City.

(1) Allowed Routes. Low-power scooters shall be allowed on all streets and roadways in the City.

(2) Required Equipment.

In addition to the required safety equipment and permitting (instead of a license) regulated by the State (See 42-4-204 and 42-4-220 C.R.S.), the driver of a low powered scooter, while on the streets and roadways of the City shall:

(a) Possess insurance consistent with Motor Vehicle Insurance limits required by State Statute.

(b) Have a current, three year DMV registration affixed to the scooter as required.

(c) Have a windshield on the scooter or the driver must wear state approved safety goggles.

(d) The scooter and driver must comply with all other state and local traffic regulations, such as 42-4-1502 (4.5) (a) C.R.S. – when driver or passenger is under 18 years of age, a helmet is required.

(3) Required License and Permit.

(a) The operator must have in his or her possession a valid drivers' license, minor driver's license, or learner's permit.

(b) The low-power scooter must have a valid permit issued by the Colorado Department of Motor Vehicles.

(16) Toy Vehicles.

Toy vehicles are not permitted on public roadways or sidewalks in the City of Englewood. In all other respects they will be governed by the "Model Traffic Code", as adopted.

(17) Electric Personal Assisted Mobility Devices (EPAMD).

EPAMD's shall not be allowed on sidewalks, bike or pedestrian pathways and shall comply with the requirements of 42-4-117 C.R.S. as it maybe amended.

5. Part 2, Section 203 Unsafe Vehicles - Spot Inspections is deleted.
6. ~~The requirements of Part 2, Section 220, of the Model Traffic Code 1995, titled, "Motorized bicycles - motor driven cycles - light equipment - department control - use and operations", shall apply to gopeds/motorized scooters as defined herein.~~
7. ~~The requirements of Part 2, Section 220 (1)(d), of the Model Traffic Code 1995, titled, "Motorized bicycles - motor driven cycles - light equipment - department control - use and operations", additional equipment required for operators of goped/motorized scooter. Any person operating a goped/motorized scooter on public streets without a driver's license is required to wear a securely fastened helmet designed for use under this Section.~~
- ~~86.~~ Part 2, Section 227(3)(b) Tinted Windows is deleted.
- ~~97.~~ Section 235 (2), of the Model Traffic Code for Colorado municipalities is hereby amended to read no person or owner or lessor or other entity having authority over the use and operation of a commercial vehicle, shall operate or allow the operation of a commercial vehicle, as defined in Subsection (1) of this Section, on any public highway of this State or City unless such vehicle is in compliance with the Rules and Regulations adopted by the Department pursuant to Subsection (4) of this Section.
- ~~108.~~ The City hereby incorporates by reference the Department of Public Safety Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles as adopted (8 C.C.R. 1507-1) or as same shall be amended which incorporates the Code of Federal Regulations, Title 49, Parts 200 to 399 as revised as of October 1, 1998, or as same shall be amended.
- ~~119.~~ Part 2, Section 236(8) Child Restraint Systems (regarding fine) is deleted.
- ~~1210.~~ Part 5, Section 510(1)(b) Permits for Excess Size and Weight and for Manufactured Homes is amended to read as follows:
 - (1)(b) The application for any permit shall specifically describe the vehicles and load to be operated or moved and the particular highways for which the permit to operate is requested, and whether such permit is for a single trip, a special, or

an annual operation, and the time of such movement. All local permits shall be issued at the discretion of the local authority through its Traffic Engineer or designee.

~~1311~~. Part 5, Section 510(9)(b) Permits for Excess Size and Weight and for Manufactured Homes is amended to read as follows:

- (9)(b) This municipality with regard to a local permit may, through its Traffic Engineer or designee, revoke, suspend, refuse to renew, or refuse to issue any permit authorized by this Section upon a finding that the holder of the permit has violated the provisions of this Section, any ordinance or resolution of this Municipality, or any standards or rules or regulation promulgated pursuant to this Section.

~~1412~~. Part 5, Section 511 Permit Standards is deleted.

~~1513~~. Part 6, Section 603, Obedience to Official Traffic Control Devices, is amended by the addition of a new paragraph (5) obedience to official truck traffic control devices, which shall read as follows:

- (5) Obedience to Official Truck Traffic Control Devices: No operator or driver of a truck or commercial vehicle shall disobey official traffic control devices relating to or concerning truck routes or vehicle weight restrictions within the City of Englewood, except as provided by 11-1-1(B)(2)(4) EMC.

~~1614~~. Part 6, Section 604(1)(c)(I) Steady Red Indication is amended to read as follows:

- (I) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown; except that:
 - (A) Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn, unless state or local road authorities within their respective jurisdictions have prohibited any such right turn and have erected an official sign at each intersection where such right turn is prohibited;
 - (B) Such vehicular traffic, when proceeding on a one-way street and after coming to a stop, may make a left turn onto a one-way street upon which traffic is moving to the left of the driver. Such turn shall be made only after yielding the right-of-way to pedestrians and other traffic proceeding as directed. No turn shall be made pursuant to this sub-subparagraph (B) if local authorities have prohibited any such left turn and erected a sign giving notice of any such prohibition at each intersection where such left turn is prohibited.

~~1715~~. Part 8 Section 805(5) Pedestrians Walking or Traveling in a Wheelchair on Highways is amended to read as follows:

- (5) This municipality may regulate the use by pedestrians of streets and highways under its jurisdiction to the extent authorized under subsection (6) of this Section and Sections 42-4-110 and 42-4-111, C.R.S., but no regulation regarding such streets and highways in a manner differing from this Section shall be effective until official signs or devices giving notice thereof have been placed as required by Section 42-4-111(2), C.R.S.

~~1816~~. Part 10, Section 1010(3) Driving on Divided or Controlled Access Highways (regarding limiting use) is amended by deleting the phrase "by ordinance consistent with the provisions of Section 43-2-135(1)(g), C.R.S. . . .," in the first sentence.

~~1917~~. Section 1012. High Occupancy Vehicle Lanes is amended by the addition of a new subsection (3):

- (3) No person shall drive in a designated high occupancy vehicle (HOV) lane in violation of the occupancy or time restrictions posted on the official traffic control device, designating such HOV lanes traffic control device.

~~2018~~. Part 11, Section 1101(2) Speed Limits is amended to add a new subsection:

- (i) Fifteen miles per hour in any alley.

~~2119~~. Part 11, Section 1102(5) Altering Speed Limits is amended to read:

- (5) In its discretion, this municipality may impose and enforce stop sign regulations and speed limits, not inconsistent with the provisions of Sections 1101 to 1104, upon any way which is open to travel by motor vehicles and which is privately maintained in mobile home parks, when appropriate signs giving notice of such enforcement are erected at the entrances to such ways.

~~2220~~. Section 1202 Parking or Abandonment of Vehicles the phrase "outside of a business or residential district..." is deleted.

~~2321~~. Part 12, Sections 1205(2) and (3) Parking at Curb or Edge of Roadway are amended to read:

- (2) Except as authorized by the Traffic Engineer or his/her designee, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand shoulder or with its left-hand wheels within twelve inches of the left-hand shoulder or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
- (3) The local authority may, through its Traffic Engineer or designee, permit angle parking on any roadway; except that angle parking shall not be permitted on any State highway unless the Department of Transportation has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

~~2422~~. Part 12, Section 1208(3)(b) and (c) Parking Privileges for Persons with Disabilities are amended to read:

- (b) The owner of private property available for public use may request the criteria and format information for official handicapped parking signs from the City Traffic Engineer concerning the installation of official signs identifying parking spaces reserved for use by persons with disabilities. Such a request shall be a waiver of any objection the owner may assert concerning enforcement of this Section by peace officers of any political subdivision of this State, and such officers are hereby authorized and empowered to so enforce this Section, provisions of law to the contrary notwithstanding.
- (c) Each parking space reserved for use by persons with disabilities whether on public property or private property shall be marked with an official upright sign, which sign shall be stationary, identifying such parking space as reserved for use by persons with disabilities.

~~2523~~. Part 14, Section 1401(1) Reckless Driving-The last sentence, "A person convicted of reckless driving of a bicycle ~~or motorized bicycle~~ shall not be subject to the provisions of Section 42-2-127, C.R.S." is deleted.

~~2624~~. Part 14, Section 1401(2) Reckless Driving-Penalty is deleted.

~~2725~~. Part 14, Section 1402(1) Careless Driving-The last sentence, "A person convicted of careless driving of a bicycle ~~or motorized bicycle~~ shall not be subject to the provisions of Section 42-2-127, C.R.S." is deleted.

~~2826~~. Part 14, Section 1402(2) Careless Driving-Penalty is deleted.

~~2927~~. Part 14, Section 1409 Compulsory Insurance – noncompliance – penalty – seizing and impounding vehicles is amended to read as follows:

- (1) ~~a.~~ a. No owner of a motor vehicle or low-power scooter required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this municipality when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law, sections 10-4-705 and 10-4-716, C. R. S.
- (2) ~~b.~~ b. No person shall operate a motor vehicle or low-power scooter on the public highways of this municipality without a complying policy or certificate of self-insurance in full force and effect as required by law, sections 10-4-705 and 10-4-716, C. R. S.
- (3) ~~c.~~ c. When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle or low-power scooter shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, sections 10-4-705 and 10-4-716, C. R. S.

- (4) d. Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a traffic offense.
- (5) e. Testimony of the failure of any owner or operator of a motor vehicle or low-power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, sections 10-4-705 and 10-4-716, C. R. S., when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle or low-power scooter violated subsection (1) or (2) of this section.
- (6) f. No person charged with violating subsection (1), (2), or (3) of this section shall be convicted if he produces in court a bona fide complying policy or certificate of self-insurance in full force and effect as required by law sections 10-4-705 and 10-4-716, C. R. S. at the time of the alleged violation.
- (7) g. ~~Upon conviction thereof, the defendant shall be punished by a fine of neither less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and, in addition, the court may impose imprisonment for not more than one hundred eighty (180) days. The fine imposed by this § shall be mandatory, and the court shall not suspend said fine, in whole or in part, unless it is established that appropriate insurance as required under Sections 10-4-705 and 10-4-716, C.R.S. has been obtained.~~
The owner of a motor vehicle or low-power scooter, upon receipt of an affirmation of insurance as described in § 42-3-113 (2) and (3), shall sign and date such affirmation in the space provided.
- (8) ~~Upon a second or subsequent conviction under this § within a period of two (2) years following a prior conviction under this §, the defendant shall be punished by a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), and, in addition, the court may impose imprisonment in the county jail for not less than ten (10) days nor more than one hundred eighty (180) days. The fine imposed by this section shall be mandatory, and the court shall not suspend said fine, in whole or in part, unless it is established that appropriate insurance as required under Sections 10-4-705 and 10-4-716, C.R.S. has been obtained.~~

~~3028.~~ Part 14, Section 1412 Operation of Bicycles and Other Human-Powered Vehicles is amended to add the following subsections:

- (12) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this Section.
- (13) It is unlawful for any person to do any act forbidden or fail to perform any act required in this article.

~~3129.~~ Part 17, Section 1701(3) Traffic Offenses Classified-Schedule of Fines (regarding fine schedules) is deleted.

~~3230.~~ Part 17, Section 1709 Penalty Assessments is deleted.

~~3331.~~ Part 17, Section 1710 Failure to Pay Penalty is deleted.

~~3432.~~ Part 17, Section 1716 Notice to Appear or Pay Fine-Failure to Appear-Penalty is amended to read as follows:

- (1) For the purposes of this code, tender by an arresting officer of the summons shall constitute notice to the violator to appear in court or at the Violations Bureau within the times and dates specified on such summons.

~~3533.~~ Part 17, Section 1717 Conviction-Attendance at Driver Improvement School-The phrase "located and operating in the county of the defendant's residence and . . ." is deleted.

C. Article II, Section 102(42)(c) - Definitions.

~~"Goped/motorized scooter" means a motorized vehicle:~~

- ~~(1) Having two (2) wheels;~~
- ~~(2) Having a cylinder capacity not exceeding fifty (50) c.c. in a vehicle not powered by electricity or has a power output not exceeding one thousand (1,000) watts in a vehicle powered by electricity;~~
- ~~(3) Weighing not more than one hundred (100) pounds empty weight;~~
- ~~(4) Having a maximum speed of thirty five (35) miles per hour on a flat surface;~~
- ~~(5) Having a low standing platform not exceeding twelve (12) inches above the ground.~~

~~(6) Having handlebars.~~

(1) "Bicycle"– means a vehicle propelled solely by human power applied to pedals upon which any person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter. 42-1-102 C.R.S.

(2) "Bike Path or Pedestrian Path"- means that part of a roadway or separate path designed for or reserved for the exclusive use of pedestrians, bicycles or human powered vehicles.

(3) "Electrical Assisted Bicycle" – means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding seven hundred fifty watts of power, and a top motor-powered speed of twenty miles per hour, for purposes of this ordinance, this shall be considered a bicycle, not a low power scooter. 42-1-102 C.R.S.

(4) "Electric Personal Assistive Mobility Device" or EPAMD – means 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 watts. 42-1-102 C.R.S. (AKA Segway)

- (5) “Golf Car” - means a self-propelled vehicle not designed primarily for operation on roadways and that has:

A designed speed of less than twenty miles per hour;

At least three wheels in contact with the ground;

An empty weight of not more than one thousand three hundred pounds;

A carrying capacity of not more than four persons. 42-1-102 C.R.S.

- (6) “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:

1. A cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or
2. A wattage not exceeding four thousand, four hundred seventy-six if powered by electricity.

A Low Power Scooter shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility-impaired people who use pedestrian right-of-way. 42-1-102 C.R.S.

- (7) “Minor Driver’s License”– means the license issued to a person who is at least sixteen years of age but who has not yet attained the age of twenty-one years. 42-1-102 C.R.S.

- (8) “Motorcycle”– means a motor vehicle that uses handlebars to steer and that is designed to travel on not more than three wheels in contact with the ground; except that the term does not include a farm tractor or low-power scooter. 42-1-102 C.R.S.

- (9) “Motor Vehicle” - means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-13-1, and 42-4-13-1.1 “motor vehicle” includes a low-power scooter. (licenses, insurance, DUI, etc. 42-1-102 C.R.S.

- (10) “Roadway” - means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles and exclusive of that portion of a highway designed for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians. In the event that a highway includes two or more separate roadways, “roadway” refers to any such roadway separately but not to all such roadways collectively. 42-1-201 C.R.S.
- (11) “Sidewalk” – means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians. 42-1-102 C.R.S.
- (12) “Toy Vehicle” – (a) means any vehicle that has wheels and is not designed for use on public highways or off road use (b) 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. 42-1-102 C.R.S.
- (13) “Wheel Chair” – means a motorized or nonmotorized wheeled device designed for use by a person with a physical disability. 42-1-102 C.R.S.

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 4. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 6th day of December, 2010.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 10th day of December, 2010.

Published as a Bill for an Ordinance on the City's official website beginning on the 8th day of December, 2010 for thirty (30) days.

/s/ James K. Woodward

James K. Woodward, Mayor

ATTEST:

/s/ Loucrishia A. Ellis

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 6th day of December, 2010.

/s/ Loucrishia A. Ellis

Loucrishia A. Ellis