

ORDINANCE NO. O-026-xxx

THE BOARD OF COUNTY COMMISSIONERS

OF THE COUNTY OF DOUGLAS COUNTY

**AN ORDINANCE FOR THE REGULATION OF LOW POWERED SCOOTERS
AND OFF-HIGHWAY VEHICLES IN DOUGLAS COUNTY**

WHEREAS, pursuant to C.R.S. § 30-15-401 (1)(h), the Board of County Commissioners (“Board”) is authorized to adopt ordinances to control and regulate the movement and parking of motor vehicles on public property; and

WHEREAS, pursuant to C.R.S. § 33-14.5-110(1)(a) and (b), local governments may regulate the operation of off-highway vehicles on public lands, waters, and property within their jurisdiction and on streets and highways within their boundaries by resolution or ordinance; and

WHEREAS, pursuant to C.R.S. § 42-4-111(1) (aa), local governments may regulate the operation of low-powered scooters within their jurisdiction; and

WHEREAS, throughout the County, there have been ongoing issues with individuals operating off-highway vehicles and low-powered scooters in a manner that is dangerous to public health, safety, and welfare; and

WHEREAS, the County finds that currently there are insufficient regulations to mitigate this danger; and

WHEREAS, the Board of County Commissioners desires to adopt this Ordinance to regulate the operation of off-highway vehicles and low-powered scooters in the County.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE

DOUGLAS as follows:

PART I : GENERAL

Purpose. The purpose of this ordinance is to promote general public welfare and safety by imposing

and enforcing reasonable and necessary restrictions pertaining to low powered scooters and off-road vehicles.

This ordinance does not apply to electric bicycles (e-bikes).

Definitions.

The following words, terms, and phrases, when used in this ordinance shall have the meanings ascribed to

them in this section:

Electric Bicycle (E-Bike) means a vehicle with two or three wheels, fully operatable pedals, and an electric motor of 750 watts or less. E-Bikes are assigned to three classes:

- Class 1: Pedal-assist only. The motor only engages when the rider is pedaling and ceases to provide assistance at 20 mph.
- Class 2: Throttle or pedal-assist. The motor can be used exclusively to propel the bike, but stops providing assistance at 20 mph.
- Class 3: Pedal-assist only. The motor only engages when the rider is pedaling and ceases to provide assistance at 28 mph.

Classification: E-bikes are legally treated as standard bicycles in Colorado, meaning riders are not subject to licensing, registration, or insurance requirements.

- Classes 1 & 2: Generally allowed anywhere a conventional bicycle is permitted (such as bike lanes and most multi-use paths).
- Class 3: Restricted largely to roads, highway shoulders, and designated street bike lanes. They are not allowed on multi-use pedestrian paths unless explicitly permitted by local jurisdictions.
- Age Limits: Riders must be at least 16 years old to operate a Class 3 e-bike. Riders under 18 years old are legally required to wear a properly fitted helmet when riding a Class 3 e-bike.

Low-Powered Scooter means a vehicle that (a) is self-propelled vehicle designed for use on roadways with no more than three wheels, no manual clutch, and either an engine cylinder capacity under 50 cc or a maximum electric motor output of 4,476 watts or less.

Off-Highway Vehicle (OHV) means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, designed primarily for use off of the public highways, and generally and commonly used to transport persons for recreational purposes, including vehicles commonly known as all-terrain vehicles. "Off-highway vehicle" does **not include** the following:

- (a) Vehicles designed and used primarily for travel on, over, or in the water;
- (b) Snowmobiles;
- (c) Golf carts, golf cars;
- (d) Vehicles designed and used to carry individuals with disabilities;
- (e) Vehicles designed and used specifically for agricultural, logging, or mining purposes;

- (f) Vehicles required to be registered pursuant to article 3 of title 42 of the Colorado Revised Statutes; or
- (g) A surplus military vehicle, as defined in CRS § 42-6-102 (20.5), that is owned or leased by a municipality, county, or fire protection district, as defined in CRS § 32-1-103 (7), for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

PART II: ENFORCEMENT/PENALTY ASSESSMENT

Enforcement. This ordinance shall be enforced by the Douglas County Sheriff's Office, Deputy Sheriff's are authorized to enforce laws within the County.

Off-Highway Vehicles.

Violation: It shall be unlawful for any person to violate any provision of this ordinance.

Disposition of Fines and Forfeitures. Unless otherwise provided by law, all fines and penalties, and surcharges thereon, for the violation of this ordinance shall be paid into the treasury of Douglas County.

Scope. It is unlawful for any person to operate an off-highway vehicle on any public street, road, alley, trail, or other public property within the County in violation of state law or this ordinance **except** in the following cases:

- (1) During special off-highway vehicle events lawfully conducted pursuant to the authority granted by the County.
- (2) During emergency conditions declared by the state, and or the County.
- (3) When authorized under section 33-14.5-108(3)
- (4) When a public utility, as defined in section 40-1-103(1), or a cooperative electrical association, as defined in section 40-9.5-102 C.R.S., or any agent thereof designated specifically for the purpose of meter reading or repair, is using an off-highway vehicle for business purposes.

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 (\$250.00) and maximum fine of one thousand dollars (\$1,000.00) exclusive of any mandatory fees and surcharges.

- (b) Parent Responsibility. No parent or legal guardian shall cause, permit, or knowingly allow a minor under the age of eighteen (18) years of age to operate an off-highway vehicle on any public street, road, alley, trail, or other public property within the County in violation of state law or this ordinance. 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) and maximum fine of one thousand dollars (\$1000.00) exclusive of any mandatory fees and surcharges.

- (c) Eluding. It is unlawful for any operator of an off-highway vehicle to willfully fail to stop, or to willfully attempt to elude or evade, a peace officer after receiving a clear visual or audible signal directing the operator to stop. This subsection applies when the officer has reasonable articulable suspicion that the operator has violated any provision of state law or County ordinance of Douglas County.

The signal must be given by a peace officer operating a marked official vehicle or wearing a clearly identifiable uniform. Prohibited conduct includes, without limitation: (1) increasing speed to avoid the officer; (2) extinguishing lights; (3) departing the roadway to avoid the stop; or (4) any other conduct demonstrating a willful intent to avoid the officer.

- (d) Reckless Driving. A person who operates an off-highway vehicle in the County in such a manner as to indicate either a wanton or a willful disregard for the safety of person(s) or property is guilty of reckless driving. For purposes of this subsection, "willful or wanton disregard" means conduct that the operator knew, or reasonably should have known, created a substantial and unjustifiable risk of harm to persons or property. 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 five hundred (\$500.00), and a maximum of one thousand dollars (\$1,000.00) exclusive of any mandatory fees and surcharges.

- (e) Careless Driving. A person who operates an off-highway vehicle in the County in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways, and all other attendant circumstances, is guilty of careless driving.

(1) Any person found guilty of, or entering a plea of guilty, or no contest to, a violation of this subsection where such conduct did not result in bodily injury or damage to another person's property shall be subject to a mandatory minimum fine of one hundred fifty dollars (\$150.00), and a maximum of three hundred dollars (\$300.00) exclusive of any mandatory fines and surcharges.

(2) Any person found guilty of, or entering a plea of guilty, or no contest to, a violation of this subsection where such conduct is the proximate cause of bodily injury to another person or damage to another person's property, shall be subject to a mandatory minimum fine of three hundred dollars (\$300.00), and a maximum of one thousand dollars (\$1,000.00).

- (f) Safety Equipment. Every operator of an off-highway vehicle who is under the age of eighteen (18) years shall wear a properly fitted and fastened safety helmet. A peace officer may order an operator to cease operation of the off-highway vehicle until compliance with this subsection is achieved. Every operator is required to adhere to the manufacturer's safety guidelines of the number of authorized riders allowed in and/or on the off-highway vehicle. 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 seventy-five (\$75.00), and a maximum of two hundred and fifty dollars (\$250.00) exclusive of any fines and surcharges.

- (g) Impoundment. The Douglas County Sheriff's Office is hereby authorized to impound any off-highway vehicle which the Sheriff's Office has probable cause to believe is being operated on the public streets, roads, trails, and alleys within the County in violation of the provisions of state law or this ordinance.
 - (1) Whenever an off-highway vehicle is impounded, and the identity of the owner of the vehicle is known, such owner or person shall be given notice either verbally or in writing of the fact of such impoundment, the reasons therefore, and the place to which the vehicle has been impounded.

 - (2) In the event an off-highway vehicle is impounded pursuant to this subsection, the owner of such vehicle shall be responsible for all impoundment fees, as outlined by the Contracted Tow Agency utilized by the Douglas County Sheriff's Office. After 24 hours following impoundment of the vehicle, the owner shall also pay applicable storage fee(s) established by the Contracted Tow Agency.

The Sheriff's Office is hereby empowered and authorized to adopt rules and regulations governing the procedure to be followed in the impounding of off-highway vehicles pursuant to the provisions of this subsection.

Low Powered Scooters.

- (a) Driver's License Required. No low-powered scooters may be operated on the streets of the County unless there is a human driver who has a valid driver's license to operate the vehicle, controlling the operation of the vehicle

- (b) The vehicle must be also be registered and have valid insurance

- (c) Riders under the age of 18 years of age are required to wear a helmet

- (d) Parent Responsibility. No parent or legal guardian shall cause, permit, or knowingly allow a minor under the age of eighteen (18) years of age to operate a low powered scooter on any public street, road, alley, trail, or other public property within the County in violation of state law or this ordinance.

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) and maximum fine of one thousand dollars (\$1000.00) exclusive of any mandatory fees and surcharges.

- (e) Eluding. It is unlawful for any operator of a low powered scooter to willfully fail to stop, or to willfully attempt to elude or evade, a peace officer after receiving a clear visual or audible signal directing the operator to stop. This subsection applies when the officer has reasonable articulable suspicion that the operator has violated any provision of state law or County ordinance of Douglas County.

The signal must be given by a peace officer operating a marked official vehicle or wearing a clearly identifiable uniform. Prohibited conduct includes, without limitation: (1) increasing speed to avoid the officer; (2) extinguishing lights; (3) departing the roadway to avoid the stop; or (4) any other conduct demonstrating a willful intent to avoid the officer.

- (f) Reckless Driving. A person who operates a low powered scooter in the County in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving. For purposes of this subsection, "willful or wanton disregard" means conduct that the operator knew, or reasonably should have known, created a substantial and unjustifiable risk of harm to persons or property. 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 five hundred (\$500.00), and a maximum of one thousand dollars (\$1,000.00) exclusive of any mandatory fees and surcharges.

- (g) Careless Driving. A person who operates a low powered scooter in the County in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways, and all other attendant circumstances, is guilty of careless driving.

1. Any person found guilty of, or entering a plea of guilty, or no contest to, a violation of this subsection where such conduct did not result in bodily injury or damage to another person's property shall be subject to a mandatory minimum fine of one hundred fifty dollars (\$150.00), and a maximum of three hundred dollars (\$300.00) exclusive of any mandatory fines and surcharges.

2. Any person found guilty of, or entering a plea of guilty, or no contest to, a violation of this subsection where such conduct is the proximate cause of bodily injury to another person or damage to another person's property, shall be subject to a mandatory minimum fine of three hundred dollars (\$300.00), and a maximum of one thousand dollars (\$1,000.00).

- (h) **Safety Equipment.** Every operator of a low powered scooter who is under the age of eighteen (18) years shall wear a properly fitted and fastened safety helmet. A peace officer may order an operator to cease operation of the vehicle until compliance with this subsection is achieved. Every operator is required to adhere to the manufacturer's safety guidelines of the number of authorized riders allowed in and/or on the low powered scooter. 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 seventy-five (\$75.00), and a maximum of two hundred and fifty dollars (\$250.00) exclusive of any fines and surcharges.
- (i) **Impoundment.** The Douglas County Sheriff's Office is hereby authorized to impound any low powered scooter which the Sheriff's Office has probable cause to believe is being operated on the public streets, roads, trails, and alleys within the County in violation of the provisions of state law or this ordinance.
 - (1) Whenever a low powered scooter is impounded, and the identity of the owner of the vehicle is known, such owner or person shall be given notice either verbally or in writing of the fact of such impoundment, the reasons therefore, and the place to which the vehicle has been impounded.
 - (2) In the event a low powered scooter is impounded pursuant to this subsection, the owner of such vehicle shall be responsible for all impoundment fees, as outlined by the Contracted Tow Agency utilized by the Douglas County Sheriff's Office. After 24 hours following impoundment of the vehicle, the owner shall also pay applicable storage fee(s) established by the Contracted Tow Agency.

The Sheriff's Office is hereby empowered and authorized to adopt rules and regulations governing the procedure to be followed in the impounding of low powered scooters pursuant to the provisions of this subsection.

Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Repeal. All ordinances and/or resolutions or parts or ordinances and/or solutions inconsistent with provisions of this ordinance are hereby repealed, except 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 effective date of this ordinance.

Safety Clause. The Board of County Commissioners finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative intent sought to be obtained.

PART III: CERTIFICATION

The Douglas County Clerk shall certify to the passage of this ordinance and shall have on file copies of this ordinance available for inspection by the public during regular business hours.

PART IV: EFFECTIVE DATE:

This ordinance shall be effective thirty (30) days after publication after adoption on second reading and shall apply to offenses occurring or committed on or after said date.

INTRODUCED, READ, AND ADOPTED ON FIRST READING on _____, 2026 and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
George Teal, Chair

ATTEST:

Hayley Hall, Deputy Clerk

ADOPTED ON SECOND AND FINAL READING on _____, 2026, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

By: _____
George Teal, Chair

ATTEST:

Hayley Hall, Deputy Clerk

