

**TOWN OF BOW MAR, COLORADO
ORDINANCE NO. 348**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR
ADOPTING BY REFERENCE THE 2024 EDITION OF THE MODEL TRAFFIC CODE,
REPEALING AND RE-ENACTING SECTIONS 8-1 AND 8-2, OF CHAPTER 8, ARTICLE 1 OF
THE TOWN OF BOW MAR MUNICIPAL CODE ENTITLED MODEL TRAFFIC CODE,
CONCERNING VEHICLES AND TRAFFIC, AND ADOPTING REGULATIONS FOR E-
VEHICLES**

WHEREAS, the Town of Bow Mar (“Town”) is authorized, pursuant to C.R.S. §§ 31-15-401 and 42-4-110(1)(b), to adopt and enforce police power regulations in furtherance of the health, safety, and welfare of its citizens, and specifically, to adopt a model traffic code that encompasses the rules of the road and vehicle requirements set forth in Article 4 of Title 42, C.R.S.; and

WHEREAS, the Town is authorized to adopt Colorado statute or any standard published codes pursuant to C.R.S. §§ 31-16-201, *et seq.*; and

WHEREAS, the Town Board of Trustees previously adopted by reference the 2020 edition of the Model Traffic Code for Colorado, as amended and codified in Article I of Chapter 8 of the Bow Mar Municipal Code; and

WHEREAS, the State of Colorado Department of Transportation has promulgated a 2024 edition of the Model Traffic Code for Colorado (hereinafter “2024 Model Traffic Code”), which the Town Board of Trustees desires to adopt to remain consistent with changes in the Model Traffic Code; and

WHEREAS, the Town Board of Trustees finds that adoption of the 2024 Model Traffic Code is necessary for the protection of the health, safety, and welfare of the public and desires to adopt such code by reference, as amended and set forth herein; and

WHEREAS, additionally, electrical assisted bicycles, electrical scooters, and low power scooters (collectively “E-vehicles”) have increased in popularity in recent years with adults and children; and

WHEREAS, C.R.S. 42-4-111 allows local governments, pursuant to a reasonable exercise of police power, to set rules and regulations regarding E-vehicles operating on streets within their jurisdiction; and

WHEREAS, the Board of Trustees also finds and determines that it is necessary to protect the public health, safety, and welfare of the Town’s residents and guests to amend the Model Traffic Code to include the regulations for E-vehicles.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR, COLORADO:

Section 1. Repeal and Re-enactment of Sections 8-1 and 8-2. Sections 8-1 and 8-2 of Chapter 8, Article 1 of the Bow Mar Municipal Code, entitled “Model Traffic Code,” are hereby repealed in their entirety and re-enacted to read as follows:

ARTICLE I – Model Traffic Code

Sec. 8-1. – Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 2024 edition of the Model Traffic Code for Colorado, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 W Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the Nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Town Clerk and may be inspected during regular business hours.

Sec. 8-2. – Amendments and deletions.

The 2024 edition of the Model Traffic Code is adopted as if set out at length, save and except the sections or subsections that shall be subject to the following amendments, additions, and deletions:

- (1) Subsections (1) and (2) of Section 1101 of Part 11, entitled Speed Limits, of the 2024 edition of the Model Traffic are hereby repealed and replaced to read as follows:
- (a) The speed limit for all Town highways shall be twenty-five (~~25-20~~) miles per hour except that in accordance with the provisions of this Chapter, and when signs are erected giving notice thereof, the speed limit shall be as specified in this schedule for the following streets, segments of streets or intersections:

<u>Name of Street:</u>	<u>Portion Affected (terminal limits):</u>
Prospect	From east Town limits to a point 150 feet west of the traffic circle
Prospect	From a point 300 feet west of the intersection of Wagon Trail and Prospect along Wagon Trail to a point 300 feet south of the intersection of Prospect and Wagon Trail along Prospect
South Sheridan Blvd.	From north Town limits to a point 150 feet south of the traffic circle
Lakeshore	From a point 300 feet northwest of the entrance to the parking area at the Bowles Lake beach to a point 300 feet southeast of the entrance to the parking area at the Bowles Lake beach
Bow Mar Drive	From the southeast Town limits to a point 150 feet north of such Town limits

- (2) Section 1214 is hereby added to Part 12, entitled Parking, of the 2024 edition of the Model Traffic Code, to read in full as follows:

1214. Additional Parking Restrictions.

- (a) On-Street parking prohibited. Except as otherwise provided in Section 16-12 of the Bow Mar Municipal Code, no operator or owner of a vehicle shall stop or park a vehicle or permit a vehicle to be stopped or parked on a public street or on Town property between the hours of 3:00 a.m. and 6:00 a.m. on any day.

(b) Commercial vehicles. No person shall park or store any vehicle that has a sign or signs of any kind in the driveway or in the front yard, side yard, or backyard of any property in a residential zone district or on any roadway in any residential zone district for a period of time longer than two (2) hours unless: (1) the vehicle is actively being loaded or unloaded or is being used to render services to the property; (2) the vehicle is owned by the Town; or (3) the vehicle is owned by a person who has obtained or has contracted with a person who obtained a building permit to perform construction on the site where the vehicle is parked.

(3) Subsections (14), (15), (16), and (17) are hereby added to Section 109 of Part 1, Entitled Traffic Regulation – Generally, of the 2024 edition of the Model Traffic Code, to read in full as follows:

(14) A “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 (4,476) if powered by electricity.

“Low-power scooter” does 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.

(15) Low power scooters are permitted to operate on Town streets, but are not permitted on any lawns, trails, paths or parks.

(16) The operator of a low power scooter must be at least 16 years of age and have a valid Colorado driver's license. In addition, such vehicle shall be registered and insured in accordance with Colorado state law.

(17) A person under the age of eighteen years may not operate or carry a passenger who is under eighteen years of age on a low-power scooter unless the person and the passenger are wearing protective helmets in accordance with the provisions of C.R.S. section 42-4-1502(4.5).

(4) Section 109.7 is hereby added Part 1, Entitled Traffic Regulation – Generally, of the 2024 edition of the Model Traffic Code, to read in full as follows:

(a) "Electrical assisted bicycle" means a vehicle having three wheels and fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power.

(b) Electrical assisted bicycles are further required to conform to one of three classes as follows:

- (1) “Class 1 electrical assisted bicycle” means 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 miles per hour.
- (2) “Class 2 electrical assisted bicycle” means 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 miles per hour.

(3) “Class 3 electrical assisted bicycle” means 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 miles per hour.

(c) Class 1 and Class 2 electrical assisted bicycles may be operated on the Town streets, but are not permitted to operate on lawns, trails, paths or parks.

(d) Class 3 electrical assisted bicycles may be operated on Town streets only, and are not permitted to operate on lawns, trails, paths or parks.

(e) The operator of a Class 3 electrical assisted bicycle must be at least 16 years of age, have a current driver’s license, with a motorcycle endorsement.

(f) A person shall not operate or ride as a passenger on a Class 3 electrical assisted bicycle unless:

- (1) Each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of bicycles;
- (2) The protective helmet conforms to the design and specifications set forth by the United States consumer product safety commission or the American Society for Testing and Materials; and
- (3) The protective helmet is secured properly on the person’s head with a chin strap while the Class 3 electrical assisted bicycle is in motion.

(g) A person operating an electrical assisted bicycle in the Town shall ride as close to the right side of the roadway as practicable.

(h) Persons riding electrical assisted bicycles upon a roadway in the Town shall not ride more than two abreast unless the electrical assisted bicycle is designed to accommodate passengers.

(i) It shall be unlawful for any parent, guardian, legal custodian, or any adult in authority to authorize, assist, permit, or encourage any minor to operate an electrical assisted bicycle in violation of this Section.

(j) A person riding an electrical assisted bicycle upon a roadway where an electric assisted bicycle 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 the Model Traffic Code, except those provisions of the Model Traffic Code that, by their very nature, can have no application.

(5) Section 109.8, concerning Electric Scooters, is hereby added to Part 1, Entitled Traffic Regulation – Generally, of the 2024 edition of the Model Traffic Code, to read in full as follows:

(a) “Electric scooter” means a device:

- (1) Weighing less than one hundred pounds;
- (2) With handlebars and an electric motor;
- (3) That is powered by an electric motor; and
- (4) That has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor.

(b) Electric scooter does not include an electrical assisted bicycle, electric personal mobility device, motorcycle, or low-power scooter.

(c) Electric scooters may be operated on Town streets only, and are not permitted to operate on lawns, trails, paths or parks.

(d) All riders of electric scooters under the age of 16 must wear a United States Department of Transportation approved helmet.

(e) A person operating an electric scooter in the Town shall ride as close to the right side of the roadway as practicable.

(f) Persons riding electric scooters upon a roadway shall not ride more than two abreast.

(g) No passengers are permitted to ride on electric scooters unless designed to accommodate passengers.

(h) It shall be unlawful for any parent, guardian, legal custodian, or any adult in authority to authorize, assist, permit, or encourage any minor to operate an electric scooter in violation of this Section.

(i) A person riding an electric scooter upon a roadway where electric 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 the Model Traffic Code, except those provisions of the Model Traffic Code that, by their very nature, can have no application.

Section 2. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town and its residents.

Section 3. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause, or phrase is declared invalid.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. Codification Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Bow Mar Municipal Code.

INTRODUCED, READ, AND SET FOR PUBLIC HEARING THIS 17th DAY OF AUGUST, 2026.

ADOPTED AS ORDINANCE NO. ____, SERIES 2026, BY THE TOWN OF BOW MAR BOARD OF TRUSTEES UPON SECOND READING AFTER PUBLIC HEARING THIS 21st DAY OF SEPTEMBER, 2026.

ATTEST: 2EE89ED6300D4EC...

By: _____
Sue Blair, Town Clerk

TOWN OF BOW MAR: 2255D7DBF43342F...

By: _____
Bryan Sperry, Mayor

Compliance with Section 1-46 of the Bow Mar Municipal Code:

INTRODUCED BY TRUSTEE MANNING

SECONDED BY TRUSTEE PETERSON