

**ORDINANCE 5-1, SERIES 2024**

**An Ordinance Regulating the Use of Off-Highway Vehicles, Golf Cars (Carts) and Low Speed Electric Vehicles on the streets of the Town of Jamestown**

**WHEREAS**, pursuant the Colorado Revised Statutes (CRS), §33 14.5 -108(f) and CRS §42-4-111 et seq. the Town is authorized to permit and regulate the use of Off Highway Vehicles (OHV), Golf Cars and Low Speed Electric Vehicles (LSEV), on municipal streets; and

WHEREAS, the Town Board of Trustees wishes to permit the use of such vehicles within the town provided such use is regulated; and

WHEREAS, it is desirable that the Town has a current and appropriate ordinance to regulate the use of such vehicles,

**THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO:**

**Article 1. Definitions**

**"Golf Car"** means a self-propelled vehicle not designed for operation on roadways and has: (a) a design speed of less than twenty (20) miles per hour; (b) At least three (3) wheels in contact with the ground; (c) an empty weight of not more than one thousand three hundred (1,300) pounds; and (d) a carrying capacity of not more than four (4) persons.

**"Low-Speed Electric Vehicle" (LSEV)** means a vehicle that: (a) self-propelled utilizing electricity as its primary propulsion method; (b) has at least three (3) wheels in contact with the ground; (c) does not use handlebars to steer; and (d) exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

**"Electric Personal Assisted Mobility Device" (EPAMD)** means a self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 miles per hour. For purposes of this ordinance EPAMDs are limited to electric wheelchairs or similar purposed devices.

**"Off-highway vehicle (OHV)"** means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways and which is generally and commonly used to transport persons for recreational purpose. When used in this ordinance the term shall include;

**"All-terrain vehicle type I (ATV)"** means any motor vehicle fifty (50) inches or less in width, having an unladen dry weight of eight hundred (800) pounds or less, traveling on four (4) or more low pressure tires, having a seat designed to be straddled by the operator, having a seat height of a minimum of twenty-four (24) inches when measured at the forward edge of the seat bottom, with handlebars for control and designed for or capable of traveling over unimproved terrain.

**"Utility type vehicle (UTV)"** means any recreational vehicle designed for and capable of traveling over unimproved terrain: traveling on four (4) or more low pressure tires, having a width of thirty (30) to seventy (70) inches, having an unladen dry weight of two thousand two hundred (2,200) pounds or less, having a seat height of twenty-five (25) to forty (40) inches when measured at the forward edge of the seat bottom, and having side by side seating with a steering wheel for control.

**“Public Street”** means the entire width between boundary lines of any Town street or County road located within Jamestown and publicly maintained by said Town when any part thereof is open to the use of the public for purposes of vehicular travel.

**“Valid driver's license”** means any current, legal license not subject to revocation or suspension.

## **Article 2. Regulations for Golf Cars, Low Speed Electric Vehicles and Off Highway Vehicles**

**Section 1. Approval on Town Streets:** Subject to the limitations of this article, a golf car, other LSEV or Off Highway Vehicle may be operated on the roadway of any street, or road within the Town, provided, that such vehicle is operated in full conformity with this section and the applicable laws of the state of Colorado.

**Section 2. Regulations for Operations:** golf car, LSEV and OHV operators must comply with all provisions of the Model Traffic Code, Town Ordinances and C.R.S. Title 42 related to traffic rules and regulations. Nothing in this ordinance shall relieve an owner or operator of a golf car, LSEV or OHV of any obligation imposed by local and state law applicable to golf cars/LSEVs.

(a) The operator of a golf car, LSEV or OHV must be in possession of a valid driver's license and be age 16 years or over.

(b) The speed of any golf car or LSEV shall not exceed twenty (20) miles per hour or posted limits. The speed of OHVs shall not exceed twenty-five (25) miles per hour or posted limits. The maximum speed limit for any unpaved town public street shall be ten (10) miles per hour.

(c) No owner or operator of a golf car, LSEV or OHV shall carry a greater number of persons or a greater load than that specified by the manufacturer. The driver and all passengers must be seated in the seat(s) designed and intended for such purpose and seat belts must be worn if the vehicle is equipped with them as standard equipment.

(d) 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 electric vehicle unless the person and the passenger are wearing protective helmets

(e) Except for dedicated parking lots, no person shall operate a golf car or LSEV within the boundaries of Elysian Park. Public streets shall not be used to access any Boulder County open space or federal public land, trail, or road unless the federal public land, trail, or road is signed or otherwise authorized for such use.

**Section 3. Requirements for Vehicles:** All golf cars, LSEVs and ORVs shall be properly equipped and registered as provided by Colorado law. It is the responsibility of operator and/or owner of the vehicle to ascertain and comply with all applicable safety and equipment standards.

(a) It is the responsibility of the vehicle owner and/or operator to determine and comply with appropriate state insurance requirements.

(b) Vehicles must be equipped with brakes and a muffler and spark arrester which conform to the standards prescribed by regulation of the Colorado for that type of vehicle.

Section 4. Electric Wheelchairs ("EPAMDs"). Except as otherwise provided by law, a person operating an electric personal assistive mobility device has the rights and responsibilities of a pedestrian.

- a) An electric personal assistive mobility device may be operated on a bicycle or walking path.
- b) No person may operate an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path at a rate of speed that is not reasonable and prudent under the conditions. Every person operating an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path is responsible for becoming and remaining aware of the actual and potential hazards then existing on the roadway or sidewalk and must use due care in operating the device.
- c) An electric personal assistive mobility device may be operated on a roadway only under the following circumstances:
  - a. While making a direct crossing of a roadway in a marked or unmarked crosswalk;
  - b. Where no sidewalk is available; or
  - c. Temporarily in order to gain access to a motor vehicle;
- d) An electric personal assistive mobility device may not be operated at any time while carrying more than one person.
- e) An electric personal assistive mobility device may not be operated unless the device bears reflectorized material on the front, back, and wheels, visible at night from 600 feet when illuminated by the lower beams of headlamps of a motor vehicle.

### **Article 3, Administrative**

Section 1. Liability: Nothing in this ordinance shall be construed as an assumption of any duty of care by the town with respect to, or the assumption of any liability by the town for any injuries to persons or property which may result from the operation of golf car, LSEV or OHV on the streets within the town limits.

The town shall not be responsible for any injuries to persons or damages to property arising from the operation of golf cars, LSEVs or OHVs within the Town. All persons operating Golf cars, LSEVs or OHVs within the town shall conclusively be deemed to have waived and released, for valuable consideration, any and all claims, rights or causes of action which they, their heirs, successors or personal representatives may or might have against the town arising from the operation of such vehicles within the town, it being the intent of this ordinance that all such vehicles operated within the town are at the sole risk of the operator and passenger.

Further, all persons operating golf cars, LSEVs or OHVs within the town shall be deemed to have agreed to indemnify and hold the town harmless from any and all damages or claims made against the town arising from the operation of such golf cars, LSEVs or OHVs.

Section 2. Repeal: 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

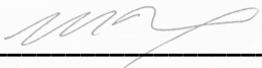
Section 3. Severability: If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part thereof irrespective of the fact that any one part be declared invalid.

Section 4. Penalty Clause and Delinquency Remedies: It shall be unlawful for any person to commit any act or omission in violation of this ordinance and any such act shall constitute a municipal traffic offense. The process for enforcement of this ordinance shall be in accordance with Town of Jamestown Ordinance 1, 2023, *AN ORDINANCE ELIMINATING IMPRISONMENT AS A PENALTY FOR MUNICIPAL OFFENSES, AND PROVIDING FOR A PROCESS FOR IMPLEMENTING PENALTIES AND PROVIDING FOR DUE PROCESS IN THE TOWN OF JAMESTOWN, COLORADO.*

Section 5. Safety Clause; Ordinance Immediately Effective: The Board of Trustees herewith finds, determines and declares that this ordinance is necessary to the immediate preservation of the public health and safety in order to timely provide for safety of citizens and preservation of property. This ordinance shall be effective upon adoption and signing by the Mayor if approved by three-fourths of the members of the Board of Trustees.

**INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED BY TITLE THIS 6<sup>th</sup> DAY OF MAY, 2024.**

**Town of Jamestown:**



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**Michael Box, Mayor**

**Attest:**



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**Kristi Rutledge, Town Clerk**