

ORDINANCE NO. 2726

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, ADDING TITLE 9 CHAPTER 10 SECTION 3 (9-10-3), REGARDING PARK SPEED LIMITS, OFF TRAIL RIDING PROHIBITED, AMENDING TITLE 10, CHAPTER 1, SECTION 4 (10-1-4) ADDITIONS OR MODIFICATIONS IN ADOPTED MODEL TRAFFIC CODE, AND ADDING TITLE 10, CHAPTER 1, SECTION 15.5 (10-1-15.5), ELECTRICAL-ASSISTED BICYCLES AND CLASSLESS ELECTRICAL-ASSISTED VEHICLES.

WHEREAS, the City of Montrose is a home rule municipal corporation operating under adopted charter pursuant to § 6 of Article XX of the Colorado Constitution; and

WHEREAS, the Montrose City Council as the governing body of the City of Montrose has express authority under law to “regulate traffic . . . upon the streets, sidewalks, and public places and to regulate the speed of vehicles, cars and locomotives within the limits of the municipality,” Colorado Revised Statute § 31-15-702(1)(a)(VII); and

WHEREAS, the City of Montrose adopted by reference the 2020 edition of the Model Traffic Code for Colorado Municipalities (hereinafter ‘Model Traffic Code’) promulgated and published by the Colorado Department of Transportation by and through the 2023 passage of Ordinance 2612 amending Chapter 1 of Title 10 of the Official Code of the City of Montrose; and

WHEREAS, the City of Montrose as property owner has a governmental interest in the preservation of its public property, including but not limited to the municipal parks, for the general health, welfare, and benefit of all of its citizens, and recognizes the need to have a clear system of regulation to ensure safe access to the general public of its rights-of-ways on public property; and

WHEREAS, electrical-assisted bicycles and other electric assisted vehicles have increased in popularity and usage in recent years within the municipal limits of the City of Montrose, which has caused an increase in safety violations, collisions, and public concern on appropriate locations and limitations for safe use; and

WHEREAS, state law expressly allows local governments to set rules to regulate the operation of bicycles and electrical assisted bicycles, to authorize or prohibit the use of vehicles on bike and pedestrian paths, to establish the speed limits within public parks, to establish minimum speed limits, and to regulate the local movement of traffic or the use of local streets under Colorado Revised Statutes § 42-4-110(1)(a), (b), and § 42-4-111; and

WHEREAS, municipal governments have authority, in relation to their general police powers in C.R.S. § 31-15-401(1)(a)-(c), to “do all acts and make all regulations which may be necessary or expedient for the promotion of health” as well as to declare what is a nuisance, to impose fines upon parties who may create or continue nuisances, and abate declared nuisances; and

WHEREAS, the City of Montrose updates the Municipal Code from time to time; and

WHEREAS, the City Council of the City of Montrose determines it is in the best interest of the public health, safety and welfare to regulate the operation of electrical-assisted bicycles and classless electrical-assisted vehicles within the municipal limits of the City of Montrose; and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

SECTION 1:

Title 9, Chapter 10 Section 3. (9-10-3.(A)-(E)) (Park speed limits, off trail riding prohibited.) of the Official Code of the City of Montrose, Colorado, is hereby added, to read in entirety as follows:

9-10-3. - Park speed limits, off trail riding prohibited.

(A) *Speed limit.* It is unlawful for any person to operate a bicycle, electrical-assisted bicycle, motor vehicle, off-highway vehicle or toy vehicle as defined by law, or a classless electrical-assisted vehicle as defined by ordinance at a speed in excess of fifteen (15) miles per hour on any sidewalk, pedestrian or multi-use path, or trail within the parks of the City of Montrose.

(B) *Off trail riding.* It is unlawful for any person to operate a bicycle, an electrical-assisted bicycle, motor vehicle, classless electrical-assisted vehicle, or an off-highway vehicle or toy vehicle as defined by law off the designated paved trails, sidewalks, or pedestrian or multi-use paths within the parks of the City of Montrose.

(C) *Penalty.* Any violation of this Section is punishable as a Class A traffic infraction and may be fined in accordance with provisions of Montrose Code § 10-1-16.

(D) *Nuisance.* It is declared a nuisance under Section 6-4-1 of the Official Code of the City of Montrose for any person to commit a second or repetitive violation of this Section within the City. The Municipal Court has authority to issue any orders for abatement of nuisance under Section 6-4-2 of the Official Code of the City of Montrose for second or subsequent violations of this Section.

(E) *Exceptions.* This Section shall not apply to City employees performing work during the course and scope of their duties. The prohibitions in this Section may be modified and/or may not apply to operation on trails within the municipal park system designated bicycle-only, as determined by the City Manager or designee and as noticed by erected signage. This Section does not apply to law enforcement officials responding to a matter of public health and safety.

SECTION 2:

Title 10, Chapter 1 Section 4. (10-1-4.(M)-(N)) (Additions or modifications.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

10-1-4. - Additions or modifications.

(M) MTC 1401. Reckless driving.

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, classless electrical-assisted vehicle, or low- power scooter 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. A person convicted of reckless driving of a bicycle or electrical assisted bicycle or classless electrical-assisted vehicle shall not be subject to the provisions of 42-2-127, C.R.S.

(N) MTC 1402. Careless driving.

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, classless electrical-assisted vehicle, or low- power scooter 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. A person convicted of careless driving of a bicycle or electrical assisted bicycle or classless electrical-assisted vehicle shall not be subject to the provisions of 42-2-127, C.R.S.

SECTION 3:

Title 10, Chapter 1 Section 15.5 (10-1-15.5(A)-(G)) (Electrical-assisted bicycles and classless electrical-assisted vehicles.) of the Official Code of the City of Montrose, Colorado, is hereby added, to read in its entirety as follows:

10-1-15.5 - Electrical-assisted bicycles and classless electrical-assisted vehicles.

(A) *Definitions.* For the purposes of this Section, the following definitions are applicable:

(1) All electrical-assisted bicycles are vehicles. “Electrical assisted bicycle” means a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to certain classes as follows:

(a) “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.

(b) “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.

(c) “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.

(2) A “classless electrical-assisted vehicle” is any vehicle having one to three wheels, an electric motor, and that is manufactured or modified so it no longer meets the requirements for any of the three classes of electrical assisted bicycle as defined above, to include but not limited to the capacity to reach any speed in excess of twenty-eight miles per hour. This includes but is not limited to a vehicle that is designed, manufactured, or intended by the manufacturer or seller to be easily configured so as not to meet the requirements of an electrical assisted bicycle, whether by a mechanical switch or button, by changing a setting in software controlling the drive system, by use of an online application, or through other means intended by the manufacturer or seller. This term does not include any motor vehicle that constitutes a motorcycle, auticycle, wheelchair, EPAMD, electric scooter, or low-power scooter as those terms are defined by Colorado Revised Statute.

(B) *Allowed Use.* Unless otherwise restricted, Class 1 and Class 2 electrical assisted bicycles may be operated in all locations where conventional, human-powered bicycles are

allowed, with all the rights, privileges and duties of an operator of a bicycle; provided, however, that Class 1 and Class 2 electrical assisted bicycles may be restricted for use on certain sidewalks, pedestrian or multi-use paths, trails and other areas of the City of Montrose as determined by the City Manager or designee and as noticed by erected signage. Class 3 electrical assisted bicycles are allowed only on a street, alley, roadway or highway, in a designated bicycle lane, or as expressly permitted by the City of Montrose as determined by the City Manager or designee and as noticed by erected signage.

(C) Prohibited Use.

- (1) It shall be unlawful to operate a Class 1 or Class 2 electrical-assisted bicycle in an area restricted for use.
- (2) It shall be unlawful to operate a Class 3 electrical-assisted bicycle on any sidewalk, pedestrian or multi-use pathway, open space, greenbelt, park or trail within the municipal limits of the City of Montrose. It shall be unlawful to operate a Class 3 electrical-assisted bicycle in an area restricted for use.
- (3) It shall be unlawful for any person to operate a classless electrical-assisted vehicle upon or within any street, alley, roadway, shoulder, median, sidewalk, crosswalk, pedestrian or multi-use paths, trail, park, open space, greenbelt, public right-of-way, or other City-owned or City-controlled property.

(D) Presumption and Evidence. For purposes of this Section, evidence of a vehicle's speed measured by radar or LIDAR shall be prima facie evidence and a rebuttable presumption on the classification of the electrical-assisted bicycle or as a classless electrical assisted vehicle. Evidence from the manufacturer on vehicle specifications, technical classification, and capacity to reach a certain speed limit may be offered as competent evidence to establish the classification of the electrical-assisted bicycle or as a classless electrical assisted vehicle. Hearsay evidence shall not be excluded in determining the categorization of an electrical-assisted bicycle or as a classless electrical-assisted vehicle

(E) Exceptions. This Section does not apply to law enforcement use in the course of their official duties. This Section does not apply to operation of an electrical-assisted bicycle or classless electrical-assisted vehicle operated entirely on private property with the express permission of the property owner. This Section does not apply to operation of an electrical-assisted bicycle or classless electrical-assisted vehicle during the course of permitted events within the municipal limits pursuant to an events use permit or festival event permit obtained in advance from the City Clerk's Office and with the approval of the City Manager's Office.

(F) Penalty. Any violation of this Section is punishable as a Class A traffic infraction and may be fined in accordance with provisions of Montrose Code § 10-1-16.

(G) Nuisance. It is declared a nuisance under Section 6-4-1 of the Official Code of the City of Montrose for any person to commit a second or repetitive violation of this Section within the City. The Municipal Court has authority to issue any orders for abatement of nuisance under Section 6-4-2 of the Official Code of the City of Montrose for second or

subsequent violations of this Section.

SECTION 4:

Except as specifically amended hereby, the Official Code of the City of Montrose, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

SECTION 5:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof by updating the code to provide clear local regulations on the operation of electrical assisted bicycles and classless electrical-assisted vehicles within the municipal limits of Montrose.

SECTION 6:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

SECTION 7:

If any 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 the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 9:

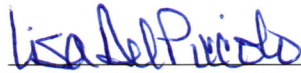
City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance, and have the authority to correct formatting, numbering and/or typographical errors discovered during codification, provided that neither the intent of this Ordinance nor substantive content is altered.

SECTION 10:

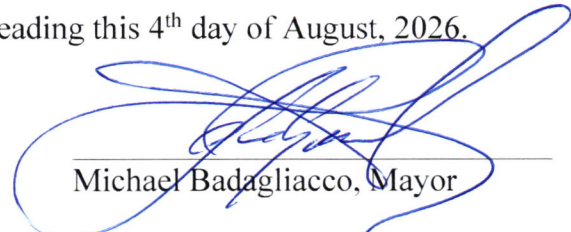
This Ordinance shall become effective as set forth in the City of Montrose Charter. You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 4th day of August, 2026, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 4th day of August, 2026.

ATTEST:


Lisa DelPiccolo, City Clerk



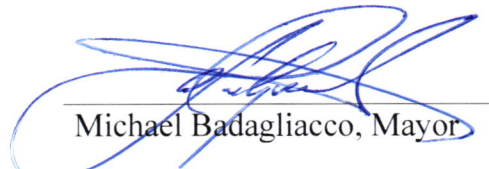

Michael Badagliacco, Mayor

INTRODUCED, READ and ADOPTED on second reading this 18th day of August, 2026.

ATTEST:


Lisa DelPiccolo, City Clerk




Michael Badagliacco, Mayor

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WHEREAS, the City of Montrose adopted by reference the 2020 edition of the Model Traffic Code for Colorado Municipalities (hereinafter ‘Model Traffic Code’) promulgated and published by the Colorado Department of Transportation by and through the 2023 passage of Ordinance 2612 amending Chapter 1 of Title 10 of the Official Code of the City of Montrose; and

WHEREAS, the City of Montrose as property owner has a governmental interest in the preservation of its public property, including but not limited to the municipal parks, for the general health, welfare, and benefit of all of its citizens, and recognizes the need to have a clear system of regulation to ensure safe access to the general public of its rights-of-ways on public property; and

WHEREAS, electrical-assisted bicycles and other electric assisted vehicles have increased in popularity and usage in recent years within the municipal limits of the City of Montrose, which has caused an increase in safety violations, collisions, and public concern on appropriate locations and limitations for safe use; and

WHEREAS, state law expressly allows local governments to set rules to regulate the operation of bicycles and electrical assisted bicycles, to authorize or prohibit the use of vehicles on bike and pedestrian paths, to establish the speed limits within public parks, to establish minimum speed limits, and to regulate the local movement of traffic or the use of local streets under Colorado Revised Statutes § 42-4-110(1)(a), (b), and § 42-4-111; and

WHEREAS, municipal governments have authority, in relation to their general police powers in C.R.S. § 31-15-401(1)(a)-(c), to “do all acts and make all regulations which may be necessary or expedient for the promotion of health” as well as to declare what is a nuisance, to impose fines upon parties who may create or continue nuisances, and abate declared nuisances; and

WHEREAS, the City of Montrose updates the Municipal Code from time to time; and

WHEREAS, the City Council of the City of Montrose determines it is in the best interest of the public health, safety and welfare to regulate the operation of electrical-assisted bicycles and classless electrical-assisted vehicles within the municipal limits of the City of Montrose; and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

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(B) *Off trail riding.* It is unlawful for any person to operate a bicycle, an electrical-assisted bicycle, motor vehicle, classless electrical-assisted vehicle, or an off-highway vehicle or toy vehicle as defined by law off the designated paved trails, sidewalks, or pedestrian or multi-use paths within the parks of the City of Montrose.

(C) *Penalty.* Any violation of this Section is punishable as a Class A traffic infraction and may be fined in accordance with provisions of Montrose Code § 10-1-16.

(D) *Nuisance.* It is declared a nuisance under Section 6-4-1 of the Official Code of the City of Montrose for any person to commit a second or repetitive violation of this Section within the City. The Municipal Court has authority to issue any orders for abatement of nuisance under Section 6-4-2 of the Official Code of the City of Montrose for second or subsequent violations of this Section.

(E) *Exceptions.* This Section shall not apply to City employees performing work during the course and scope of their duties. The prohibitions in this Section may be modified and/or may not apply to operation on trails within the municipal park system designated bicycle-only, as determined by the City Manager or designee and as noticed by erected signage. This Section does not apply to law enforcement officials responding to a matter of public health and safety.

SECTION 2:

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10-1-4. - Additions or modifications.

(M) MTC 1401. Reckless driving.

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, **classless electrical-assisted vehicle**, or low- power scooter 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. A person convicted of reckless driving of a bicycle or electrical assisted bicycle **or classless electrical-assisted vehicle** shall not be subject to the provisions of 42-2-127, C.R.S.

(N) MTC 1402. Careless driving.

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, **classless electrical-assisted vehicle**, or low- power scooter 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. A person convicted of careless driving of a bicycle or electrical assisted bicycle **or classless electrical-assisted vehicle** shall not be subject to the provisions of 42-2-127, C.R.S.

SECTION 3:

Title 10, Chapter 1 Section 15.5 (10-1-15.5(A)-(G)) (Electrical-assisted bicycles and classless electrical-assisted vehicles.) of the Official Code of the City of Montrose, Colorado, is hereby added, to read in its entirety as follows:

10-1-15.5 - Electrical-assisted bicycles and classless electrical-assisted vehicles.

(A) *Definitions.* For the purposes of this Section, the following definitions are applicable:

(1) All electrical-assisted bicycles are vehicles. “Electrical assisted bicycle“ means a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to certain classes as follows:

(a) “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.

(b) “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.

(c) “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.

(2) A “classless electrical-assisted vehicle” is any vehicle having one to three wheels, an electric motor, and that is manufactured or modified so it no longer meets the requirements for any of the three classes of electrical assisted bicycle as defined above, to include but not limited to the capacity to reach any speed in excess of twenty-eight miles per hour. This includes but is not limited to a vehicle that is designed, manufactured, or intended by the manufacturer or seller to be easily configured so as not to meet the requirements of an electrical assisted bicycle, whether by a mechanical switch or button, by changing a setting in software controlling the drive system, by use of an online application, or through other means intended by the manufacturer or seller. This term does not include any motor vehicle that constitutes a motorcycle, auticycle, wheelchair, EPAMD, electric scooter, or low-power scooter as those terms are defined by Colorado Revised Statute.

(B) *Allowed Use.* Unless otherwise restricted, Class 1 and Class 2 electrical assisted bicycles may be operated in all locations where conventional, human-powered bicycles are

allowed, with all the rights, privileges and duties of an operator of a bicycle; provided, however, that Class 1 and Class 2 electrical assisted bicycles may be restricted for use on certain sidewalks, pedestrian or multi-use paths, trails and other areas of the City of Montrose as determined by the City Manager or designee and as noticed by erected signage. Class 3 electrical assisted bicycles are allowed only on a street, alley, roadway or highway, in a designated bicycle lane, or as expressly permitted by the City of Montrose as determined by the City Manager or designee and as noticed by erected signage.

(C) Prohibited Use.

- (1) It shall be unlawful to operate a Class 1 or Class 2 electrical-assisted bicycle in an area restricted for use.
- (2) It shall be unlawful to operate a Class 3 electrical-assisted bicycle on any sidewalk, pedestrian or multi-use pathway, open space, greenbelt, park or trail within the municipal limits of the City of Montrose. It shall be unlawful to operate a Class 3 electrical-assisted bicycle in an area restricted for use.
- (3) It shall be unlawful for any person to operate a classless electrical-assisted vehicle upon or within any street, alley, roadway, shoulder, median, sidewalk, crosswalk, pedestrian or multi-use paths, trail, park, open space, greenbelt, public right-of-way, or other City-owned or City-controlled property.

(D) Presumption and Evidence. For purposes of this Section, evidence of a vehicle's speed measured by radar or LIDAR shall be prima facie evidence and a rebuttable presumption on the classification of the electrical-assisted bicycle or as a classless electrical assisted vehicle. Evidence from the manufacturer on vehicle specifications, technical classification, and capacity to reach a certain speed limit may be offered as competent evidence to establish the classification of the electrical-assisted bicycle or as a classless electrical assisted vehicle. Hearsay evidence shall not be excluded in determining the categorization of an electrical-assisted bicycle or as a classless electrical-assisted vehicle

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(F) Penalty. Any violation of this Section is punishable as a Class A traffic infraction and may be fined in accordance with provisions of Montrose Code § 10-1-16.

(G) Nuisance. It is declared a nuisance under Section 6-4-1 of the Official Code of the City of Montrose for any person to commit a second or repetitive violation of this Section within the City. The Municipal Court has authority to issue any orders for abatement of nuisance under Section 6-4-2 of the Official Code of the City of Montrose for second or

subsequent violations of this Section.

SECTION 4:

Except as specifically amended hereby, the Official Code of the City of Montrose, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

SECTION 5:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof by updating the code to provide clear local regulations on the operation of electrical assisted bicycles and classless electrical-assisted vehicles within the municipal limits of Montrose.

SECTION 6:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

SECTION 7:

If any 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 the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 9:

City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance, and have the authority to correct formatting, numbering and/or typographical errors discovered during codification, provided that neither the intent of this Ordinance nor substantive content is altered.

SECTION 10:

This Ordinance shall become effective as set forth in the City of Montrose Charter. You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 4th day of August, 2026, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 4th day of August, 2026.

Michael Badagliacco, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this _____ day of _____, 2026.

Michael Badagliacco, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk