

**TOWN OF BERTHOUD
ORDINANCE NO. 1291**

**AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO REPEALING AND
RE-ENACTING SECTION 17.20-6 OF THE BERTHOUD MUNICIPAL CODE
REGARDING THE OPERATION OF LOW-SPEED ELECTRIC VEHICLES AND
GOLF CARS WITHIN THE TOWN OF BERTHOUD**

WHEREAS, the Town of Berthoud is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

WHEREAS, the Town is authorized by section 42-4-111, C.R.S. to adopt regulations governing the operation of Low-Speed Electric Vehicles and Golf Cars as long as the regulations are not in conflict with state law; and

WHEREAS, Chapter 17.20 of the Berthoud Municipal Code currently authorizes and regulates the use of "Neighborhood Electric Vehicles"; and

WHEREAS, section 33-14.5-108, C.R.S. provides that off-highway vehicle operation is generally prohibited on streets, roads, and highways within the state with certain exceptions, including an exception when a local political subdivision authorizes by ordinance the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on municipal streets, so long as no street or road which is part of the state highway system is so designated; and

WHEREAS, in the interests of health, safety, and welfare of the citizens of the Town of Berthoud the Board of Trustees determines that there is the need to prohibit the operation of all-terrain vehicles within Town limits; and

WHEREAS, the Town Board of Trustees wishes to amend the Berthoud Municipal Code to make the terminology consistent with state law and further clarify and define when Low-Speed Electric Vehicles and Golf Cars may be used on Town streets and rights-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD:

Section 1. Chapter 17.20-6 of the Berthoud Municipal Code is hereby repealed in its entirety and re-enacted as follows:

17.20-6 Operation of Neighborhood Electric Vehicles, Golf Cars

"Low-Speed Electric Vehicles" ("LEVs") as defined in C.R.S. 42-1-102(48.6) is a vehicle that:

1. Is self-propelled utilizing electricity as its primary propulsion method;
2. Has at least three wheels in contact with the ground;
3. Does not use handlebars to steer; and

4. Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

“Golf Car” as defined in C.R.S. 42-1-102(39.5), and which may commonly be referred to as a “golf cart,” means a self-propelled vehicle not designed primarily for operation on roadways and that has:

1. A design speed of less than twenty miles per hour;
2. At least three wheels in contact with the ground;
3. An empty weight of not more than one thousand three hundred pounds; and
4. A carrying capacity of not more than four persons.

Low-Speed Electric Vehicles and Golf Cars as defined above may be operated on the streets and alleys of the Town of Berthoud subject to the following:

- A. No LEV or golf car may be operated upon Mountain Avenue/Colorado State Highway 56 or Colorado State Highway 287 or any other street or highway within the limits of the Town that has a posted speed limit that exceeds thirty-five (35) miles per hour.
- B. The speed of any LEV or golf car shall not exceed twenty-five (25) miles per hour.
- C. Pursuant to C.R.S. 42-4-109.5, LEVs and golf cars may cross Mountain Avenue/Colorado State Highway 56 and any other street or highway within the limits of the Town at designated street intersections.
- D. LEVs are included in the definition of Motor Vehicle in C.R.S. 42-1-102(58). As a result, all LEVs shall be titled and registered as Tax Class C vehicles. All ownership, titling and registration requirements and taxes and fees that apply to Tax Class C vehicles as detailed in Title 42 of the Colorado Revised Statutes. LEVs will be plated with the standard green and white passenger license plates and are required to display current year and month validating tabs.
- E. Golf cars shall be properly equipped and registered as provided by law.
- F. LEVs and Golf Cars are subject to this Municipal Code, all applicable ordinances and the Colorado Revised Statutes. Nothing in this Section shall relieve an owner of an LEV or golf car of any obligation imposed by local law or the Colorado Revised Statutes applicable to LEVs or golf cars, including, but not limited to those relating to financial responsibility.
- G. LEVs and golf cars shall be required to display the "slow moving vehicle" emblem (Red and Orange Triangle).
- H. LEVs and golf cars shall not carry a greater number of persons or carry a greater load than that specified by the manufacturer. The driver and all passengers must be seated in seats substantially similar to those placed in the vehicle by the manufacturer.

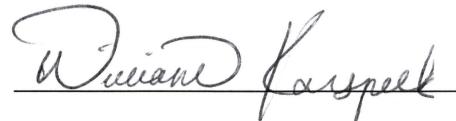
- I. No person shall operate an LEV or golf car on a Town-owned or maintained trail except as permitted and posted by the Town.
- J. LEVs and golf cars shall only be operated by persons holding a valid driver's license.

The operation of All-Terrain Vehicles ("ATVs") and Utility Vehicles ("UTVs") is prohibited on any public street, sidewalk, or right of way except for the purpose of removing snow from sidewalks, pathways or driveways. This prohibition shall not apply to ATV and UTV vehicles being utilized by Town employees for the maintenance of parks, trails or other Town-owned facilities.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED
IN FULL on this 25th day of May, 2021.

TOWN OF BERTHOUD

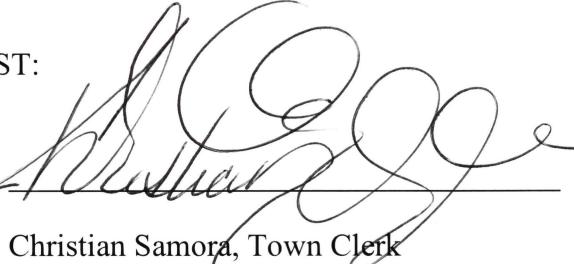
By



William Karspeck, Mayor

ATTEST:

By:



Christian Samora, Town Clerk

