



**Town of New Castle Administration Department**

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**Memorandum**

**To:** Mayor & Council

**From:** David Reynolds

**Re:** Council Agenda Item – Golf Cart Ordinance Review

**Date:** 4-12-19

**Purpose:**

During the Council meeting on April 2<sup>nd</sup> staff was directed to create a Golf Cart Ordinance which would address the use of Golf Carts and Off Highway Vehicles on Town Streets. This Ordinance is to be reviewed by Council for content and accuracy prior to a proposed Public Open House which will be designed to gather comments and answer questions. Upon satisfactory review by the Public, this ordinance can be modified if needed prior to final review and consideration by Council.

**TOWN OF NEW CASTLE, COLORADO**  
**ORDINANCE NO. TC 2019-\_\_**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL PERMITTING THE USE OF  
LOW-SPEED ELECTRIC VEHICLES AND OFF-HIGHWAY VEHICLES ON TOWN  
STREETS AND AMENDING THE TOWN MUNICIPAL CODE TO ACCOMPLISH THE  
SAME

WHEREAS, the use of all-terrain and off-highway vehicles (“OHVs”), low-speed electric vehicles, and golf carts, has increased both within and outside the Town of New Castle (“Town”); and

WHEREAS, pursuant to C.R.S. § 42-4-111(1)(aa) and (bb), the Town may authorize and regulate the use of low-speed electric vehicles and golf carts on streets and highways within its jurisdiction; and

WHEREAS, pursuant to C.R.S. §§ 33-14.5-108(1) and 110(1), the Town may designate and establish OHV routes, excluding state highways, on which OHVs may be operated and regulate the operation of the same; and

WHEREAS, allowing the use of OHVs, low-speed electric vehicles, and golf carts on Town streets will encourage and increase economic activity within the Town; and

WHEREAS, subjecting the use of OHVs and low-speed electric vehicles to the Town’s traffic laws is necessary to promote the safe and orderly operation of the same; and

WHEREAS, the Council desires to allow the use of low-speed electric vehicles and OHVs within the Town and to designate and establish a designated OHV route.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town Council.
2. Approval of Use. Subject to the terms, conditions, and limitations set forth in this Ordinance, including Section 4, the Town Council hereby authorizes the use of OHVs, low-speed electric vehicles, and golf carts on public streets within the Town limits.
3. Route. By this Ordinance, the Town Council hereby designates an OHV, low-speed electric vehicle, and golf cart route within the Town. Said route shall include any road, street, alley, avenue, thoroughfare, public way, or other public right-of-way within the Town, excluding only Main Street, Highway 6&24, and Highway 335. Further, use of C Avenue by such vehicles shall be limited to that portion of the road that is paved and maintained by the Town. An OHV, low-speed electric vehicle, or golf cart may be operated to directly cross

roadways excluded from the route established in this Ordinance at an at-grade crossing in order to continue traveling along a roadway within the route.

4. Amendment. Chapter 10.12 of the Town Municipal Code is hereby amended by adding the following subsection to that chapter:

**10.12.030 Low-Speed Vehicles, Golf Carts, and Off-Highway Vehicles**

A. **Definitions.**

1. “Golf Cart” means an electrically powered vehicle that is capable of traveling not more than twenty (20) miles per hour and that is equipped with, at a minimum, the following equipment:
  - i. Front headlamps;
  - ii. Front and rear turn signal lamps;
  - iii. Rear tail-lamps and stop lamps;
  - iv. A rearview mirror or mirrors;
  - v. A parking brake;
  - vi. A front windshield;
  - vii. Seat belts for each occupant;
  - viii. Two (2) rear reflectors as either part of the taillamps or separately; and
  - ix. A slow moving vehicle sign, as provided for by state law, shall be attached on the rear of the golf cart, and shall be visible in daylight and at night from all distances between six hundred feet (600') and one hundred feet (100') from the rear when directly in upper beam of headlamps.
2. “Low-Speed Electric Vehicle” or “LSV” shall mean a self-propelled, electrically powered motor vehicle that has at least three wheels in contact with the ground, is capable of traveling at speeds not to exceed thirty-five (35) miles per hour, and meets the equipment standards set forth in Title 42, Article 4, Part 2 of the Colorado Revised Statutes, as amended from time to time.
3. “Off-Highway Vehicle” or “OHV” shall have the meaning given in C.R.S. § 33-14.5-101, as the same may be amended from time to time.
4. As used in this Section 10.12.030, “Permitted Route” means and shall include any road, street, alley, avenue, thoroughfare, public way, or other public right-of-way within the Town, excluding only Main Street, Highway 6 & 24, Highway 335, and the unpaved and unmaintained portion of C Avenue.

B. **OHV, LSV, and Golf Cart Use Permitted:** any person 16 years of age or older is permitted to operate an OHV, LSV, or Golf Cart on, within, and throughout the Permitted Route, provided that:

1. With respect to OHVs and LSVs, the operator has in his or her possession a valid motor vehicle driver's license or operator's license;
2. The OHV has been registered and numbered in accordance with Article 14.5 of Title 33 of the Colorado Revised Statutes;
3. With respect to Golf Carts, any unlicensed driver shall not carry a passenger who is under twenty-one years of age;
4. The number of persons allowed to travel in an OHV, LSV, or Golf Cart shall be limited to the number of seats in the OHV, LSV, or Golf Cart, in accordance with the design thereof, but in no event shall there be more than four (4) persons.
5. The occupants of OHV, LSV, or Golf Cart shall wear a safety belt system if the manufacturer installed a safety belt system in the OHV, LSV, or Golf Cart;
6. The operator of an OHV, LSV, or Golf Cart shall use of a child restraint system in accordance with state law if the OHV, LSV, or Golf Cart was designed by the manufacturer to be used with a child restraint system;
7. All occupants of the OHV shall use eye protection that conforms with § 42-4-232(1) unless the OHV has a windshield;
8. All occupants of an OHV under the age of 18 shall use of a helmet; and
9. The operator of the OHV, LSV, or Golf Cart has, in full force and effect, an insurance policy covering the OHV, LSV, or Golf Cart that complies with the terms of Title 10, Article 4, Part 6, of the Colorado Revised Statutes.

It shall be unlawful for any person to operate an OHV, LSV, or Golf Cart vehicle on a road, street, alley, avenue, thoroughfare, public way, or other public right-of-way that is not included within the Permitted Route.

**C. Crossings.** An OHV, LSV, or Golf Cart may be operated to directly cross roadways excluded from the Permitted Route but only at an at-grade crossing in order to continue traveling along a roadway within the Permitted Route.

**D. Traffic Regulations.** The Town's traffic regulations set forth in Chapter 10.04, including the Model Code, shall apply to the operation of OHVs, LSVs, and Golf Carts within the Town. It expressly acknowledged that it is unlawful for any person to operate an OHV, LSV, or Golf Cart under the influence of alcohol or one or more drugs, or a combination of both, and that such conduct is subject to C.R.S. § 42-4-1301.

5. Remainder of Code Unaffected. All sections, chapters, and titles of the Code not addressed in this Ordinance shall remain unchanged and in full force and effect.

6. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

INTRODUCED on \_\_\_\_\_, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on \_\_\_\_\_, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.

TOWN COUNCIL OF THE TOWN OF  
NEW CASTLE, COLORADO

By: \_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Melody Harrison, Town Clerk