

ORDINANCE NO. 26-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, REPEALING AND REENACTING ARTICLE 2 OF CHAPTER 8 OF THE CASTLE PINES MUNICIPAL CODE TO REGULATE CERTAIN VEHICLES

WHEREAS, the City of Castle Pines (“City”) is a home rule municipality with all powers granted by Article XX of the Colorado Constitution and the City’s Home Rule Charter (“City Charter”); and

WHEREAS, pursuant to C.R.S. § 33-14.5-110(1)(a) and (b), local governments may regulate the operation of off-highway vehicles on public lands, waters, and property within their jurisdiction and on streets and highways within their boundaries by resolution or ordinance; and

WHEREAS, pursuant to C.R.S. § 42-4-111(1)(aa), local governments may regulate the operation of low-speed electric vehicles within their jurisdiction; and

WHEREAS, throughout the City, there have been ongoing issues with individuals operating off-highway vehicles and low-speed electric vehicles in a manner that is dangerous to public health, safety, and welfare; and

WHEREAS, the City finds that currently there are insufficient regulations to mitigate this danger; and

WHEREAS, the City Council desires to amend the Castle Pines Municipal Code to regulate the operation of off-highway vehicles and low-speed electric vehicles in the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council for all purposes.

Section 2. Article 2 of Chapter 8 of the Castle Pines Municipal Code, currently titled “Reserved,” is hereby repealed in its entirety and reenacted to read as follows:

Article 2 – Vehicles

Sec. 8-2-10. – Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Low-Speed Electric Vehicle (LSEV) means a vehicle that (a) is self-propelled utilizing electricity as its primary propulsion method; (b) has at least three 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.

Off-Highway Vehicle (OHV) means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, designed primarily for use off of the public highways, and generally and commonly used to transport persons for recreational purposes. "Off-highway vehicle" does not include the following:

- (a) Vehicles designed and used primarily for travel on, over, or in the water;
- (b) Snowmobiles;
- (c) Golf carts;
- (d) Vehicles designed and used to carry individuals with disabilities;
- (e) Vehicles designed and used specifically for agricultural, logging, or mining purposes;
- (f) Vehicles required to be registered pursuant to article 3 of title 42 of the Colorado Revised Statutes; or
- (g) A surplus military vehicle, as defined in CRS § 42-6-102 (20.5), that is owned or leased by a municipality, county, or fire protection district, as defined in CRS § 32-1-103 (7), for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

Peace Officer means any law enforcement officer authorized to enforce laws within the City, including, without limitation, officers of the Douglas County Sheriff's Office and the Colorado State Patrol.

Sec. 8-2-20. – Off-Highway Vehicles.

- (a) Parent Responsibility. No parent or legal guardian shall cause, permit, or knowingly allow a minor under the age of eighteen (18) years of age to operate an off-highway vehicle on any public street, road, alley, trail, or other public property within the City in violation of state law or this Article. Any person found guilty of, or entering a plea of guilty or no contest to, a violation of this subsection shall be subject to a mandatory minimum fine of two hundred fifty dollars (\$250.00). In no case shall a fine for a violation of this subsection exceed two thousand six hundred fifty dollars (\$2,650.00).
- (b) Eluding. It is unlawful for any operator of an off-highway vehicle to willfully fail to stop, or to willfully attempt to elude or evade, a peace officer after receiving a clear visual or audible signal directing the operator to stop. This subsection applies when the officer has reasonable articulable suspicion that the operator has violated any provision of state law or the City of Castle Pines Municipal Code. The signal must be given by a peace officer operating a marked official vehicle or wearing a clearly identifiable uniform. Prohibited conduct includes, without limitation: (1) increasing speed to avoid the officer; (2) extinguishing lights; (3) departing the roadway to avoid the stop; or (4) any other conduct demonstrating a willful intent to avoid the officer.

- (c) Reckless Driving. A person who operates an off-highway vehicle in the City 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. For purposes of this subsection, "willful or wanton disregard" means conduct that the operator knew, or reasonably should have known, created a substantial and unjustifiable risk of harm to persons or property. Any person found guilty of, or entering a plea of guilty, or no contest to, a violation of this subsection shall be subject to a mandatory minimum fine of one thousand dollars (\$1,000.00), and a maximum of two thousand six hundred fifty dollars (\$2,650.00).
- (d) Careless Driving. A person who operates an off-highway vehicle in the City 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.
- (1) Any person found guilty of, or entering a plea of guilty, or no contest to, a violation of this subsection where such conduct did not result in bodily injury or damage to another person's property shall be subject to a mandatory minimum fine of one hundred fifty dollars (\$150.00), and a maximum of three hundred dollars (\$300.00).
- (2) Any person found guilty of, or entering a plea of guilty, or no contest to, a violation of this subsection where such conduct is the proximate cause of bodily injury to another person or damage to another person's property, shall be subject to a mandatory minimum fine of three hundred dollars (\$300.00), and a maximum of one thousand dollars (\$1,000.00).
- (e) Safety Equipment. Every operator of an off-highway vehicle who is under the age of eighteen (18) years shall wear a properly fitted and fastened safety helmet. A peace officer may order an operator to cease operation of the off-highway vehicle until compliance with this subsection is achieved. Any person found guilty of, or entering a plea of guilty, or no contest to, a violation of this subsection shall be subject to a mandatory minimum fine of seventy-five (\$75.00), and a maximum of two hundred and fifty dollars (\$250.00).
- (f) Impoundment. The Douglas County Sheriff's Office is hereby authorized to impound any off-highway vehicle which the Sheriff's Office has probable cause to believe is being operated on the public streets, roads, trails, and alleys within the City in violation of the provisions of state law or this Article.
- (1) Whenever an off-highway vehicle is impounded, and the identity of the owner of the vehicle is known, such owner or person shall be given notice in writing of the fact of such impoundment, the reasons therefor, and the place to which the vehicle has been impounded.

- (2) Unless otherwise determined by the Castle Pines Municipal Court or the Sheriff, any vehicle so impounded shall remain impounded until such time one of the following conditions are met by the operator of such impounded off-highway vehicle (a) is found guilty of a violation under this Article, (b) pleads guilty to a violation under this Article, (c) is found not guilty by the Castle Pines Municipal Court of violating a provision in this Article, or (d) has had all charges for violating this Article dismissed by the prosecuting attorney.
- (3) In the event an off-highway vehicle is impounded pursuant to this subsection, the owner of such vehicle shall pay an impoundment fee, which may be established or modified or amended from time to time by resolution of the City Council, and after five (5) days following impoundment of the vehicle, the owner shall also pay a storage fee, which may be established or modified or amended from time to time by resolution of the City Council, for each day that said vehicle remains in the custody and control of the Sheriff's Office.
- (4) Whenever an off-highway vehicle has been impounded for a period of ninety (90) days, and no claim of ownership shall have been made and established to the satisfaction of the Sheriff, or when the owner is identified and a condition of subsection (2) of this subsection has been satisfied, and the owner of the vehicle has made no effort to collect the vehicle, the Sheriff shall consider such vehicle as abandoned and the property of the city, to be disposed of as such. The City shall not dispose of the property until first advertising in one or more official publications of the city a notice stating that all off-highway vehicles impounded and unclaimed for a period of ninety (90) days will be considered as abandoned and become city property if not properly claimed within ten (10) days of the date of publication of the notice. The Sheriff's Office is hereby empowered and authorized to adopt rules and regulations governing the procedure to be followed in the impounding of off-highway vehicles pursuant to the provisions of this subsection.

Sec. 8-2-30. – Low Speed Electric Vehicles.

- (a) Driver's License Required. No low-speed electric vehicle may be operated on the streets of the City unless there is a human driver who has a valid driver's license to operate a motor vehicle controlling the operation of the vehicle.
- (b) Child Restraint System Required. No low-speed electric vehicle may be operated unless all occupants are properly restrained in a safety belt or child restraint system, as applicable, if such safety belts were included in the vehicle's original factory outfitting. If the child is less than one year of age

and weighs less than twenty pounds, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle. If the child is one year of age or older, but less than four years of age, and weighs less than forty pounds, but at least twenty pounds, the child shall be properly restrained in a rear-facing or forward-facing child restraint system.

Section 3. Severability. If any part or 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 this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Codification Amendments. The codifier of the City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Castle Pines Municipal Code.

Section 5. Safety Clause. The City Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

Section 6. Publication and Effective Date. The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the Charter. This Ordinance shall be effective thirty (30) days after final publication on the City's official website and posting at the City Clerk's office pursuant to Section 1-3-40 of the Municipal Code.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 7th DAY OF APRIL, 2026.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 28 DAY OF APRIL, 2026.



ATTEST:

Tobi Duffey

Tobi Duffey, MMC, City Clerk

Tracy Engerman

[Tracy Engerman \(May 28, 2026 09:14:09 MDT\)](#)

Tracy Engerman, Mayor

Approved as to form:

Linda Michow

[Linda Michow \(Apr 29, 2026 18:46:19 MDT\)](#)

Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading on April 7, 2026; published by title only in the Douglas County News-Press, together with the statement that “[t]he complete text of the ordinance is available through the City Clerk’s office and on the City’s official website with second reading and public hearing to be held on April 28, 2026”; and finally passed and adopted by the City Council on April 28, 2026, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on April 8, 2026..

ATTEST:



Tobi Duffey, MMC, City Clerk