August 25, 2026

TO: City of Littleton, Members of the City Council

Littleton Center
2255 West Berry Avenue
Littleton, CO 80120

Re: Draft Ordinance No. XX, Series 2026, Regulating Electrical Assisted Bicycles

Dear Mayor Schlachter and Members of the City Council:

Bicycle Colorado has been advocating to expand access to safe biking for all riders in Colorado since 1992. We played a key role in passing our state's e-bike legislation, including the three-class system in 2017 (HB-1151), the state rebate in 2022 (SB-193), the state tax credit in 2023 (SB-1272), and the consumer protection law in 2025, which made it illegal to sell e-motorcycles as e-bikes (HB-1197).

We are writing regarding the draft ordinance that would amend Title 9 and Title 1 of the Littleton City Code to regulate electric-assisted bicycles.

The micromobility market has evolved rapidly over the past few years. Today we see people operating high-powered electric devices that are unregistered, uninsured, and not allowed on the public right-of-way. These devices are often marketed as and mistaken for "e-bikes." These devices are the driving force behind many of the safety concerns we are hearing.

We are glad that the City of Littleton shares our interest in the safety of people using the public right-of-way. Additionally, based on the slide presentation created by City staff, it appears you share our concern about high-powered electric devices. However, the proposed ordinance does nothing to address illegal high-powered electric devices. Instead, it targets only "electrical assisted bicycles," which is not defined in the ordinance.

As explained below, we recommend redrafting the ordinance to focus on and discourage the illegal use of high-powered electric devices. We also recommend the City's impoundment authority and parental-responsibility provisions (Subsections B and C) be rewritten to apply to high-powered electric devices.

Without these changes, enforcement will unfairly impact riders of legal Class 1, 2, and 3 e-bikes, including students, commuters, and delivery workers who rely on them for basic transportation.

This ordinance, as written, risks undermining the many benefits individual riders and communities realize from Class 1, 2, and 3 e-bikes.

For some recommendations, we've included draft ordinance language for staff to build on. We hope to have the opportunity to work with the Council and staff before an ordinance is adopted. This collaboration would also enable us to incorporate concepts we're developing for legislation in 2027.

Bicycle Colorado's goal is the same as the City's: safe streets and paths, with enforcement aimed squarely at illegal, unregistered devices – not at the growing number of Littleton residents who rely on legal e-bikes for everyday transportation.

1. **Target the Problem: Off-Highway Vehicles and Unregistered Motor Vehicles, Not Legal E-Bikes.**

Colorado already maintains a separate legal category for the devices driving the City's concern: "off-highway vehicles" (OHVs) under C.R.S. Title 33, Article 14.5. State law (C.R.S. § 33-14.5-108) already makes it unlawful to operate an OHV on any public street, road, or highway at all, subject only to narrow exceptions such as a right-angle crossing, agricultural or utility use, a declared emergency, or a route a local government has specifically authorized by ordinance or resolution – and a related provision (§ 33-14.5-110) lets the City require a driver's license and liability insurance whenever it does authorize such use. We recommend using existing statute to define and prohibit the use of these high-powered electric devices (off highway vehicles) on public roads, bike lanes, paths, trails, and sidewalks.

We also recommend the following:

A. Add to the ordinance low-powered scooters, which should be registered, insured, and operated by a rider with a valid driver's license.

B. Include an explicit modification clause: an e-bike that has been altered to remove or exceed its class's speed or power limits loses its status as an "electric-assisted bicycle" and becomes an unregistered motor vehicle subject to the ordinance's prohibition.

> *PROHIBITION. NO PERSON SHALL OPERATE AN OFF-HIGHWAY VEHICLE, AS DEFINED IN C.R.S. § 33-14.5-101 (AS AMENDED), OR ANY OTHER MOTOR VEHICLE REQUIRED TO BE REGISTERED, LICENSED, OR INSURED UNDER TITLE 42, C.R.S., THAT IS NOT SO REGISTERED, LICENSED, OR INSURED, UPON ANY PUBLIC STREET, ROAD, ALLEY, TRAIL, SIDEWALK, OR OTHER PUBLIC RIGHT-OF-WAY WITHIN THE CITY, EXCEPT AS OTHERWISE PERMITTED BY THIS CODE OR STATE LAW.*

> *NON-APPLICATION TO ELECTRICAL ASSISTED BICYCLES. THIS SECTION SHALL NOT APPLY TO AN ELECTRICAL ASSISTED BICYCLE, AS DEFINED IN C.R.S. § 42-1-102(28.5) (AS AMENDED), THAT IS OPERATED IN COMPLIANCE WITH THAT DEFINITION AND THIS CODE. AN ELECTRICAL ASSISTED BICYCLE THAT HAS BEEN MODIFIED TO REMOVE, DISABLE, OR EXCEED A SPEED OR POWER LIMITATION APPLICABLE TO ITS CLASS LOSES ITS STATUS AS AN ELECTRICAL ASSISTED BICYCLE AND IS SUBJECT TO THIS SECTION.*

C. The ordinance presents an opportunity to educate the public on various mobility devices - what they are, who can operate them, and where they are allowed. We recommend adding definitions for class 1, 2, and 3 electric bikes, as well as other micromobility devices, such as electric scooters and low powered scooters.

2. Refine and Clarify Helmet Mandate (§ 9-1-9.A)

The draft requires helmets for all riders under 18 on any class of electric-assisted bicycle. This is broader than the state helmet mandate, which applies only to Class 3 e-bike riders under 18 **(C.R.S. § 42-4-1412).** Bicycle Colorado believes all riders should always use a properly fitted helmet. However, empowering public safety to stop youth, many of whom ride legal bikes responsibly, because they are not wearing a helmet, is a different issue. Historically, Bicycle Colorado has favored proven safety interventions for Vulnerable Road users, such as protected infrastructure, traffic calming, and laws that discourage and punish dangerous driving, rather than helmet mandates. Before adopting this mandatory helmet provision, we ask that you weigh the pros and cons of taking this step, which can be reviewed **here.**

We also ask that you consider the following:

A. Following **C.R.S. § 33-14.5-110(1)(b)(I)(F),** the ordinance should clarify that youth under 18 must wear a helmet when operating an off-highway vehicle.

B. Require that riders must violate some other traffic law (e.g., operating an off highway vehicle on a public road) before being cited for not wearing a helmet. Youth riding legal e-bikes responsibly - albeit without a helmet - should not be stopped by the police.

C. Add a warning system for first-time offenders.

D. Clarify the penalty in the ordinance for not wearing a helmet.

E. Fund a helmet give-away program. Children should not be cited because they can't afford or don't have access to a helmet. Bicycle Colorado would be excited to work with the City on this project.

3. Refine and Clarify Impoundment Authority (§ 9-1-9.B)

We recommend the following:

A. If the ordinance targets off-highway vehicles rather than legal e-bikes, then operating an unregistered, uninsured off-highway vehicle on the public right-of-way is grounds for impoundment. The circumstances enumerated in B.1.a., b., and c. are unnecessary.

B. Add that impoundment of Class 1, 2, and 3 electric bikes is possible if operated where they are not allowed. For example, **C.R.S. § 42-4-1412(14)(b)** prohibits the use of Class 3 e-bikes on multiuse paths, unless allowed by local government.

C. If the ordinance continues to target legal e-bikes, we recommend clarifying the "safe mechanical condition" provision in B.1.a. As written, "safe mechanical condition" gives officers unguided discretion to impound a legal e-bike for things such as a worn tire or loose kickstand. We strongly recommend specifying explicit objective defect standards that present an immediate hazard. Also consider establishing a warning system.

D. If the ordinance continues to target legal e-bikes and "safe mechanical condition" is grounds for impounding a legal e-bike, we recommend clarifying the parameters for releasing an impounded bike under B.2.a.ii. As written, the ordinance turns on the City's "authorized agent" being "satisfied" the bike won't be ridden until corrected – an open-ended, subjective standard with no maximum holding period, no written notice requirement, no fee-waiver option for financial hardship, and no path to a prompt hearing if an owner disputes the impoundment. We recommend adding due-process protections, since they are good practice on their own terms:

i. Written notice of the reason for impoundment to the owner (or, for a minor, a parent or guardian) within 24 hours.

ii. A defined maximum hold period (e.g., 15 days) absent further cause, and a right to request a hearing within a set number of business days.

iii. A fee waiver or payment-plan option for financial hardship, given that impoundment fees can fall hardest on the riders – students, commuters, delivery workers – who most rely on affordable transportation.

We also recommend that the Police Department track impoundments by reason and vehicle type, and that the City revisit the ordinance after 12 months to confirm that enforcement is targeting illegal devices rather than legal e-bikes.

4. Refine and Clarify Parent Responsibility (§ 9-1-9.C)

We recommend the following:

A. Add that parents and guardians will be held accountable for knowingly allowing their child to operate an unregistered, uninsured vehicle, such as an off-highway vehicle, on the public right-of-way.

> *PARENT RESPONSIBILITY. NO PARENT OR LEGAL GUARDIAN SHALL KNOWINGLY CAUSE, PERMIT, OR ALLOW A MINOR UNDER THE AGE OF EIGHTEEN TO OPERATE AN OFF-HIGHWAY VEHICLE OR OTHER UNREGISTERED, UNINSURED MOTOR VEHICLE IN VIOLATION OF THE PROHIBITION ABOVE.*

B. Clarify the penalties for the above and determine if it's feasible and prudent to increase the penalty of $50 **(C.R.S. § 33-14.5-108)** for operating an off-highway vehicle on the public right-of-way. We believe the penalty should be meaningful to discourage the behavior, and $50 may not be a sufficient consequence.

When youth are cited for violating traffic law, parents or guardians often participate in the proceedings. However, adopting an ordinance that holds parents liable for their child's actions, such as violations of the Model Traffic Code, may not be supported by state statute or case law. We recommend the City's attorneys carefully assess this concept before including it in the ordinance.

5. Add Rider Responsibility Section

Regardless of whether parents can be held liable for their children's actions, we recommend including in the ordinance that operators of mobility devices, including class 1, 2, and 3 electric bikes, off-highway vehicles, low-powered scooters, etc., may be cited and held liable for violating traffic laws and for the harm they cause others in a crash.

We also recommend limiting “In violation of the Model Traffic Code” to more serious specific violations. The Model Traffic Code captures any deviation from the general rules of the road – signaling, stopping, sidewalk riding, and the like – including the kind of minor, technical infractions a young rider on any bicycle commits routinely. There is no floor for materiality, and no limitation to moving or safety-relevant violations.

One way to accomplish this is by focusing this section of the ordinance on **C.R.S. §42-4-1401 (Reckless Driving)** and **C.R.S. §42-4-1402 (Careless Driving).** This will ensure more egregious violations are highlighted in the ordinance.

6. Overall Penalty Transparency and Proportionality

Section 9-1-9 does not specify a penalty for violating the helmet requirement (Subsection A) or the parent-responsibility provision (Subsection C); only the impoundment provision (Subsection B) carries its own built-in consequence. Violations of A and C therefore appear to default to whatever general penalty clause exists elsewhere in the Littleton Municipal Code (typically found in Title 1) for violations not otherwise specified – a provision the current draft neither states nor cross-references.

This matters for transparency (neither the public nor the Council can evaluate the ordinance's real-world impact without knowing the actual fine amount, offense classification, and whether a court appearance is required) and for proportionality (a uniform general clause could give a first-time helmet violation the same maximum exposure as far more serious conduct). Once the ordinance is retargeted as recommended above, this concern also becomes an opportunity: the City can and should set a materially higher penalty tier for operating an unregistered, uninsured off-highway or other motor vehicle on the right-of-way – conduct that genuinely warrants a strong deterrent – while keeping any stand-alone e-bike helmet violation at a low-level, civil-infraction tier with no court appearance.

We recommend the City identify, on the record, which specific penalty provision would otherwise apply to Subsections A and C, and adopt an explicit, graduated penalty structure rather than relying on inference.

7. Additional Recommendations

A. Rename the ordinance: “An Ordinance for the Regulation of Off Highway Vehicles”

B. Add a whereas clause naming the actual problem – unregistered, uninsured off-highway vehicles and other motor vehicles marketed as “e-bikes” but not meeting the statutory

e-bike definition – to create a clear legislative record supporting narrow, targeted enforcement.

> *WHEREAS, the City has observed a proliferation of unregistered, uninsured off-highway vehicles and other motor vehicles marketed as "e-bikes" that do not meet the statutory definition of an electric-assisted bicycle under C.R.S. § 42-1-102(28.5), and which are being operated unlawfully and unsafely on streets, sidewalks, and trails within the City; and*

C. Add a clarifying sentence confirming this ordinance does not alter path or trail access for Class 1 or Class 2 e-bikes where otherwise permitted under City code or **C.R.S. § 42-4-1412**, so the new enforcement tools are not read to work a de facto access restriction.

> *NOTHING IN THIS SECTION 9-1-9 SHALL BE CONSTRUED TO RESTRICT THE OPERATION OF A CLASS 1 OR CLASS 2 ELECTRICAL ASSISTED BICYCLE ON ANY BICYCLE LANE, MULTI-USE PATH, OR TRAIL ON WHICH SUCH OPERATION IS OTHERWISE PERMITTED UNDER THIS CODE OR C.R.S. § 42-4-1412.*

D. Issuing an ordinance is a unique opportunity to educate the public. We strongly encourage creating a communications plan with supporting materials that are easier to understand than an ordinance.