



CITY COUNCIL WORK SESSION
Monday, July 20, 2026 - 10:00 AM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

Public participation for this meeting will be in person in the City Council Chambers. The meeting can be viewed online [via livestream](#) and video recordings of the meetings can be viewed on our [YouTube page](#).

Public comment will be accepted on topics listed under “Discussion Items.” Please note that no formal action will be taken on the matters raised during this time. Comments made during this time should be addressed to the Council and pertain to the agenda item on which the comment is made. City Council or City staff may respond or engage in discussion should the comment provoke discussion. Please refrain from any personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial, or gender-oriented slurs as they may be considered “disorderly conduct” which violates state or local law.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. Spanish interpretation may be provided upon request, subject to availability. Please [email the City](#) at least three days in advance to coordinate this service.

1) DISCUSSION ITEMS

- A) Victim Assistance Law Enforcement (VALE) Grant Authorization (10 minutes)
Staff: Deputy Police Chief Larry Witte and Victim Services Coordinator Chantelle Bainbridge
- B) Locust Road Addition Annexation (10 minutes)
Staff: Senior Planner William Reis
- C) 2026 Private Activity Bond Allocation (10 minutes)
Staff: Community Development Director Jace Hochwalt
- D) Municipal Code Amendments for Electrical-Assisted Bicycles and Classless Electrical-Assisted Vehicles (15 minutes)
Staff: Assistant City Attorney Matt Magliaro

2) GENERAL CITY COUNCIL DISCUSSION

3) STAFF REPORTS

RESOLUTION 2026 -

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

WHEREAS the Montrose Police Department continues to see an increase in the need to employ two Victim Services staff.; and

WHEREAS we continue to see a steady number of crime victims that we assist annually with 562 victims served in 2025; and

WHEREAS, the State of Colorado has passed legislation in 2021 requiring suspects to be Advised within 48 hours of arrest, beginning in April 2022, which requires Victim Services to contact crime victims on Weekends to discuss their rights, inform them of the protective order, and ensure they have the ability to exercise their right to be present and speak; and

WHEREAS the Montrose Police Department wishes to continue to improve upon the services provided to include Victim Services availability 7 days a week in the office, Weekend Advisement coverage, helping victims with obtaining civil protection orders, apply for Crime Victim Compensation or access other community resources, regular follow up with crime victims; and

WHEREAS the Montrose Police Department wishes to reduce the burnout caused by vicarious trauma and maintain longevity with future advocates and employees within this type of position; and

WHEREAS the Montrose Police Department is mandated by the Colorado Constitution to guarantee certain rights to victims of violent crimes, employs a full time Victim Services Coordinator and one full time Victim Advocate to ensure compliance and to provide services to crime victims, and wish to apply for a portion of the Victim Services Coordinator's in the amount of \$34,324 and Victim Advocate's salary in the amount of \$26,780.00;

NOW, THEREFORE, the City Council of the City of Montrose:

- Authorizes the City of Montrose Police Department to file a Victim Assistance Law Enforcement (VALE) Grant through the 7th Judicial District Victims Assistance Board for the total of \$61,104.00, to cover a portion of both the current Victim Advocate's Salary and a new Victim Advocates salary.
- Authorizes the Chief of Police to act in connection with the application and to provide such additional information as required.

- Authorizes the City Manager, Chief of Police and Finance Director to sign the grant application and reporting documents.

ADOPTED this 4th day of August, 2026, by the Montrose City Council

CITY OF MONTROSE, COLORADO

By _____
Michael Badagliacco, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: July 20, 2026
RE: Locust Road Annexation
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Zoning Code Excerpt

City Council Consideration:

City Council is considering the Locust Road Addition annexation application and the associated zoning. Council will consider all of the information in this memo in making a decision.

Proposed schedule:

July 20:	Council Work Session Overview
August 4:	Council Resolution to set a hearing date
August 12:	Planning Commission zoning hearing
September 15:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
October 6:	2nd reading of annexation and zoning ordinances

Application Background:

The Locust Road Addition is a proposed annexation approximately 3.27 acres in size. The annexation consists of Parcel #376722400062, as well as some unannexed portions of Locust Road. It is within the City's Urban Growth Boundary, the City of Montrose Sewer Service Area, and the City of Montrose Water Service Area.

Proposed Zoning: "R-2" Low Density District

Applicant: Gustavo Martinez

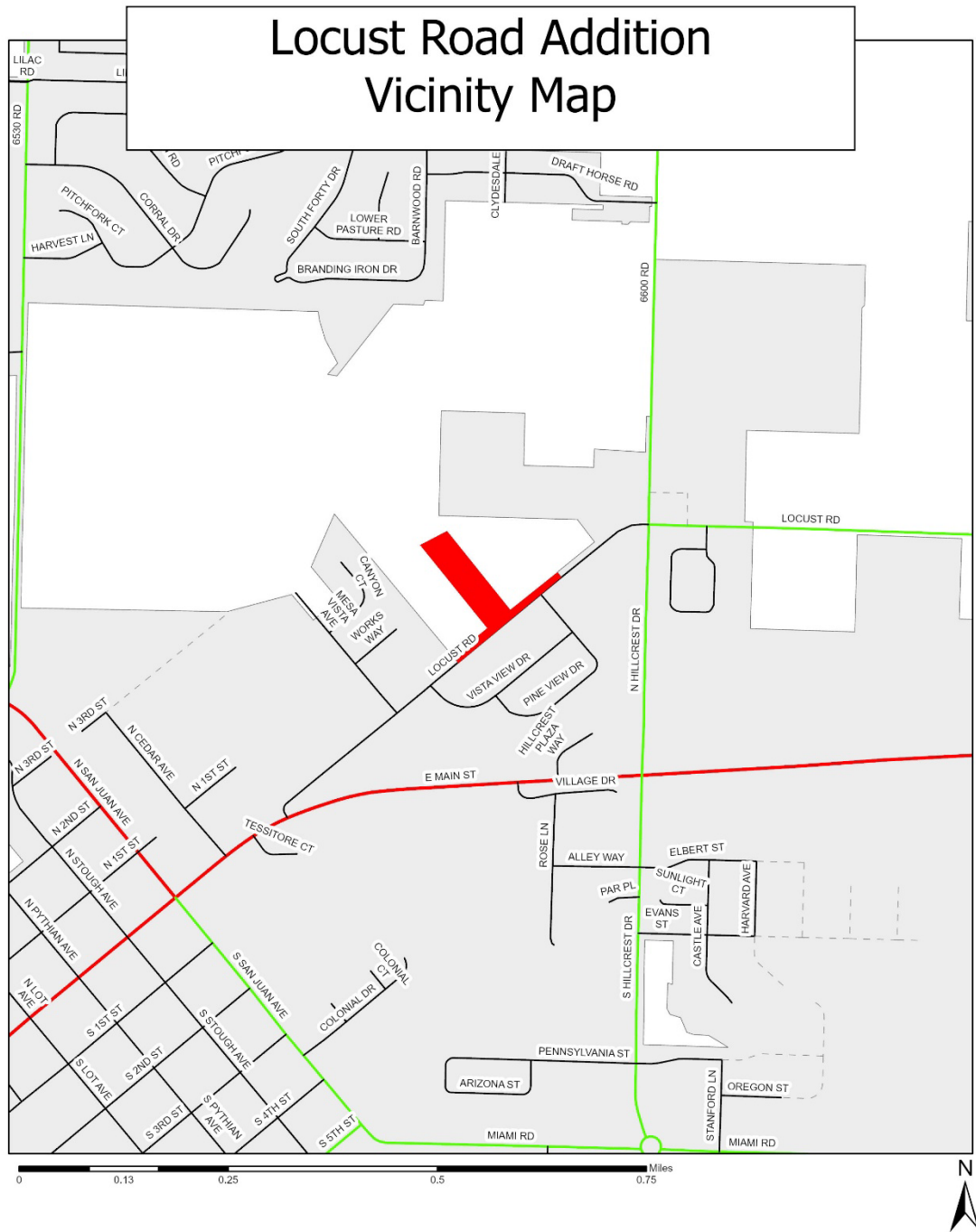


Staff Analysis:

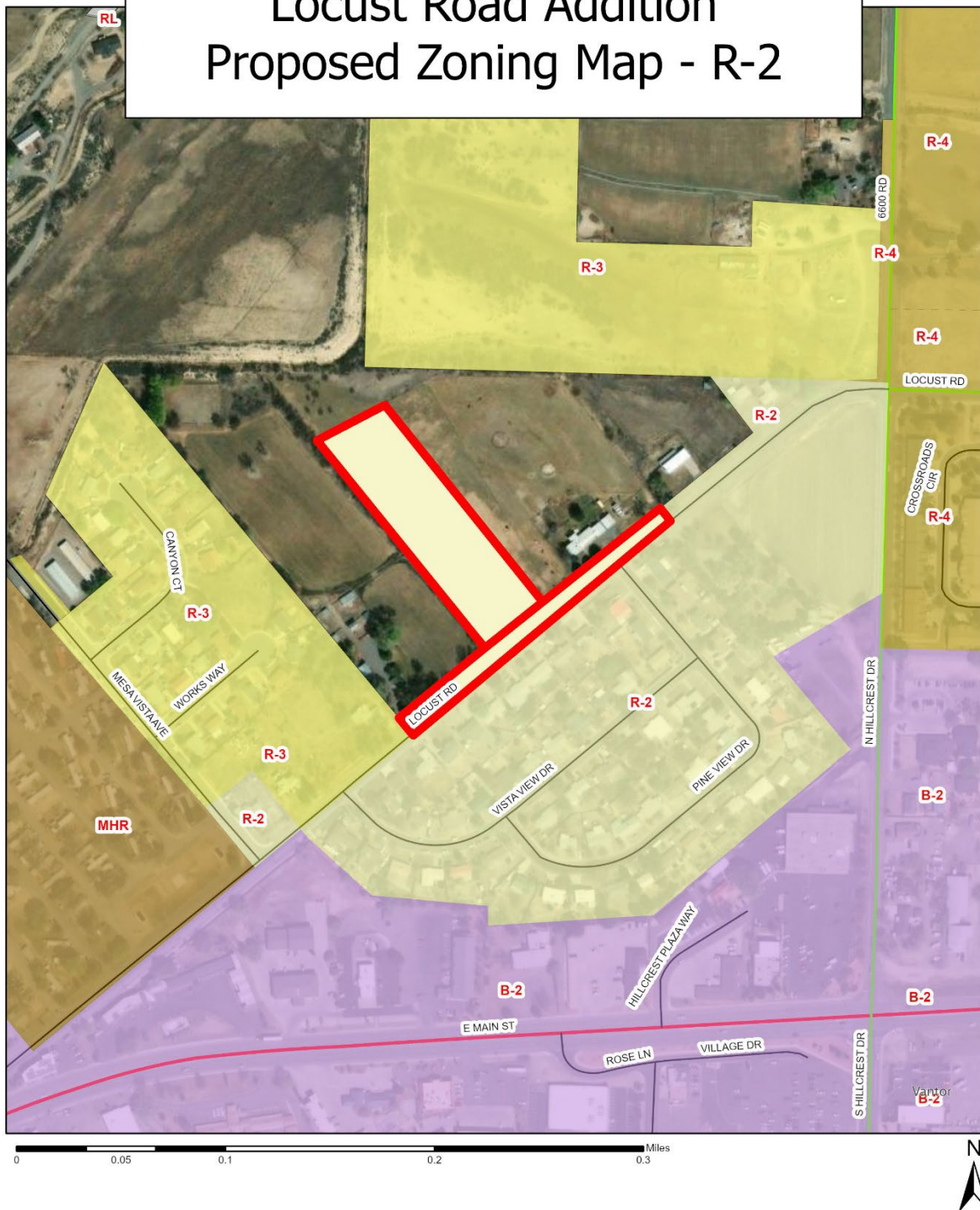
1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 11-7-12 (B), Zoning of Additions. "The zoning of additions for all property annexed to the City not previously subject to City zoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. Proceedings concerning the zoning of property to be annexed may commence at any time prior to the effective date of the annexation ordinance, or thereafter as allowed by law. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The zoning of additions shall be subject to the review procedures of Chapter 11-4 and standards of Section 11-7-4 of this Title, and shall be allowed only upon findings as follows:
 - i. The amendment is not averse to the public health, safety and welfare; and
 - ii. The amendment is in substantial conformity with the Comprehensive Plan, or such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated."
 - b. Municipal Code, Section 11-7-5: The "R-2" Low Density District is intended to provide primarily for development of single-household detached and duplex dwellings, along with certain other compatible land uses.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned "R-2" Low Density District, "R-3" Medium Density District, and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Locust Road Addition as Residential Mixed Density Medium. The Residential Mixed Density Medium district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes. The majority of the mixed-density medium residential land uses are designated in areas that are not yet developed.
5. The property is located within Growth Area 2. According to the Comprehensive Plan, Growth Area 2 contains an area that has some level of, or moderate proximity to, existing infrastructure.
6. The "R-2" zoning does not appear to be averse to the public health, safety and welfare.



EXHIBIT A: Maps



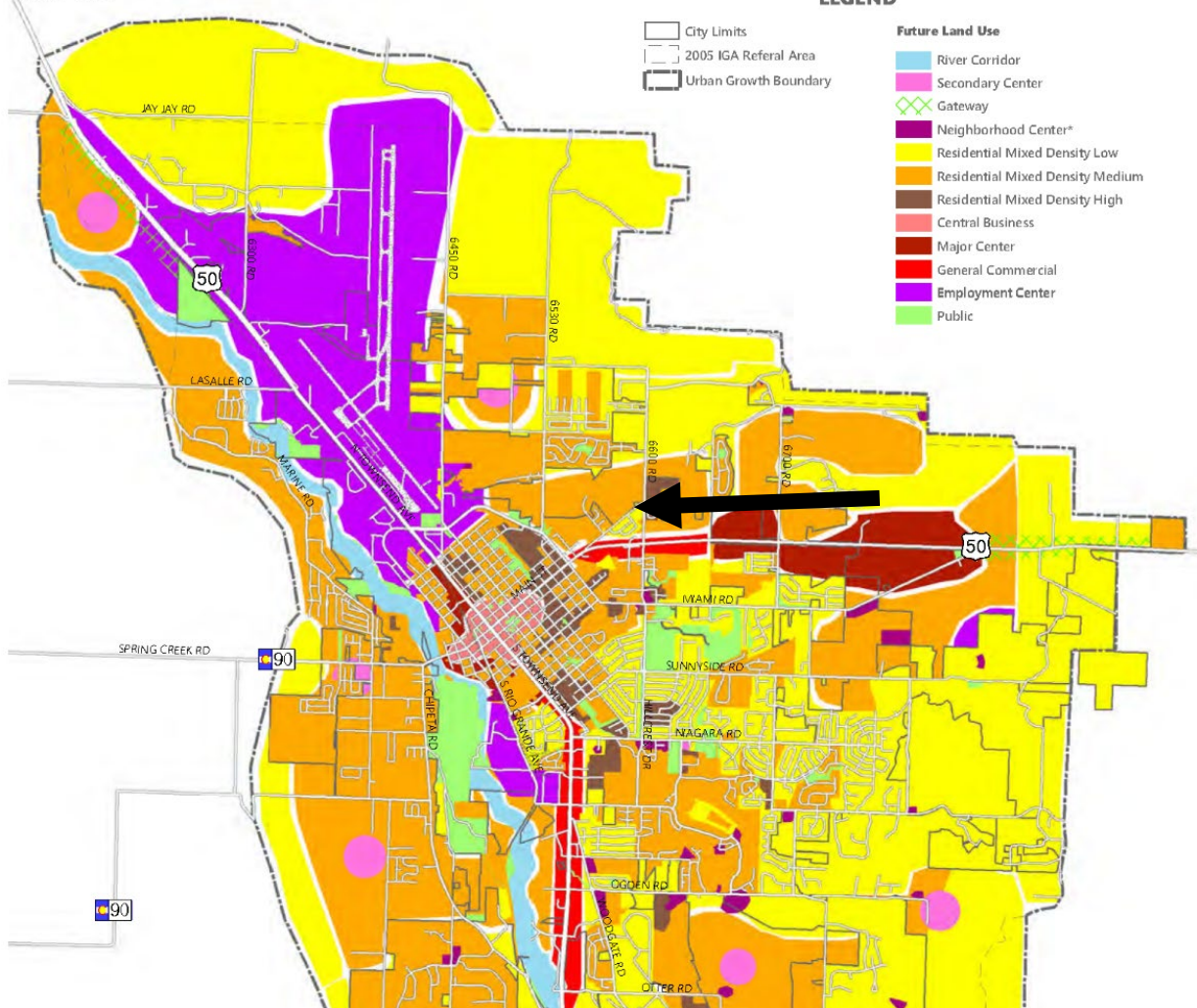
Locust Road Addition Proposed Zoning Map - R-2



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



ADDITION TO THE CITY OF MONTROSE
1815 LOCUST ROAD, MONTROSE CO 81403
A PORTION OF LOTS 3 AND 4 OF BELVEDERE SUBDIVISION
SITUATED IN THE S₂¹ S.E.¹/₄ SECTION 22
T.49N., R.9W., N.M.P.M., MONTROSE COUNTY, COLORADO

PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN THE S₂¹ S.E. 1/4TH SECTION 22N TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN, MONTROSE COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BELVEDERE HEIGHTS SUBDIVISION BEING A PORTION OF LOTS 3 & 4 BELVEDERE HEIGHTS SUBDIVISION BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 3 BELVEDERE HEIGHTS SUBDIVISION FROM WHENCE THE SOUTH WEST CORNER BEARS S 48°50'03" W 250 FEET; THENCE NORTH 41°14'16" W 675.44 FEET; THENCE N 60°11'41" E 193.27 FEET; THENCE S 41°01'08" E 737.37 FEET TO THE SOUTH EAST CORNER OF THE LOCUST ROAD RIGHT OF WAY BELVEDERE HEIGHTS SUBDIVISION LOT 3; THENCE S 48°50'03" W 187 FEET TO THE SOUTH WEST CORNER OF LOCUST ROAD RIGHT OF WAY; THENCE N 41°14'16" 100 FEET TO THE POINT OF BEGINNING, CONTAINING 3.27 ACRES MORE OR LESS.
ALSO SHOWN AS PARCEL 2 ON SURVEY PLAT RECEIPT NO. 947208

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR OF THE STATE OF COLORADO, THAT THIS ANNEXATION MAP OF BELVEDERE HEIGHTS SUBDIVISION, CONSISTING OF 1 SHEET WAS PREPARED UNDER MY DIRECT SUPERVISION.

JOESEPH R. REASE DATE
L.S. 36067

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE CITY OF MONTROSE, A MUNICIPAL CORPORATION IN THE COUNTY OF MONTROSE, STATE OF COLORADO HAS BY IT'S ORDINANCE NO. _____ ADOPTED ON THIS _____ DAY OF _____ 2025 A.D., ANNEXED THE PROPERTY DESCRIBED HEREON TO THE CITY OF MONTROSE

CITY OF MONTROSE

MAYOR

RECORDERS CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF MONTROSE COUNTY AT _____ ON THE _____ DAY OF _____, 2025 RECEPTION NO. _____

COUNTY CLERK AND RECORDER

DEPUTY

CITY LIMITS

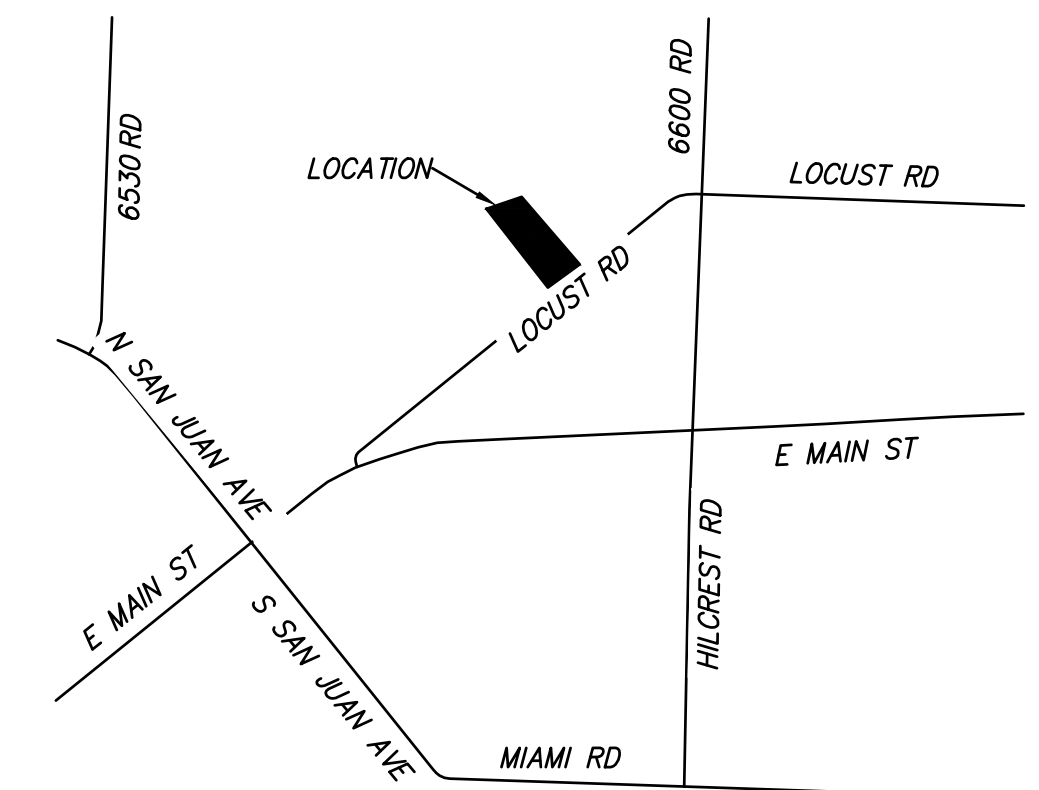
TOTAL PERIMETER = 3114.41'
PERIMETER CONTIGUOUS TO CITY LIMITS = 948.42'

BELVEDERE SUBDIVISION BOOK 0 PAGE 1

IMPROVEMENT SURVEY PLAT REC. NO. 947208

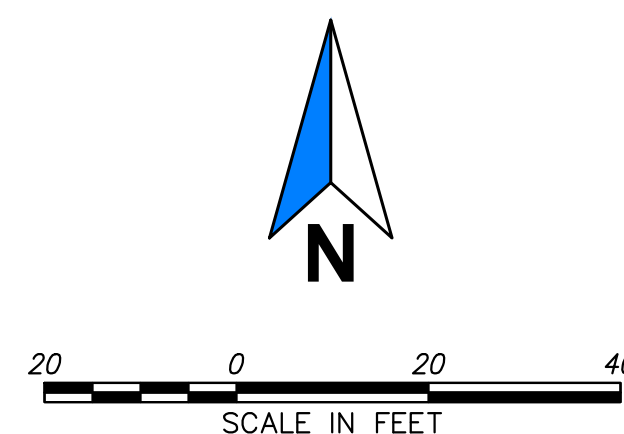
NOTE: THIS PLAT DOES NOT CONSTITUTE A BOUNDARY SURVEY. IT IS A COMPILATION OF EXISTING RECORDS FOR THE PURPOSE OF ANNEXATION.

VICINITY MAP



LEGEND

- PROPERTY LINE
- ROAD CENTERLINE
- EDGE OF ASPHALT
- ROAD RIGHT OF WAY
- CITY LIMITS



CLIENT:
GUSTAVO MARTINEZ
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MONTROSE, CO 81403
DIAZSTAVO@GMAIL.COM

SURVEYOR:
Joseph S. Rease, PLS 36067
DOWIL, 222 S. Park Avenue
Montrose, CO 81401
jrease@buckhornengineering.com

BUCKHORN
ENGINEERING
222 South Park Avenue
Montrose, Colorado 81401
970-249-6828

BELVEDERE HEIGHTS SUBDIVISION
ADDITION TO THE CITY OF MONTROSE
ANNEXATION MAP

PROJECT 25-111-SUR
DATE 1/15/26
DRAFTER EJW
CHECKED JR
FIELD CREW EJW
FIELD DATE SEP/2025

V-1
1 OF 1

EXHIBIT B: Zoning Code Excerpt

Sec. 11-7-6. District uses.

- (A) *Permitted uses.* Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.
- (B) *Conditional uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
- (1) The use will not be contrary to the public health, safety, or welfare.
 - (2) The use is not materially adverse to the City's Comprehensive Plan.
 - (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
 - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
 - (5) The use will not have an adverse effect upon other property values.
 - (6) Adequate off-street parking will be provided for the use.
 - (7) The location of curb cuts and access to the premises will not create traffic hazards.
 - (8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
 - (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (C) *Principal uses.* The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.
- (D) *Accessory uses.* Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Chapter, and shall also comply with the following limitations:
- (1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.
 - (2) An accessory use shall be operated and maintained under the same ownership as the permitted use.
 - (3) An accessory use shall be located on the same lot as a principal use.
- (E) *Temporary Use Permits.*
- (1) The City Manager or his designee may issue a permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a period of up to one year in accordance with this Subsection.
 - (2) The temporary use permit may be issued by the City Manager only after it determines that unusual circumstances exist, not created by the applicant, such as damage, destruction or delay in construction



of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.

- (3) The City Manager or his designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in his opinion. The permit may be granted subject to conditions appropriate to ensure compliance with this Subsection.
- (4) *Temporary Construction or Sales Office.* A building within a subdivision may be utilized as a temporary construction or sales office for a period up to one year by the developer of that subdivision during the period of the construction and initial sales respectively of the building and improvements within the area encompassed by the preliminary plat for each subdivision. The City Manager may authorize additional one-year periods for use as a construction office if construction is continuing in the area after the preceding year, or as a sales office if not all of the houses in the area have been sold during the year preceding.

(F) *Uses Not Listed.*

- (1) Uses not listed in a zone district are prohibited except that such uses may be approved by the City Manager provided such uses are found to be similar to a permitted use.
- (2) Any person aggrieved by a decision of the City Manager pursuant to this Subsection may appeal that decision to the City Council under the following procedure:
 - (a) The appeal must be made in writing and filed within 30 days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 15 days prior to the hearing.
 - (c) The City Council shall approve or deny the appeal.
 - (d) The decision of the City Council shall be the final decision of the City on the matter, appealable only to the district court.

(G) *Schedule of Residential Zone District Uses.*

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals.	P									



Rental storage units with a maximum rental unit size of 200 square feet.										C
Short-term rentals	P	P	P	P	P	P	P	P	P	P
Assisted living facilities					C	C	C		C	C
Childcare facilities	C	C	C	C	C	C	C	C	C	C
Family childcare home	P	P	P	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	C	C	C	C	P	P	P	C	C	P
Schools	C	C	C	C	C	C	C	C	C	C
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
Duplex					P	P	P		P	
Group homes—handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P	P	P	P	P	P	P	P	P	P
Group homes—handicapped/disabled > 9 persons (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Group homes, other (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A	A	A	A	A	A	A	A	A	A
Manufactured housing				¹				P	P	P
Mobile homes (See Sec. 11-13)										P
Mobile home parks (See Sec. 11-13)										P
Modular housing								P	P	P
Multi-family dwelling					C	P	P		C	
Single-family dwelling	P	P	P	P	P	P	P	P	P	P
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C	C

Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6(E)(1-3))	T	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7-6(E)(4))	T	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6(2))		T	T	T	T	T	T	T	T	T

¹ Manufactured housing is prohibited except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.

(H) *Schedule of Mixed Use, Commercial and Industrial Zone District Uses.*

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Automobile and vehicle sales, repair or service establishments			C	C	P	P			
Automobile body shops			C	C	P	P			
Bed and breakfast (See Sec. 11-11-1)	P								
Building materials businesses			C	P	P	P			
Car washes				P	P	P	C		
Commercial businesses		C							
Commercial uses other than the uses by right in this zone district which comply with the performance standards of Chapter 11-11-4 and are consistent with Sec. 11-7-5(D)(1).								C	
Farm implement sales or service establishments					P	P			
Fueling stations or other retail uses having fuel pumps which comply with the following criteria: (a) All fuel storage, except propane, shall be located underground. (b) All fuel pumps, lubrication and service facilities shall be located at			P	P	P	P	C		



least 20 feet from any street right-of-way line.									
Funeral homes			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facilities, self-service				P	P	P	P		
Mobile and travel home sales or service establishments					P	P			
Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers.	P								
Offices not allowed as a use by right.	C								
Travel home parks and campgrounds (See Sec. 11-13)				C	C	C			
Rental businesses					P	P			
Restaurants			P	P	P	P	P		P
Restaurants, drive-in or drive-through			C	C	C	C	C		
Retail sales and services establishments which cater to the general shopping public	C								
Retail stores, business and professional offices, and service establishments which cater to the general shopping public.			P	P	P	P	P		P
Retail stores, business and service establishments serving the general public but which also involve				C	C	C			

limited manufacturing of the products supplied									
Sexually oriented business (See Sec. 11-12-1)									P
Short-term rentals	P		P	P	P	P	P	P	P
Taverns			P	P	P	P	C		
Theaters			P	P	P	P			
Veterinary clinics or hospitals for small animals				P	P	P			
Veterinary clinics or hospitals for large animals					P	P			
Above ground storage facilities for hazardous fuels						P			P
Aircraft support services, including, but not limited to, aircraft maintenance and passenger and crew services.								P	P
Construction and contractor's office and equipment storage facilities						P			P
Feed storage and sales establishments						P			P
Manufacturing and non-manufacturing uses including: food processing; metal finishing and fabrication; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities. (See Sec. 11-11-4)					C	C		P	P
Other industrial uses									P
Storage facilities, indoor			C	P	P	P	C		P
Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operations			C	C	C	C		P	P
Airport								P	P
Assisted living facilities	C			P	P	P			
Childcare facilities	P	C	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			

Daytime social service activities by a social service provider, to include food storage; food distribution without monetary remuneration as a food pantry and/or food service without monetary remuneration as a soup kitchen; laundry facilities not for profit; showers; and counseling to include alcohol and/or substance abuse counseling. This use by right expressly excludes the overnight sheltering of people. For the purposes of this use by right authorization, "daytime" shall mean from 6:00 a.m. to 6:00 p.m. Mountain Standard Time. "Night" shall mean from 6:00 p.m. to 6:00 a.m. Mountain Standard Time.			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospitals	P								
Libraries		P	P	P	P	P			
Museums and visitor centers		P	P	P	P	P			
Parking facilities	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P			
Religious assembly	P	P	P	P	P	P	P		
Schools	C	P	C	C	C	C	C		
Golf courses		C							
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P
Private recreation facilities		P							
Duplex	P		P	P	P	P	P	P	P



Group homes— handicapped/disabled 8 persons or less (see Sec. 11- 11-2)	P		P	P	P	P	P	P	P
Group homes— handicapped/disabled > 8 persons (see Sec. 11-11-2)	C		C	C	C	C	C	C	C
Group homes, other (See Sec. 11-11-2)	C		C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A		A	A	A	A	A	A	A
Multifamily dwelling	C	C	P	P	P	P	P	P	P
Single-family dwelling	P	C	P	P	P	P	P	P	P
Supportive housing	C					C		C	
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C
Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11- 7-6(E)(1—3))	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7- 6(E)(4))	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11- 13-6(2))	T		T	T	T	T	T	T	T

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)



MEMO



To: Honorable Mayor and Members of the City Council
From: Jace Hochwalt, Community Development Director
Date: July 20, 2026
Re: 2026 Private Activity Bond Allocation

Action

Consider the assignment of the City's 2026 Private Activity Bond (PAB) allocation to the Colorado Housing and Finance Authority (CHFA) for use in supporting affordable housing and homeownership opportunities in Montrose.

Background

The Internal Revenue Service (IRS) annually provides each state with a federally established per capita allocation of tax-exempt Private Activity Bond (PAB) authority, commonly referred to as the state's Private Activity Bond Volume Cap or "Cap." Private Activity Bonds are tax-exempt bonds that allow private entities to finance projects that provide a public benefit, including affordable housing, first-time homebuyer mortgage programs, and certain other qualified facilities. Because the interest earned by bondholders is exempt from federal income tax, these bonds provide lower-cost financing for eligible projects.

The State of Colorado receives its annual allocation and, through the state's allocation process, distributes the authority among statewide issuing authorities and local governments. As Colorado's population has grown, the state's annual volume cap has also increased. For 2026, the allocation is \$1,474,868 for the City of Montrose, representing a 5.6% increase over the 2025 allocation.

The City of Montrose has historically elected not to issue Private Activity Bonds directly due to the administrative requirements, ongoing compliance obligations, and potential financial and legal responsibilities associated with serving as the bond issuer. Instead, the City has annually assigned its PAB allocation to the Colorado Housing and Finance Authority (CHFA). This approach allows the community to benefit from the City's allocation while utilizing CHFA's expertise in administering bond-financed housing programs and issuing the bonds on behalf of qualified projects.

CHFA uses these allocations to support affordable housing development and preservation, as well as homeownership opportunities throughout Colorado. In Montrose, CHFA partnered with the City in 2020 to use the City's PAB allocation to support Steele Properties, LLC's rehabilitation of the San Juan Apartments, preserving affordable housing for seniors (62 years of age and older) and residents with disabilities receiving Section 8 rental assistance.

In addition to supporting affordable rental housing, CHFA has used the City's allocated bond authority to provide below-market financing through its Single Family Homeownership Program. Since 2021, CHFA has issued 120 home mortgage loans in Montrose totaling more than \$36

million, assisting 319 individuals with homeownership opportunities. The chart below summarizes the funding provided in Montrose through CHFA's Single Family Homeownership Program.

Year of Funding Date	Single Family Tax-exempt Production	Loan Count	Related Down Payment Assistance	Median Gross Yearly Income	Median Economic AMI	Median Original Loan Amount	Total number of people in households
2021	\$5,313,175	20	\$211,786	\$73,770	108%	\$270,755	59
2022	\$4,502,185	17	\$169,510	\$70,666	130%	\$268,492	35
2023	\$6,099,442	21	\$244,426	\$69,356	107%	\$304,385	52
2024	\$6,273,404	19	\$253,892	\$97,319	144%	\$330,896	52
2025	\$8,148,376	24	\$354,659	\$84,141	139%	\$347,428	65
2026*	\$6,480,913	19	\$355,243	\$77,398	110%	\$332,859	56

*Data as of 6/30/2026.

Fiscal Impact

There is no direct fiscal impact to the City from allocating its Private Activity Bond volume cap to the Colorado Housing and Finance Authority (CHFA). The City incurs no debt or financial liability, while the allocation supports affordable housing and homeownership opportunities that can improve housing affordability and stability, strengthen the local workforce, and contribute to the community's long-term economic vitality. Administrative efforts are expected to be absorbed within existing staff resources.

Conclusion

City staff recommends approval of the allocation of the City's 2026 Private Activity Bond volume cap to the Colorado Housing and Finance Authority (CHFA) for use in supporting affordable housing and homeownership opportunities that benefit the Montrose community. This annual allocation allows the City to maximize the benefit of its federal bond authority without assuming the costs, risks, or administrative responsibilities of issuing bonds directly. Through CHFA's housing programs, the City's allocation helps expand access to affordable housing and homeownership for Montrose residents while advancing the City's long-term housing and community development goals.

MEMO

To: Honorable Mayor Badagliacco and Members of the City Council
From: Matthew Magliaro, Assistant City Attorney Public Safety
Date: July 20, 2026, Council Work Session
Re: Municipal Code Amendments for Electrical-Assisted Bicycles & Classless Electrical-Assisted Vehicles



Attachments:

- Proposed Ordinance, Clean Copy Version
- Proposed Ordinance, Redline Version

Action

Consider the approval of an ordinance adding a new section to Title 9, Chapter 10 Parks, a new section to Title 10, Chapter 1 Traffic, and amending Title 10 to add modifications to the adopted 2020 Model Traffic Code. The proposed code update is intended to provide clear local regulations on the operation of electrical-assisted bicycles and classless electrical-assisted vehicles within the municipal limits of Montrose.

Background

The Montrose City Council has requested City staff review and recommend an update to the municipal code to address the operation of electrical-assisted bicycles and electrical-assisted vehicles within City limits. Staff understands and distills the main issues of concern as follows: (1) the operation of electrical-assisted bicycles and electric vehicles at high speeds on city surface streets, predominately by juveniles; (2) the operation of electrical-assisted bicycles and electric vehicles at high speeds within the municipal park system paved paths, sidewalks and designated trails with the potential for collisions with other park users, such as other cyclists and pedestrians; (3) the high impact upon municipal park infrastructure from off-trail operation of electrical-assisted bicycles and electric vehicles. These issues are what the proposed ordinance would address with clear rules on what types of electrical-assisted bicycles are allowable on what thoroughways, the setting of a speed limit within the parks, and the prohibition on off-trail riding subject to exceptions.

It is important to note that the City is not writing on a totally blank slate. On February 21, 2023, City Council adopted by ordinance the 2020 State of Colorado Model Traffic Code to apply within the municipal limits of the City of Montrose, pursuant to Article II, § 10 of the City Charter authorizing adoption of “appropriate Colorado Statute” by reference, and C.R.S. § 42-4-110(1)(b). Like the current version of Title 42 of the Colorado Revised Statutes, the model traffic code used by the City defines electrical-assisted bicycles in general as: “a vehicle having two or three wheels and fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power.”¹ Electrical-assisted bicycle are organized further into three classifications: Class 1, 2 and 3. In general, Class 1 and 2 electrical-assisted bicycles are those

¹ MTC Definitions, § 28.5; C.R.S. § 42-1-102(28.5)(a)

MEMO



capable of a maximum speed of 20 miles per hour, with the difference between the two whether pedaling assistance is required for the motor assist activation.² Class 3 electrical-assisted bicycles are capable of a faster maximum speed of 28 miles per hour, pedaling assistance is required for motor operation, and these are required to be fitted with a speedometer.³ There exists a multi-mode electrical assisted bicycle wherein the bicycle is equipped with a toggle switch or programmable mode that provide for operation as two or more of the defined classes as well.⁴ These are regulated by the code to require certain equipment (MTC 221) and operator standards (MTC 1412).

The classes of electrical-assisted bicycle were codified in 2017. The definitions have not been updated to catch up with what is currently being sold to the public and encountered on the roads and walkways. These include electrical-assisted bicycles equipped with motors well over 750 watts and toggle switches or programmable modes that can reach speeds in excess of 28 miles per hour.⁵ Colorado Revised Statute as currently written deems these as not included in the definition of electrical assisted bicycle,⁶ essentially creating a 'classless' vehicle that is not governed by the rules of the road. From a prosecution perspective, if a rider was pulled over on this e-bike and the officer charged the rider with an ordinance violation of operating a class 3 bike in a restricted area, the defense would be the motor does not require pedal assistance and it travels at a higher speed than the maximum 28 miles per hour; therefore, it is a classless vehicle not a Class 3 electrical-assisted bicycle. As establishing the class of electrical assisted bicycle is necessary for the charge, this defense would produce an acquittal. The classifications pose additional prosecution challenges for enforcement, as the legislature based them upon maximum speed and operability. Since the classifications are based on whether pedal assistance is needed to operate the motor and the top speed of the bicycle, any determination of the class of the electrical assisted bicycle would require an officer to: 1) ride the bike and determine whether pedaling is needed to run the motor; 2) operate the bike to its maximum speed; and, 3) have another officer use visual estimation or a laser speed device to determine what is the top speed of the vehicle. This type of investigation is cumbersome and impractical.

² MTC Definitions, § 28.5(a), (b); C.R.S. § 42-1-102(28.5)(a)(1), (2).

³ MTC Definitions, § 28.5(c); C.R.S. § 42-1-102(28.5)(a)(3); C.R.S. § 42-4-221(10)(c).

⁴ C.R.S. § 42-1-102(60.2).

⁵ Several common models, such as the Aipax M2 Pro Xterra Ebike or the Freego X2 Pro, advertise maximum speeds of 36 miles per hour and 50 miles per hour respectively.

⁶ C.R.S. 42-1-102(28.5)(b)(“ Electrical assisted bicycle“ does not include:

(I) A vehicle that is modified so that it no longer meets the requirements for any class of electrical assisted bicycle; or (II) 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.”)

MEMO



Summary of Proposal

The proposal seeks to create a speed limit within the municipal parks of fifteen miles per hour, and prohibit off-trail riding, with certain exceptions for City staff performing the functions of their job within the parks. Repeated conduct is declared a nuisance. The proposal restates the definitions already in the model traffic code for electrical assisted bicycles, but defines where those who own each class may permissibly operate. The ordinance creates a new definition of classless electrical-assisted vehicle. This is intended to capture those bicycles and other electric assisted vehicles that fall into the gap between state law and current technology. Classless electrical assisted vehicles are prohibited from operation 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. The proposal creates a rebuttable, evidentiary presumption on the classification of vehicles from radar or LIDAR measurements, and allows as competent evidence the manufacturer's specification information. Last, the proposal would add 'classless electrical-assisted vehicles' to the scope of that covered by the careless and reckless driving laws.

Fiscal Impact

N/A. The proposal creates new code-based Class A traffic infractions punishable by a minimum penalty of \$15 to a maximum penalty range of \$100, within the Montrose Municipal Court. Colorado law allows retention of the aggregate amount of fines, penalties and forfeitures collected by local government. C.R.S. 42-4-110(4)(c). It is unclear what the enforcement expense will be, nor what the expense for staff costs to law enforcement, law enforcement clerical staff, court clerical staff, and the City Attorney's Office in prosecution expense to process and adjudicate the citations. It is not an expectation that the Montrose Municipal Court be a revenue generating section for city government.

Additional Considerations

None.

ORDINANCE NO.

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 speed limit 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, autocycle, 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 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 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:

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 ____ day of ____, 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 ____ day of ____, 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

ORDINANCE NO. _____

**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 speed limit 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, autocycle, 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 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 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:

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 ____ day of ____, 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 ____ day of ____, 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