



MEMO TO: Mayor Vandernail and the Board of Trustees
FROM: Michael Brack, Assistant Town Manager
DATE: February 19, 2020
SUBJECT: **Off-Highway Vehicles Survey and Regulation Findings**

MATTER BEFORE BOARD:

Discuss the community input provided through the off-highway vehicle (OHV) survey pushed out from January 2, 2020 to February 12, 2020 and discuss findings from other municipalities regulating off-highway vehicles and determine if further regulation is warranted in Fraser. If OHV regulation is warranted, staff will draft an ordinance for review based on Town Board guidance.

BACKGROUND:

Currently, the Town of Fraser has no ordinances regarding regulations pertaining to the use of OHVs within town limits and, thus, defaults to Colorado Revised Statutes that restrict OHV use on Town roads and right of ways. The Town of Fraser does, however, regulate the use of snowmobiles on town roads and right of ways in accordance with Chapter 8, Article 3 – Snowmobiles of the Town of Fraser municipal code.

OHV use is a popular sport in the National Forest areas outside of Fraser Town limits. A determination should be made to evaluate if the allowance of OHVs to travel through Fraser Town limits should or should not be permitted. Support to permit OHV use in and through Fraser was voiced at the regular Fraser Town Board Meeting on October 2, 2019. Subsequently, a public support group of over 250 members has formed on Facebook named "Winter Park and Fraser Colorado OHV Riders" advocating for the use of town roads for traveling to and from OHV destinations.

On February 4, 2020, the Winter Park Town Council informally decided not to move forward with OHV regulation this year but may consider it again in the future.

Definitions of off-highway vehicles, all-terrain vehicles, utility type vehicles, and low speed electric vehicles are as follows:

"Off-highway vehicle" or "OHVs" means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes.

“Off-highway vehicle” does not include snowmobiles, military vehicles, golf carts or golf cars; vehicles designed and used to carry individuals with disabilities; vehicles designed and used specifically for agricultural, logging, or mining purposes.

All-terrain vehicle (ATV) means any motor vehicle fifty (50) inches or less in width, having an unladen dry weight of eight hundred (800) pounds or less, traveling on four (4) or more low pressure tires, having a seat designed to be straddled by the operator, having a seat height of a minimum of twenty-four (24) inches when measured at the forward edge of the seat bottom, with handlebars for control and designed for or capable of traveling over unimproved terrain.

Utility type vehicle (UTV) means any recreational vehicle designed for and capable of traveling over unimproved terrain: traveling on four (4) or more low pressure tires, having a width of thirty (30) to seventy (70) inches, having an unladen dry weight of two thousand two hundred (2,200) pounds or less, having a seat height of twenty-five (25) to forty (40) inches when measured at the forward edge of the seat bottom, and having side by side seating with a steering wheel for control.

Low-speed electric vehicle (LSV) means a vehicle that is self-propelled utilizing electricity as its primary propulsion method, has four (4) wheels in contact with the ground, does not use handlebars to steer, and exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen (17) character vehicle identification number as provided in 49 CFR 565. A go-cart is not an LSV.

OFF-HIGHWAY SURVEY RESULTS:

- See Appendix A

COMMON REGULATIONS BY MUNICIPALITIES TO REGULATE OHVS ARE AS FOLLOWS:

Town of Granby

- OHVs are allowed on all streets except for restricted areas.
- Not allowed between 7:45 a.m. to 8 a.m. and 3:45 p.m. to 4:10 p.m. during school days on listed restricted streets.
- All OHVs must have at least one lighted head lamp and one lighted tail lamp while in operation between the hours of sunset and sunrise. Side and rear reflectors and rear-view mirror required.
- Must be 21 or older and have a valid driver's license to operate OHVs in Town.
- Operators of OHVs shall obey all traffic rules, regulations, and ordinances.
- Service vehicles used for the purpose of maintaining sidewalks, parks, golf courses and other facilities are exempt and are allowed to operate on town of Granby streets and sidewalks as required for regular maintenance of such facilities.
- Penalty for operating OHVs outside of regulations is \$100 for first offense; \$300 for second offense; third and subsequent offenses not to exceed \$2,650.

Town of Grand Lake

- Fine range: \$50-\$300.

Town of Fraser

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- The operator of an off-highway vehicle involved in an accident resulting in property damage, injuries or death, or some person acting for the operator, or the owner of the off-highway vehicle having knowledge of the accident, shall immediately, by the quickest available means of communication, notify the Grand County Sheriff, serving as the police department for the Town of Grand Lake.
- Every off-highway vehicle operated pursuant to this Chapter shall also be equipped with a safety flag. Such flags will be made available (along with the safety rules, a free sticker and trail maps) for sale at Town Hall, and at the Town Visitor Center.
- Within forty-eight (48) hours after an accident involving an off-highway vehicle, the accident shall be reported to the Denver office of the Colorado Division of Parks and Outdoor Recreation.
- Any "off-highway" vehicle as defined herein shall be considered a "vehicle" for the purposes of the application or enforcement of the MTC, as adopted by the Town of Grand Lake.

City of Craig

- It shall be legal for licensed drivers at least eighteen (18) years of age to operate an all-terrain vehicle/off-highway vehicle (ATV/OHV), hereafter including an ATV (all-terrain vehicle), OHV (off-highway vehicle), UTV (utility type vehicle) or LSV (low-speed electric vehicle) on the public streets within the city, providing that said vehicle is registered with the police department. Owners must provide a bill of sale, title of vehicle, or proof of ownership; proof of current insurance (motorcycle equivalent); valid driver's license.
- Stickers must be placed on both front fenders of the ATV/ OHV.
- Limited to one (1) person on OHV unless the OHV is designed for two (2) riders and there is footrest and hand holds for each rider. Side-by-sides (UTVs) must have and wear seatbelts for each occupant. All safety equipment on the OHV must be used. If UTV has a windshield, it must have operational wipers;
- No three-wheel ATV/OHV type vehicles are allowed on city streets.
- The operator of an ATV/OHV may not exceed the posted speed limit or a maximum speed of thirty-five (35) mph.
- Safety Requirements: Headlamp, taillights, reflectors, brake lights; horn or audible warning device; eye protection or windshield with wipers; seatbelt for each rider for all side by sides; helmet required for any passenger under 16 years old.

ALTERNATIVES:

- Approve staff to draft an ordinance for off highway vehicles.
- Direct staff to do more research to determine if this is something worth pursuing.
- Do nothing, do not approve staff to move forward with regulating off highway vehicles.

RECOMMENDATION:

Staff recommends careful consideration of regulating off highway vehicles and to evaluate any impacts to public safety with the desires of the community.

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