

**TOWN OF FRASER
ORDINANCE NO. 477
SERIES 2020**

AN ORDINANCE AMENDING CHAPTER 8 OF THE FRASER TOWN CODE
ESTABLISHING REGULATIONS TO AUTHORIZE THE OPERATION OF UTILITY
TERRAIN VEHICLES UPON THE STREETS AND ALLEYS OF THE TOWN OF
FRASER.

WHEREAS, the Town Board received a request to allow Utility Terrain Vehicles on the streets and alleys of the Town of Fraser and has determined that it's in the best interest of the Town of Fraser to permit such use.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FRASER, COLORADO, THAT:

PART 1: AMENDMENT OF MUNICIPAL CODE.

Chapter 8 (Vehicles and Traffic), Article 4 of the Fraser Municipal Code (herein sometimes referred to as the "Municipal Code") are hereby amended as follows [Note: additions are shown in **bold underlined** print; deletions are shown as ~~strikethrough~~ print]:

Article 4 - Utility Terrain Vehicles

Sec. 8-4-10. - Purpose: It is the purpose of this chapter to regulate the conduct of Utility Terrain Vehicle activities on the streets of the Town of Fraser, Colorado and to secure the safety of the public thereon.

Sec. 8-4-20. - Definitions

The following terms used in this chapter have the following meanings unless the context clearly indicates otherwise:

“Utility Terrain Vehicle” or “UTV” means any commercially manufactured self-propelled vehicle less than 65 inches wide, with a dry weight of less than 2,000 lbs which is designed to travel on four wheels 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 and which has the following equipment:

- (a) Steering wheel,**
- (b) Taillight, brake light, two headlights, and side reflectors**
- (c) Foot pedals for braking and acceleration**
- (d) Seat belts for each occupant.**
- (e) Horn or other audible warning device**
- (f) Rear-View Mirror**
- (g) Roll bar or similar structural system or device**

“Utility Terrain Vehicle” does not include the following:

- (a) 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.
- (b) Any Off-Highway Vehicle or "OHV" as defined by CRS 42-6-102(11.5) that uses handlebars for steering and acceleration, or which has a seat that is designed to be straddled.
- (c) Any vehicle with tracks, skis, or skids, or more than four wheels.

Sec. 8-4-30. - Utility Terrain Vehicle Operation Requirements

Utility Terrain Vehicles shall not be operated on streets within the town of Fraser unless the following requirements are met.

- (a) The UTV has been registered and numbered with the Colorado Division of Parks and Wildlife in accordance with Article 14.5 of Title 33 of the Colorado Revised Statutes. Such registration shall be current and valid.
- (b) No person shall operate a UTV on the public streets without a valid Driver's License issued by the State of Colorado or another state. A "learners permit" or "instructional permit" is not considered a valid Driver's License.
- (c) Any person operating a UTV must possess valid liability insurance as defined by Chapter 14, Article 4 of Title 42 of the Colorado Revised Statutes.
- (d) A helmet is required to be worn by any passenger under 16 years of age.

Sec. 8-4-40. - Restrictions on UTV Operation

- (a) UTVs may only cross U.S. Highway 40 at the intersection of CR 804/CR72.
- (b) No UTV may operate on U.S. Highway 40 (Zerex Street).
- (c) No UTV may operate on any publicly maintained trail.
- (d) No UTV may operate on any private road or property without permission of the property owner.

Sec. 8-4-50. - Enforcement

- (a) Operation of UTVs upon the streets, as herein provided, shall be subject to all applicable provisions of the laws of the State of Colorado or the Model Traffic Code as adopted by the Town of Fraser.
- (b) The Town Manager may revoke any person's authority to operate a UTV on the Public Streets with just cause. Such period of revocation shall be effective for a period of 12 months.

PART 2: REPEAL. Any and all existing ordinances or parts of ordinances of the Town of Fraser covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

PART 3: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town of Fraser hereby declares that it would have adopted this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

PART 4: EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after passage, adoption and publication thereof as provided by law.

PART 5: PUBLICATION. This Ordinance shall be published by title only.

READ, PASSED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES AND SIGNED THIS _____ DAY OF _____, 2020.

Votes in favor: _____
Votes opposed: _____
Votes abstained: _____

BOARD OF TRUSTEES OF THE
TOWN OF FRASER, COLORADO

BY: _____
Philip Vandernail, Mayor

(S E A L)

ATTEST: _____
Antoinette McVeigh, Town Clerk

Published in the *Middle Park Times* on _____.