

FRASER WINTER PARK POLICE DEPARTMENT



Memo

To: Stan Zemler, Winter Park Interim Town Manager
Jeff Durbin, Fraser Town Manager

From: Glen Trainor, Chief of Police *Glen Trainor*

Date: August 13, 2018

Re: Operation of Off-Highway Vehicles on Town Streets

Pursuant to inquiries by Mayor Jimmy Lahrman of the Winter Park Town Council and Trustee Ryan Barwick of the Fraser Board of Trustees, below is some information regarding the operation and use of Off-Highway Vehicles on Town Roads. Title 33 of the Colorado Revised Statutes addresses operation and registration of Off-Highway Vehicles.

OFF-HIGHWAY VEHICLES DEFINED:

Section 101 of Article 14.5 of Title 33 Defines an Off-Highway Vehicle (OHV) as follows:
“...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.”

Excluded from this definition are watercraft, snowmobiles, military vehicles, golf carts, vehicles for people with disabilities, and agricultural, mining and logging vehicles.

Title 33 also requires that all OHVs that are operated on public property be registered with the Colorado Division of Parks and Wildlife. OHVs registered in another state are exempt, as long as the vehicle has not been in the state for more than 30 days. Government owned and agricultural use OHVs are exempt from registration requirements.

OHV USE ON PUBLIC ROADWAYS:

Generally, OHVs are prohibited from being operated on public streets, roads or highways, with the following exemptions:

- (a) When a street, road, or highway is designated open by the state or any agency or political subdivision thereof;
- (b) When crossing streets or when crossing roads, highways, or railroad tracks in accordance with section 33-14.5-108.5;
- (c) When traversing a bridge or culvert;
- (d) During special off-highway vehicle events lawfully conducted pursuant to the authority granted to local political subdivisions in this article;

“COMMITTED TO EXCELLENCE”

- (e) During emergency conditions declared by the proper state or local authority;
- (f) When local political subdivisions have authorized by ordinance or resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on city streets or county roads, but no street or road which is part of the state highway system may be so designated;
- (g) When using an off-highway vehicle for agricultural purposes;
- (h) When authorized under subsection (3) of this section; and
- (i) When a public utility, as defined in section 40-1-103 (1), C.R.S., or a cooperative electric association, as defined in section 40-9.5-102, C.R.S., or any agent thereof designated specifically for the purpose of meter reading or repair, is using an off-highway vehicle for business purposes.

Also exempt are OHVs being operated on Federal public lands, trails and roads authorized for motorized vehicle use.

OHV USAGE IN WINTER PARK AND/OR FRASER

Section 33-14.5-110, C.R.S. (*Regulation by Political Subdivisions*) outlines the requirements for allowing the operation of OHVs within the Towns. This includes the ability to require OHV Operators on public streets to have a driver's license and carry liability insurance. As such, the Town(s) could allow and regulate usage of OHVs on its public roads in the following manner:

1. Open use on all roadways (except State highways)
2. Open use on specific roadways
3. Open use, but only for the purpose of ingress and egress from the Town(s) to Federal land authorized for motorized travel.

It should be noted that the Grand County Board of Commissioners has designated several roads in Grand County as OHV routes. However, none of those routes are in the Fraser Valley.

COMMUNITIES THAT ALLOW OHV USAGE IN COLORADO

Grand County:

- Granby
- Hot Sulphur Springs
- Kremmling (Routes)
- Grand County (Routes)

Other Colorado cities/towns:

- Craig
- Lake City
- Leadville
- Meeker

The Town of Granby's ordinance is fairly simple, but requires OHV Operators to be 21 years of age. It also prohibits operation on several of the Town's streets. The City of Craig's ordinance is much more comprehensive, requiring registration with the Police Department prior to operation of the OHV. Other municipalities that allow OHV usage may be found at

staythetrail.org

I found it interesting that in reviewing the above website, there were no "high-volume" resort communities that allowed OHV usage on Town streets.

POTENTIAL BENEFITS FOR ALLOWING OHV USAGE ON TOWN ROADS

- Make the Town(s) more attractive to the "off-road" crowd, thereby allowing them to use their OHVs in Town.
- Allow OHV users who decide to camp or ride in the National Forest to come into Town for lunch, shopping, etc.

- Reduce fuel usage while taking minor trips to the grocery store, post office, etc.
- Would allow OHV users to legally use Town roads to plow driveways.

POTENTIAL CONCERNS ABOUT OHV USAGE ON TOWN ROADS

- Licensing, registration and enforcement may require substantial resources, especially for visitors who do not reside in Winter Park.
- Because OHV operation on US Hwy 40 is prohibited, it would limit OHV access to businesses on the east side of the highway.
- OHV usage on Town roads may cause substantial backlash from community members who do not want them in residential areas.
- **Fraser:** It would still be unlawful to ride an OHV on a County Road (CR 8, CR 72 and CR 73) in between the Town and the National Forest.
- To avoid confusion, the Town(s) would likely need to address snowmobile operation on Town roads in a similar manner. Currently, the Town of Winter Park prohibits snowmobiles on Town Roads, while the Town of Fraser allows them only for ingress/egress to and from Town.

RECOMMENDATIONS IF OHV OPERATION IS TO BE CONSIDERED FURTHER

- Community input should be sought on multiple levels prior to implementation.
- Prohibit OHV Operation during times when traffic flows are highest, and on high-traffic streets and roads.
- Prohibit OHV Operation on Town trails.
- Set minimum age, driver's license, liability insurance and equipment requirements for all OHV Operators/OHVs.
- Deployment of significant public information resources, including brochures, street signage, social media postings, etc.

Attachments:

- Title 33, Article 14.5 of the Colorado Revised Statutes (Off-Highway)
- Town of Granby Ordinance
- Town of Hot Sulphur Springs Ordinance
- City of Craig Ordinance

Chapter 10.21
OFF-HIGHWAY VEHICLES Revised 8/17

Sections:

- 10.21.010 Operation of off-highway vehicles within the town. Revised 8/17
- 10.21.020 Definition of off-highway vehicle. Revised 8/17
- 10.21.030 Required equipment. Revised 8/17
- 10.21.040 Off-highway vehicle operator restrictions. Revised 8/17
- 10.21.050 State law applicable. Revised 8/17
- 10.21.060 Exclusions. Revised 8/17
- 10.21.070 Penalties. Revised 8/17

10.21.010 Operation of off-highway vehicles within the town. Revised 8/17

(a) Off-highway vehicles shall be allowed to operate on all streets within the town except the following:

- (1) North 1st Street between East Diamond Avenue and East Jasper Avenue;
- (2) North 4th Street between East Garnet Avenue and East Jasper Avenue;

(b) Off-highway vehicles shall be prohibited from operating on the following streets between the hours of 7:45 a.m. to 8:00 a.m. and 3:45 p.m. to 4:10 p.m. during school days:

- (1) Laplata Drive;
- (2) East Diamond Avenue west of North 2nd Avenue;
- (3) West Diamond Avenue;
- (4) West Diamond Court; and
- (5) East Diamond Court. [Ord. 852 § 1, 2016].

10.21.020 Definition of off-highway vehicle. Revised 8/17

"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 the following:

- (a) Vehicles designed and used primarily for travel on, over, or in the water;
- (b) Snowmobiles;
- (c) Military vehicles;
- (d) Golf carts or golf cars;
- (e) Vehicles designed and used to carry individuals with disabilities;
- (f) Vehicles designed and used specifically for agricultural, logging, or mining purposes; or
- (g) Vehicles registered pursuant to Article 3 of Title 42, C.R.S. [Ord. 852 § 1, 2016].

10.21.030 Required equipment. Revised 8/17

In addition to equipment required by the laws of the state of Colorado, no off-highway vehicle shall be operated on the above-designated streets within the town of Granby unless it is equipped with the following:

- (a) At least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the Colorado division of parks and wildlife while being operated between the hours of sunset and sunrise;
- (b) Side and rear reflectors; and
- (c) Rear-view mirror. [Ord. 852 § 1, 2016].

10.21.040 Off-highway vehicle operator restrictions. Revised 8/17

Operators of OHVs within the town of Granby shall be required to have a valid driver's license and be 21 years of age or older. Learner's permits are not considered to be a valid driver's license. Operators of OHVs shall obey all traffic rules, regulations, and ordinances effective for the town of Granby. [Ord. 852 § 1, 2016].

10.21.050 State law applicable. Revised 8/17

Operation of off-highway vehicles upon the streets, as herein provided, shall be subject to all applicable provisions of the laws of the state of Colorado. [Ord. 852 § 1, 2016].

10.21.060 Exclusions. Revised 8/17

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. [Ord. 852 § 1, 2016].

10.21.070 Penalties. Revised 8/17

It shall be unlawful for any person to operate an off-highway vehicle within the town of Granby in a manner that violates the provisions of this chapter. The penalty for such violations shall be as follows: The penalty for a first offense shall be a fine in the amount of \$100.00. The penalty for a second offense shall be a fine in the amount of \$300.00. The penalty for a third or subsequent offense shall be a fine not exceeding \$2,650. [Ord. 854 § 1, 2016].

The Granby Municipal Code is current through Ordinance 869, passed July 11, 2016.

Disclaimer: The Town Clerk's Office has the official version of the Granby Municipal Code. Users should contact the Town Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Town Website: <http://www.townofgranby.com/>
(<http://www.townofgranby.com/>)
Town Telephone: (970) 887-2501
Code Publishing Company
(<https://www.codepublishing.com/>)

HOT SULPHUR SPRINGS

(C) Any person admitting liability for, found to be guilty of or against whom a default judgment has been entered for any noncriminal traffic infraction shall be fined in an amount not exceeding three hundred dollars (\$300.00). No defendant found to be guilty of any noncriminal traffic infraction shall be punished by imprisonment for such infraction. (Ord. 333, 6-16-06)

CHAPTER 2

Off-Highway Vehicles

- 6-2-1 Definitions
- 6-2-2 Permitted use
- 6-2-3 Registration
- 6-2-4 Requirements
- 6-2-5 Licensed operator exceptions
- 6-2-6 Responsibilities and safety
- 6-2-7 Restrictions
- 6-2-8 Hours of operation
- 6-2-9 Yield right-of-way
- 6-2-10 Excessive noise prohibited
- 6-2-11 Liability imposed on parent
- 6-2-12 Liability imposed on owner
- 6-2-13 Declared emergency
- 6-2-14 Accident reporting
- 6-2-15 Penalties, violations and fines
- 6-2-16 Limitation of liability

6-2-1. Definitions.

As used in this Chapter, the following terms shall have the assigned meaning:

All-terrain vehicles type I (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.

Neighborhood electric vehicles (NEVs including golf carts) means any electric propelled vehicle that has not been modified from its original purpose primarily designed to carry one (1) or more people traveling on four (4) or more low-pressure tires, whose top speed is not designed for greater than twenty-five (25) miles per hour, and having side-by-side seating with a steering wheel for control. It shall be registered according to the applicable laws and regulations of the State as a Tax Class C vehicle and all of Title 42 of the Colorado Revised Statute shall apply.

Normal transportation means having one (1) or more specific destinations as if operating a normal motor vehicle and using the most direct route possible.

Off-highway vehicle (OHV) refers specifically to the vehicles described herein as an ATV, UTV, NEV and snowmobile that has not been otherwise modified from another specific form in order to conform to one (1) of the aforementioned descriptions.

Operator means the person who is in actual physical control of the vehicle.

Owner means a person, other than a lien holder, having the property in or title to an OHV and entitled to the use of it.

Public streets or alleys is the entire right-of-way between boundary lines of any such public way which is open to the use of the public as a matter of right for the purpose of motor vehicle travel.

Recreational use means operating an OHV without a specific destination or not using the most direct route. This would include, but not be limited to, speed contests, excessive acceleration, riding around the block and stunts.

Registration means the process by which the State provides a valid Colorado registration for an OHV through the State Division of Parks and Wildlife or any successor agency.

Snowmobile means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread or any combination of these, or other similar means of contact with the surface upon which it is operated.

Town means the Town of Hot Sulphur Springs.

Utility-type vehicle (UTV) means any recreational or commercial 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.

Valid driver's license means any regular and current legal license not subject to revocation or suspension. (Ord. 2014-4-1-391 §1)

6-2-2. Permitted use.

(A) It shall be a violation of this Code and is prohibited to operate any OHV on Town public streets or alleys except in accordance with this Chapter.

(B) Properly registered, operated and insured OHVs may be operated on all public streets and alleys within the limits of the Town, except Highway 40, in accordance with the requirements of this Chapter. This Chapter does not authorize or designate the operation of OHVs on Highway 40 or on any other roads, lands or trails outside or inside the Town limits under the jurisdiction of any county, state or federal agency.

(C) Property registered, operated and insured OHVs may cross Colorado Highway 40 only at its intersection with the following Town streets:

- (1) First Street.
- (2) Aspen Street.

(3) Hemlock Street.

(D) All OHVs operated in accordance within this Chapter shall be used solely for the purpose of normal transportation having a specific destination using the most direct route.

(E) All provisions of the Model Traffic Code as adopted by the Town and all traffic laws of the State governing operation and parking of motor vehicles on Town streets shall apply to the operation and parking of OHVs hereunder, including, without limitation, laws prohibiting the operation of vehicles while intoxicated or under the influence of alcohol or drugs. The provisions of the Model Traffic Code and state law governing motor vehicle required equipment shall not apply and shall be replaced with the equipment requirements set forth in this Chapter. It shall be unlawful for any person operating an OHV on Town public streets and alleys to violate any such applicable traffic laws and such person shall be prosecuted either in the Municipal Court or in the state courts if the violation would be prosecuted in the state courts had the operator been operating a motor vehicle. (Ord. 2014-4-1-391 §1)

6-2-3. Registration.

The owner of any OHV driven within the Town shall obtain either a State Department of Motor Vehicle registration as an NEV or, if other than an NEV, an annual OHV Registration or Non-Resident Permit through Colorado State Parks and Wildlife Division or its successor agency. Such registration or permit must be clearly displayed on the OHV or in the presence of the driver at all times while operating an OHV on Town streets pursuant to this Chapter. (Ord. 2014-4-1-391 §1)

6-2-4. Requirements.

(A) Any OHV that operates on any Town public street or alley must have all the following listed equipment installed and such equipment must be operable:

- (1) Headlamp, which is or are in use at all times before and at dawn and at and after dusk;
- (2) Tail lamp, which is or are in use at all times before and at dawn and at and after dusk, and reflector;
- (3) Stop or brake lamps on the rear;
- (4) A horn or other audible warning device;
- (5) A muffler and emissions system as required by the State;
- (6) Rear view mirror;
- (7) A windshield or eye protection for and worn by the operator;
- (8) For UTVs and NEVs, a seat belt for and worn by each occupant;
- (9) For other than UTVs and NEVs, a footrest and handhold for each passenger.

(B) Any operator of an OHV operating on any Town public street or alley must have in his or her possession while operating the OHV:

(1) A valid driver's license except otherwise as set forth in Section 6.2.5;

(2) Proof of current policy of insurance for the OHV in operation in at least minimum policy coverage amounts as required for motor vehicles pursuant to Part 6, Article 4, Title 10, C.R.S., or any successor statute; and

(3) Documentation of current registration or permit as required by Section 6.2.3 of this Chapter.

(C) The Board of Trustees shall suspend or revoke the privilege of any person to operate an OHV on Town public streets and alleys hereunder if such person has been convicted of two (2) or more violations of any traffic laws within one (1) year while operating an OHV. If such privilege is suspended or revoked, it shall be unlawful for such person to operate an OHV on Town public streets or alleys during such period of such suspension or revocation. (Ord. 2014-4-1-391 §1)

6-2-5. Licensed operator exceptions.

(A) Persons age ten (10) or under may only operate a snowmobile when accompanied on board by a person at least sixteen (16) years who has in possession a valid driver's license in such person's name.

(B) Persons age eleven (11) to fifteen (15) may only operate a snowmobile with a Snowmobile Operator's safety certificate issued by the Colorado Division of Parks and Wildlife and under the direct and immediate supervision by a person in possession of a valid driver's license in such person's name who remains in direct sight within two hundred (200) feet of the underaged operator.

(C) Persons age eleven (11) and older may operate an OHV without a valid driver's license strictly for the purposes of snow removal while under the direct and immediate supervision by a person in possession of a valid driver's license in such person's name who remains in direct sight within fifty (50) feet of the unlicensed operator. (Ord. 2014-4-1-391 §1)

6-2-6. Responsibilities and safety.

(A) All OHV owners, operators thereof and passengers therein shall comply with all of the following responsibilities:

(1) The registered owner of the OHV shall be responsible for the operation at all times of that vehicle;

(2) The operator of any OHV must obey all Town, County, state and federal laws;

(3) The operator of any OHV on Town streets or alleys may not exceed the posted speed limit at any time; and

(4) That use of an OHV is limited to one (1) person unless the vehicle is designed for two (2) or more riders and there are footrests and handholds for each rider, in which event more than one (1) person may use the OHV at the same time.

(B) OHVs traveling together must be driven in single file.

(C) The safety or deadman throttle on snowmobiles which causes the motor to be disengaged from the driving track when pressure is removed from the engine accelerator or throttle will be maintained and kept in proper working order and at all times functional when the snowmobile is in operation of the Town public streets and alleys. (Ord. 2014-4-1-391 §1)

6-2-7. Restrictions.

(A) It shall be unlawful to operate any three-wheel OHV on any Town public street or alley.

(B) It shall be unlawful to operate any OHV that has been modified from its original form or use on any Town public streets or alleys.

(C) In order to prevent degradation of the paved surfaces, it shall be unlawful to operate any snowmobile on or across dry pavement areas. Snowmobiles must be operated only across areas of streets covered wholly with snowpack.

(D) It shall be unlawful to operate any OHV on Town public streets or alleys in any recreational, careless, reckless or negligent manner.

(E) It shall be unlawful to operate any OHV on Town public streets or alleys which is towing by any means another OHV, motor vehicle or any person or object. Any disabled OHV must be trailered or pushed to a safe and legal place.

(F) It shall be unlawful to operate any OHV on Town sidewalks, public parks, pedestrian bridges, designated pedestrian trails or any other area posted as prohibited. This Subsection does not apply to any Town vehicle or OHV or authorized contractors and other designees performing maintenance on behalf of the Town.

(G) It shall be unlawful to operate any OHV in Town upon the right-of-way of any operating railroad except for crossing the tracks at the intersection of a public street or alley.

(H) The restrictions herein may be waived by the Town to permit use of OHVs in prohibited areas for special events upon approval by the Town of a special use permit and the payment of any appropriate fees and bonds. (Ord. 2014-4-1-391 §1)

6-2-8. Hours of operation.

No OHV may be operated within the Town except between the hours of 8:00 a.m. and 10:00 p.m. with the only exception being for snow removal purposes. (Ord. 2014-4-1-391 §1)

6-2-9. Yield right-of-way.

OHVs shall yield the right-of-way at all times to all vehicular traffic and pedestrians. (Ord. 2014-4-1-391 §1)

6-2-10. Excessive noise prohibited.

It shall be unlawful to operate any OHV that produces excessive noise. All motorized OHVs in the Town shall be operated with a conventional exhaust system in working order. Tuned exhausts are not permitted unless used in connection with an operable muffler. (Ord. 2014-4-1-391 §1)

6-2-11. Liability imposed on parent.

It shall be unlawful for the parent or guardian of any juvenile to authorize or permit any such juvenile to violate any provision of this Chapter. (Ord. 2014-4-1-391 §1)

6-2-12. Liability imposed on owner.

It shall be unlawful for the owner of any OHV to authorize or permit any person to operate the OHV in violation of any provision in this Chapter. (Ord. 2014-4-1-391 §1)

6-2-13. Declared emergency.

Under a declaration of emergency issued by the Mayor in accordance with Section 1-6-3 of this Code, this Chapter shall be automatically suspended during such emergency unless the Mayor declares otherwise. (Ord. 2014-4-1-391 §1)

6-2-14. Accident reporting.

It shall be unlawful for any person involved in an accident involving an OHV in the Town to fail to report the same in the same manner as if the accident involved a motor vehicle, as set forth in Part 16 of Article 4 of Title 42, as may be amended, or any successor statute. (Ord. 2014-4-1-391 §1)

6-2-15. Penalties, violations and fines.

Any person in violation of any provision in this Chapter shall be punished in accordance with Subsection 1-4-1(B) of this Code upon conviction. (Ord. 2014-4-1-391 §1)

6-2-16. Limitation of liability.

Nothing in this Chapter shall be construed as an assumption of any duty of care by the Town with respect to, or the assumption of any liability by the Town for any injuries to persons or property which may result from the operation of an OHV on the public streets and alleys within the Town limits. Nothing herein shall be construed to waive, limit or otherwise modify any governmental immunity that may be available by the law to the Town, its officials, employees, contractors or agents or any other person acting on behalf of the Town, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, C.R.S. (Ord. 2014-4-1-391 §1)

CITY OF CRAIG, COLORADO
MUNICIPAL CODE REGARDING ATV/OHV USE

Chapter 10.09 - Use of ATV/OHVs

Sections:

10.09.010 - Registration.

- A. 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 city and meets all the requirements of this chapter. Owners wishing to register their vehicle with the city may do so at the police department. The term ATV/OHV in this Chapter 10.09 shall include any type of vehicle listed above.
- B. Registration with the city will be completed only when the vehicle being registered meets the criteria set forth by the city in accordance with local traffic ordinances already in place. Registrations are non-transferable. If the vehicle is sold, the new owner must re-register the vehicle.
- C. Owners must provide the following:
 - 1. Bill of sale, title of vehicle or proof of ownership;
 - 2. Proof of current insurance (which must meet requirements of motorcycles licensed by the State of Colorado); and
 - 3. Valid drivers license (a valid drivers license will be required to operate an ATV/OHV on the streets and alleys of the city.)

(Ord. [1041](#), 2014; Ord. 1001 §1, 2009)

10.09.020 - Definitions.

As used in this chapter:

All-terrain vehicle type I (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.

Insured means the same insurance requirements needed to operate a street legal motorcycle in the State of Colorado.

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.

Operator means the person who is in actual physical control of a vehicle.

State and city traffic laws means any traffic codes adopted by the city.

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.

Valid driver's license means any current, legal license not subject to revocation or suspension.

(Ord. [1041](#), 2014; Ord. 1001 §1, 2009)

CITY OF CRAIG, COLORADO
MUNICIPAL CODE REGARDING ATV/OHV USE

10.09.030 - Terms and conditions; fees

- A. Terms and conditions of ATV/OHV use: city streets (hereinafter called "legal route"), except for any state highway, are open for ATV/OHV use under the following conditions and restrictions:
1. ATV/OHV vehicle must be brought to the police department for VIN inspection, issuance of a permit and payment of registration fees;
 2. Stickers must be placed on both front fenders of the ATV/ OHV;
 3. ATV/OHV is insured. Proof of insurance required with vehicle at all times. Must maintain liability insurance coverage. Minimum required by state law;
 4. ATV/OHV operator is licensed driver eighteen (18) years of age or older;
 5. Limited to one (1) person on OHV unless the OHV is designed for two (2) riders and there is foot rest 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;
 6. ATV/OHV operator must obey all state and city traffic laws;
 7. No three-wheel ATV/OHV type vehicles are allowed on city streets;
 8. The operator of an ATV/OHV may not exceed the posted speed limit or a maximum speed of thirty-five (35) mph;
 9. The operator of an ATV/OHV on legal routes shall have all the rights and duties applicable to the driver of any other vehicle under the provisions of Colorado statutes and laws, except when those provisions cannot be reasonably applied to ATV/OHVs and except as otherwise specifically provided for in Colorado statutes; and
 10. Motor vehicles that have been modified to be used as ATV/OHVs are not permitted.
- B. An ATV/OHV as defined in this chapter must meet the following safety equipment requirements:
1. Headlamp;
 2. Tail lamp and reflector;
 3. Stop lamps on the rear;
 4. A horn or other audible warning device;
 5. A muffler and emissions system, except for LSVs;
 6. Rear view mirror;
 7. A windshield or eye protection for the operator;
 8. For side-by-side vehicles, a seat belt is required for each occupant;
 9. Anyone under the age of sixteen (16) who is riding as a passenger on a UTV (side-by-side) or two-person ATV must wear a helmet; and
 10. A footrest and hand hold for each passenger.

(Ord. [1041](#), 2014; Ord. 1001 §1, 2009)

10.09.040 - Limitation of liability.

Nothing in this chapter shall be construed as an assumption of any duty of care by the city with respect to, or the assumption of any liability by the city for any injuries to persons or property which may result from the operation of an ATV/OHV on the streets within the city limits.

CITY OF CRAIG, COLORADO
MUNICIPAL CODE REGARDING ATV/OHV USE

(Ord. 1001 §1, 2009)

10.09.050 - Violations and fines.

- A. Any persons in violation of any city or state traffic laws will be ticketed and assessed fines that are applicable to said violations. The police department or any other legal policing authority is given all rights to write citations to those individuals breaking laws as outlined in this chapter.
- B. With respect to any violation of traffic laws contained in this code (and Model Traffic Code incorporated therein), the minimum fine shall be one hundred dollars (\$100.00).
- C. The city shall revoke the registration of any owner who is convicted of three (3) or more violations of any city or state traffic laws within one (1) year.

(Ord. 1001 §1, 2009)