

ORDINANCE NO. 344

AN ORDINANCE OF THE BOARD TRUSTEES OF THE TOWN OF SIMLA, COLORADO REPEALING AND REENACTING TITLE 5, CHAPTER 4 OF THE TOWN CODE OF SIMLA REGARDING OFF-HIGHWAY VEHICLES

WHEREAS, residents of the Town of Simla own off-highway vehicles (“OHVs”) and golf cars and are desirous of using said vehicles on the streets and roadways of the Town;

WHEREAS, the Town has realized an increase in OHVs driving through the Town and utilizing Town roads;

WHEREAS, this increased use in OHVs has created an increased safety risk to the residents of the Town;

WHEREAS, the provisions of C.R.S. § 33-14.5-101, *et seq.*, and C.R.S. § 42-4-101, *et seq.*, specifically address the operation of OHVs and golf cars, and C.R.S. §§ 33-14.5-108 and 42-4-111 permit municipalities to regulate the operation of such vehicles on streets and roadways under its jurisdiction; and

WHEREAS, the Board of Trustees finds and determines that allowing for the regulated operation of OHVs and golf cars on Town streets and roadways will improve the comfort and convenience of the Town and its inhabitants and is in the best interests of the Town, while protecting the safety of the Town’s residents.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Simla as follows:

Section 1. Title 5, Chapter 4 of the Town Code of Simla is hereby repealed in its entirety and replaced as follows:

Section 5-4-1: Definitions.

For purposes of this Chapter, the following definitions shall apply:

“Golf Car” shall have the same meaning as set forth in C.R.S. § 42-1-102(39.5).

“Off-highway vehicle” (OHV) means any self-propelled vehicle designed to travel on wheels or tracks in contact with the ground, designed primarily for use off the public highway, and generally and commonly used to transport persons for work or recreational purposes. The term OHV shall not include motorcycles not registered and equipped for highway use. The term OHV includes all-terrain vehicles (ATV), but does not include the following:

- A. Vehicles designed and used specifically to transport disabled persons;
- B. Vehicles designed and used specifically for lawn care, agricultural, logging or mining purposes; or
- C. Snowmobiles.

“Roadway” means a portion of the public way that is ordinarily used for vehicular travel and is not used at any time on public ways designated for bicycles or pedestrians. However, roadway, for purposes of this Chapter, shall not include state highways.

Section 5-4-2: Operation Authorized.

- A. Subject to the provisions of this Chapter, and except as prohibited herein, golf cars and OHVs on roadways within the Town’s corporate limits shall be permitted.
- B. Maps of crossing routes of state highways shall be available when registering with the Simla Police Department.
- C. Designated crosswalks at Cheyenne, Sioux, and Pueblo Avenues.

Section 5-4-3: Restricted Operation.

The following restrictions shall apply to the operation of golf cars and OHVs within the Town:

- A. No golf car shall be operated by any person under the age of 16 years, unless directly supervised by a person over the age of 21 with a current valid driver’s license.
- B. No OHVs shall be operated by any person unless such person has been issued and possesses a current valid driver’s license or is directly supervised by a person over the age of 21 with a current valid driver’s license. All persons operating or riding on an OHV must wear a helmet.
- C. Golf cars or OHVs shall only be operated on designated roadways with a speed limit equal to or less than 25 mph and in accordance with maps available at the Simla Police Department at the time of registration.
- D. No golf cars or OHVs shall be operated on sidewalk or pedestrian trails.
- E. The number of passengers in a golf car or OHV shall be limited to the number of seats, in accordance with the design of the vehicle.
- F. No golf car or OHVs shall be operated between sunset and sunrise, or at any other time due to insufficient light, unless the golf car or OHV is equipped and illuminated with head lamps, tail lamps and front and rear turn signals.
- G. Every golf car and OHV shall possess insurance consistent with motor vehicle insurance limits required by state law, as amended from time to time.
- H. The operator of the golf car or OHV shall obey all parking and traffic regulations that are applicable to motor vehicles that have been adopted by the Town and the State.

Section 5-4-4: Registration.

A. No golf car or OHV shall be operated on any Town roadway without first being registered with the Simla Police Department on such form and with such information as shall be determined by the Chief of Police. Upon registration, an affixed registration sticker shall be attached. Such registrations shall be renewed annually in April and are valid until April 30 of the following year. The registration fee shall be \$50 and may be adjusted in the future by resolution of the Board of Trustees.

B. Any and all other registration, licensing and insurance requirements for golf cars and OHVs operating on public streets and roadways imposed by State law shall be complied with prior to operating said vehicles. It is the responsibility of the owner and operator of the vehicle to ascertain and comply with said laws.

Section 5-4-5: Penalty.

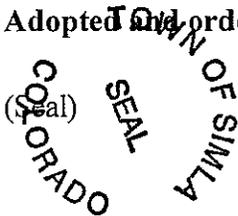
Any person violating any provision of this Chapter for which no specific penalty is prescribed shall be subject to Section 1-4-1 of this Code.

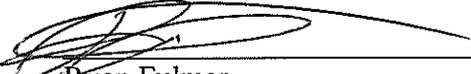
Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that anyone, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety, and welfare.

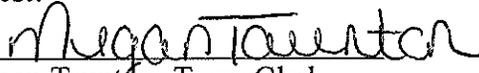
Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after publication.

Adopted and ordered published this 8th day of April, 2025.




Ryan Fulmer
Mayor

Attest:


Megan Taunton, Town Clerk