

ORDINANCE NO. 304

AN ORDINANCE PROVIDING FOR THE REGULATION OF OFF-HIGHWAY VEHICLES WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF SIMLA, ELBERT COUNTY, COLORADO

Whereas, Colorado Revised Statutes 33-14.5-101, et. seq., gives to municipalities, through the governing body, the power to regulate the operation of off-highway vehicles on public streets and alleys within its boundaries; and

Whereas, the Board of Trustees, hereinafter referred to as the "Board", has determined that regulation of off-highway vehicles within the Town of Simla, hereinafter referred to as the "Town", is required for the health and safety of the citizens of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SIMLA, ELBERT COUNTY, COLORADO:

SECTION I DEFINITIONS. As used in this ordinance, unless the context otherwise requires:

a. "Off-highway vehicle" 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 vehicles include all terrain vehicles (ATVs) and "go carts". Off-highway vehicles do not include the following:

- i. vehicles designed and used primarily for travel on, over, or in the water;
- ii. snowmobiles;
- iii. military vehicles;
- iv. golf carts;
- v. vehicles designed and used to carry individuals with disabilities;
- vi. vehicles designed and used specifically for agricultural, logging, or mining purposes; or
- vii. vehicles registered pursuant to Title 42, Article 3 of the Colorado Revised Statutes.

b. "Off-highway vehicle route" means any road, street, alley, or right of way within the municipal limits of the Town of Simla designated open by the Town of Simla Board of Trustees for off-highway vehicle route but does not include State Highway 24 except as to the three designated crosswalks described herein.

- c. "Owner" means any person, other than a lien holder, having a property interest in an off-highway vehicle and entitled to the use and possession thereof.

SECTION II. DESIGNATION OF OPEN STREETS AND OFF-HIGHWAY VEHICLE ROUTES

- a. Pursuant to C.R.S. 33-14.5-108(1)(a), each Town of Simla municipal street, alley, and right of way is designated as open for use by off-highway vehicles excluding any part of the State of Colorado highway system located within the municipal limits of the Town of Simla, i.e. State Highway 24.
- b. Pursuant to C.R.S. Section 33-14.5-108(1)(f), each Town of Simla municipal street, alley, and right of way, excluding any part of State Highway 24, is designated as an off-highway vehicle route to permit the operation of off-highway vehicles on municipal street, alleys, and rights of way.

SECTION III. DRIVING ON STATE HIGHWAY PROHIBITED.

- a. No person shall cross a state highway or drive on a state highway while operating an off-highway vehicle within the jurisdiction of the Town of Simla except that off-highway vehicles may cross State Highway 24 at the designated crosswalks at Cheyenne, Sioux, and Pueblo Avenues.

SECTION IV. OPERATION OF OFF-HIGHWAY VEHICLES.

- a. All Town of Simla public streets, roads, or alleys shall be open to off-highway vehicles. The following regulations and restrictions shall apply as to off-highway vehicles being driven on Town streets, roads, and alleys:
1. No person shall operate an off-highway vehicle while carrying any person or riding in any position that interferes with the operation or control of an off-highway vehicle or the view of the operator.
 2. No person under the age of ten (10) years may operate an off-highway vehicle on public streets, roads, or alleys of the Town of Simla.
 3. No Person ten (10) years of age or older may operate an off-highway vehicle on a public street, road, or alley within the Town of Simla, unless:
 - A. The person has in his possession a valid driver's license issued by the State of Colorado or another state; or
 - B. The person is accompanied by and is under the immediate supervision of a person who has in his or her possession a valid driver's license issued by the State of Colorado or another state, or is covered by liability insurance. "under immediate supervision" shall mean that, at a minimum the operator is within direct visual contact of the licensed supervisor.

SECTION V. COLORADO REGISTRATION REQUIRED.

- a. Within the Town of Simla, no person shall operate any off-highway vehicle unless such off-highway vehicle has a current valid registration issued by the Colorado Division of Parks and Wildlife and is numbered by the Colorado Division of Parks and Wildlife unless the vehicle is exempt as provided in this Ordinance or under Colorado law.
- b. No Colorado registration under this Ordinance is required for any:
 - i. Off-highway vehicle owned by any agency of the United States or another state or a political subdivision thereof when such ownership is clearly displayed on such vehicle;
 - ii. Off-highway vehicle owned by a resident of another state or country if such off-highway vehicle is covered by a valid license or registration of such other state or country and such off-highway vehicle has not been within this state for more than thirty consecutive days;
 - iii. Off-highway vehicle used strictly for agricultural purposes;
 - iv. Off-highway vehicle used strictly on private property;
 - v. Off-highway vehicle operated in an organized competitive or noncompetitive event on publicly or privately owned or leased land; except that this exemption shall not apply unless the agency exercising jurisdiction over such land specifically authorizes the organized competitive or noncompetitive event;
 - vi. Off-highway vehicle used by a dealer or manufacturer, or an authorized designee thereof, for off-highway vehicle operator education or safety programs.
- c. The Town of Simla shall not require any municipal registration for an off-highway vehicle.

SECTION VI. COLORADO OFF-HIGHWAY VEHICLE PERMIT REQUIRED.

- a. No person shall operate an off-highway vehicle that does not have a current, valid off-highway vehicle permit issued by the Colorado Division of Parks and Wildlife and displayed as required by the Colorado Division of Parks and Wildlife unless the off-highway vehicle is not required to be registered or not required to be permitted under this ordinance or Colorado law.
- b. The following nonresident off-highway vehicles are exempt from the permit requirement.

- i. Vehicles owned by the United States or another state or political subdivision thereof if such ownership is clearly displayed on such vehicles;
 - ii. Vehicles operated in an organized competitive or noncompetitive event on publicly or privately owned or leased land; except that this exemption shall not apply unless the agency exercising jurisdiction over such land specifically authorizes the organized competitive or noncompetitive event.
- c. The Town of Simla shall not require any municipal permit for an off-highway vehicle.

SECTION VII, SAFETY EQUIPMENT REQUIRED.

- a. No off-highway vehicle shall be operated within the Town of Simla unless it is equipped with the following:
- i. 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;
 - ii. Brakes, a muffler, and spark arrester.

SECTION VIII – PENALTY.

Any person convicted of violating this Ordinance may be fined Fifty Dollars (\$50.00) for a first offense and up to an amount not to exceed Five Hundred Dollars (\$500.00) for each violation which occurs within a one year span thereafter.

SECTION IX - VALIDITY.

If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any part or parts be declared invalid.

SECTION X - REPEAL.

Existing or parts of Ordinances 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, except that this 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.

SECTION XI - EFFECTIVE PERIOD.

This Ordinance shall be effective as of September 1, 2016.

Adopted and Approved this 14th day of September, 2016.

Signed by _____
MAARTEN VANZOEREN, Mayor

(S E A L)

Attest:



JACKIE ZION, Town Clerk

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