

ORDINANCE NO. 2017-01

A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 5 TO CHAPTER 8 OF THE CRIPPLE CREEK MUNICIPAL CODE RELATING TO OFF-HIGHWAY VEHICLES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRIPPLE CREEK, COLORADO, THAT:

Chapter 8 of the Cripple Creek Municipal Code is amended by the addition of a new Article 5 to read as follows:

ARTICLE 8

Off-Highway Vehicles

Sec. 8-5-10. Definitions.

The following definitions shall apply to this Article.

Off-highway vehicle means an off-highway vehicle as defined by C.R.S. §§ 33-14.5-101(3) or 42-6-102(11.5), provided, however, that the term off-highway vehicle shall include golf carts.

Operate means to ride in or on and control the operation of an off-highway vehicle.

Operator means every person who operates or is in actual physical control of an off-highway vehicle.

Owner means a person, other than a lienholder, having title to an off-highway vehicle and entitled to the use or possession thereof.

Sec. 8-5-20. Designated off-highway vehicles.

In accordance with C.R.S. § 33-14.5-108(1), all City streets, roads, roadways or alleys, except any street, road or roadway that is part of the state highway system within the City, are hereby designated as off-highway vehicle routes.

Sec. 8-5-30. Operation of off-highway vehicles.

- (a) No person shall operate an off-highway vehicle in the City, pursuant to this Chapter, unless the person possesses a valid Colorado driver's license or a valid driver's license from another state.

- (b) No person shall operate an off-highway vehicle on a street, road, roadway or alley of the City while carrying any person or riding in any position that may interfere with the operation or control of an off-highway vehicle or the view of the operator.
- (c) Every person operating an off-highway vehicle shall do so in compliance with the applicable laws of the State of Colorado and the Model Traffic Code for Colorado, as adopted by the City, pursuant to Article 1 of this Chapter.
- (d) The operator of an off-highway vehicle in the City shall not exceed a maximum speed of twenty-five (25) miles per hour, except for a speed not in excess of any speed limit designated by an official traffic control device.
- (e) Proof of insurance as required by state law must be kept with the off-highway vehicle at all times when in operation.
- (f) No three-wheel off-highway vehicles are allowed on City streets, roads, roadways or alleys.
- (g) All off-highway vehicles, owners and operators shall comply with all applicable requirements of Article 14.5, Title 33 of the Colorado Revised Statutes.

Sec. 8-5-40. Safety Equipment.

Every off-highway vehicle operated pursuant to this Chapter shall be equipped, as provided in C.R.S. 33-14.5-109(1)(a) and (b), and applicable requirements of the Colorado Division of Parks and Wildlife. Additionally, the following safety equipment or requirements shall be provided:

- (a) A windshield or eye protection for the operator.
- (b) For side-by-side vehicles, a seat belt for each operator or passenger.
- (c) Anyone under the age of sixteen (16) riding as a passenger shall wear a helmet.
- (d) A footrest and handhold for each passenger.
- (e) Operating brake lights.

Sec. 8-5-50. Notice of accident.

- (a) 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 Police Department.

- (b) The Police Department, upon receiving a report of an accident under this Section, shall forward a copy thereof to the Colorado Division of Parks and Wildlife.
- (c) 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 Wildlife. The report shall be made on forms furnished by such Division and shall be made by the owner or operator of the vehicle or someone acting for the owner or operator.


Sec. 8-5-60. Limitation of Liability.

To the maximum extent permitted by law, 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 with may result from the operation of any off-highway vehicle on the streets, roads, roadways or alleys within the City limits.

Sec. 8-5-70. Enforcement, violations and fines.

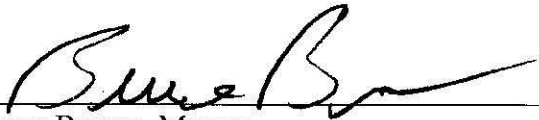
- (a) Every peace officer of the City is hereby authorized to enforce the provisions of this Chapter as provided by the applicable provisions of the Model Traffic Code for Colorado as adopted by the City. The provisions of Article II, Definitions, of the Model Traffic Code notwithstanding, an off-highway vehicle shall be considered a “vehicle” for purposes of the application of enforcement of the adopted Model Traffic Code, except for Article I, Part 2, Equipment.
- (b) Any violation of this Chapter shall be punishable in accordance with the provisions of Section 1-4-20 of this Code.


PASSED ON THE FIRST READING AND ORDERED PUBLISHED THIS 3RD DAY OF MAY 2017.

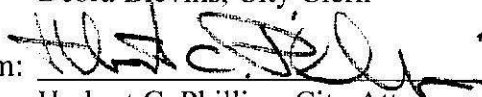


Debra Blevins, City Clerk

PASSED ON SECOND READING AND ADOPTED BY THE CITY COUNCIL THIS 7TH DAY OF JUNE, 2017.

Approved: 
Bruce Brown, Mayor

Attest: 
Debra Blevins, City Clerk

Approved as to form: 
Herbert C. Phillips, City Attorney