

CITY COUNCIL
OF THE CITY OF VICTOR, COLORADO

ORDINANCE NO. 486

ORIGINAL

AN ORDINANCE REGULATING THE USE OF OFF HIGHWAY VEHICLES, INCLUDING ALL-TERRAIN VEHICLES AND GOLF CARTS ON THE STREETS AND ROADWAYS UNDER THE JURISDICTION OF THE CITY OF VICTOR, COLORADO

WHEREAS, residents of the City of Victor own off highway vehicles ("OHVs") and golf carts and are desirous of using said vehicles on the streets and roadways of the City;

WHEREAS, the City Council of the City of Victor finds and determines that allowing for the regulated operation of OHVs and golf carts on City streets and roadways will promote the prosperity and improve the comfort and convenience of the City and its inhabitants and is in the best interests of the citizens of the City of Victor; and

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 carts, 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.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTOR, COLORADO:

Section I. Definitions

A. Off Highway Vehicle (OHV). Means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, that is designed primarily for use off of the public highway, and that is generally and commonly used to transport persons for recreational purposes. Off Highway Vehicle includes ATVs [all terrain vehicles] but does not include the following:

1. Vehicles designed and used specifically to transport disabled persons.
2. Vehicles designed and used specifically for lawn care, agricultural, logging or mining purposes.
3. Snowmobiles.

B. Golf Carts. Means a self-propelled vehicle not designed primarily for operation on roadways and that has (a) a design speed of less than twenty miles per hour; (b) at least three wheels in contact with the ground; (c) an empty weight of not more than one thousand three hundred pounds; and, (d) a carrying capacity of not more than four persons.

Section II. Required equipment and conditions.

A. Required equipment and conditions for OHVs and golf carts shall be as follows:

1. A "*slow moving vehicle*" emblem displayed prominently on the rear of the vehicle or red safety flag so mounted as to be between five (5) to seven (7) feet above the ground must be displayed at all times while operating the OHV or golf cart on the streets of Victor.
2. Headlights, tail lights and front and rear turn signal lights must be illuminated and in working condition if the OHV or golf cart is operated between one half hour after sunset and one half hour before sunrise. If the vehicle is not equipped with the above mentioned lights, then operation of the vehicle during the above mentioned hours is strictly prohibited and the operator must use the appropriate hand signals for all traffic maneuvers at all times. However equipped, there shall be no operation of OHVs or golf carts between the hours of 10:00 p.m. and 5:00 a.m.
3. Seat belts shall be worn if the vehicle has them as standard equipment.
4. Every passenger must have a designated seat. No sitting on cargo racks or standing on running boards or foot pegs is permitted.
5. All Colorado laws imposing minimum safety and equipment standards for operating an OHV or a golf cart on a public street or roadway shall be complied with and it is the responsibility of the operator of such vehicle to ascertain and comply with said laws.

Section III. Insurance.

Persons operating OHVs or golf carts shall be in possession of valid liability insurance as required by Colorado law.

Section IV. Traffic Regulation.

A. The operation of OHVs or golf carts on State Highway 67 (East and West) is strictly prohibited; however, these vehicles are allowed to cross the highways at recognized intersections with local streets.

B. Unlawful acts. It shall be unlawful for any person to operate an OHV or golf car on any street within the City where:

1. The operator does not have in his possession a valid, current and un-revoked driver's license;
2. The operator does not have current insurance coverage as provided in Section III;
3. The vehicle is not equipped for use as described in Section 2 hereof;
4. The operation of the vehicle is prohibited during the time periods specified in Section II(A)(2);
5. The operator fails to observe all vehicle and traffic laws and regulations, except when those provisions cannot reasonably be applied to OHV and golf car operation;
6. All alcohol and drug related vehicle violations shall be enforced in accordance with the Colorado laws.
7. Registration, licensing and insurance requirements of OHVs operated on public streets and roadways imposed by Colorado law shall be complied with prior to operating said vehicles. It is the responsibility of the owner and/or operator of the vehicle to ascertain and comply with said laws.

Section V. Enforcement and fines. A violation of this Ordinance or of the regulations of this Ordinance shall be punishable by imprisonment of up to one (1) year, a fine of up to one thousand dollars (\$1000.00) or both.

Section VI. Conflicting ordinances. All ordinances conflicting with this ordinance are hereby repealed.

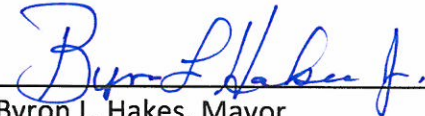
Section VII. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section VIII. Effective date. This ordinance shall become effective thirty (30) days after final publication.

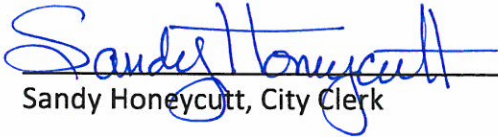
INTRODUCED, FIRST READ, PASSED AND ORDERED PUBLISHED IN FULL ON FIRST READING THIS 10th DAY OF October, 2013.

PUBLISHED: October 23, 2013

PASSED AND ORDERED PUBLISHED BY TITLE ONLY ON SECOND READING THIS 14th DAY
OF November, 2013.


Byron L. Hakes, Mayor

ATTEST:


Sandy Honeycutt, City Clerk

APPROVED AS TO FORM:

Jefferson H. Parker, City Attorney

PUBLISHED: November 27, 2013