

ORDINANCE NO. 3_2017

AN EMERGENCY ORDINANCE AMENDING THE GRAND LAKE MODEL TRAFFIC CODE AS ENACTED BY ORDINANCE 1-2013 AND ORDINANCE NO. 17-2016 AN ORDINANCE RELATING TO THE OPERATION OF OFF-HIGHWAY VEHICLES IN THE TOWN OF GRAND LAKE, COLORADO

WHEREAS, the Town Board of Trustees passed Ordinance 1-2013 on the 28th day of January, 2013, which ordinance amended the Town Code to reflect corrections to the Model Traffic Code (MTC) for the Town of Grand Lake; and

WHEREAS, said Model Traffic Code prohibited the operation of Off-Highway Vehicles (OVH) upon town streets and rights-of-way, except in limited circumstances; and

WHEREAS, the Town Board of Trustees passed Ordinance 17-2016 on October 24, 2016 which ordinance amended the Town Code to allow the operation of Off-Highway Vehicles (OVH) upon town streets and rights-of-way, except in limited circumstances; and

WHEREAS, the Town Board recognizes the Town of Grand Lake's operational budget is largely supported by sales tax revenues and such sales tax revenue is generated by tourism and such ordinance will support the tourism industry; and

WHEREAS, the Town has held public meetings in which there has been public sentiment to allow OHV operation upon town streets and right-of-way; and

WHEREAS, the Town is working with the U.S.F.S. to designate and sign OVH routes on certain county roads adjacent to the Town to allow OHV access from Grand Lake to OHV trails on public lands; and

WHEREAS, the Town Board of Trustees will evaluate the effectiveness of this Ordinance after the 2017 tourist season and may thereafter amend it as deemed necessary; and

WHEREAS, the Town Board of Trustees desires to make this Ordinance consistent with Colorado State Statutes governing OHVs as they may be amended from time to time.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Grand Lake that:

SECTION 1: DEFINITIONS

Off Highway Vehicle (OVH) means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, that is designed primarily for the 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:

- A. Vehicles designed and used specifically to transport disables persons.
- B. Vehicles designed and used specifically for lawn care, agricultural, logging or miming purposes.
- C. Golf carts/cars

SECTION 2: REQUIRED EQUIPMENT AND CONDITIONS

- A. Headlights, tail lights and front and rear turn signal lights must be illuminated and in working condition if the vehicle 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 time 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 OHV between the hours of 10:00pm and 5:00am
- B. Seat belts shall be worn if the vehicle has them as standard equipment.
- C. Every passenger must have a designated seat. No sitting on cargo racks or standing on running boards or foot pegs will be permitted.
- D. Every driver must have a valid driver's license.
- E. Proof of Colorado OHV registration must be prominently displayed on the vehicle.
- F. Proof of insurance for the vehicle must be current and present.
- G. All alcohol and drug related vehicle violations shall be enforced in accordance with Colorado laws.
- H. The operation of OHVs on State Highway 34 (north and south) is strictly prohibited;
- I. Every off-highway vehicle operated pursuant to this Chapter shall be equipped, as provided by Section 33-14.5-109(l)(a) and (b), C.R.S., and the Colorado Division of Parks and Outdoor Recreation, Chapter 5 OHV Regulations (which are incorporated herein by reference), as follows:
 - i. At least one (1) headlamp;
 - ii. At least one (1) red tail lamp;
 - iii. Braking system;
 - iv. Spark arrester; and
 - v. Muffler.
 - vi. Every off-highway vehicle operated pursuant to this Chapter shall also be equipped with a safety flag. Such flags will be made available (along with the safety rules, a free sticker and trail maps) for sale at Town Hall, and at the Town Visitor Center.
- J. Notice of accident.
 - i. 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 Grand County Sheriff, serving as the police department for the Town of Grand Lake.
 - ii. The Sheriff's Department, upon receiving a report of an accident under this section, shall forward a copy thereof to the Colorado Division of Parks and Outdoor Recreation.
 - iii. 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 Outdoor Recreation. 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. (Ord. 7 - 2011)

K. Enforcement, Violations and Fines.

- i. Every peace officer of the Sheriff's office is authorized to enforce the provisions of this ordinance as provided by the applicable provisions of the MTC for Colorado Municipalities as adopted and amended by the Town of Grand Lake. Notwithstanding the provisions of the MTC, as adopted by the Town of Grand Lake, any "off-highway" vehicle as defined herein shall be considered a "vehicle" for the purposes of the application or enforcement of the MTC
- ii. Any person who violates the provisions of this ordinance shall be guilty of a municipal ordinance offense and, upon conviction thereof shall be punished by a minimum fine of fifty (\$50) dollars, and a maximum fine of not more than three hundred (\$300) dollars. Pursuant to the Colorado Municipal Court Rules of Procedure 210(b)(4), the Municipal Court may, by order, which from time to time may be amended, supplemented or repealed, designate the ordinance offenses contained herein and the penalties for which may be paid at the office of the court clerk.
- iii. **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 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 off-highway vehicle on the roads, roadways or alleys within the Town limits.

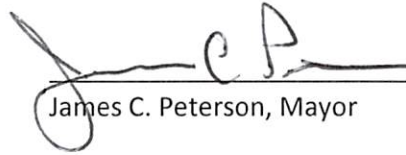
SECTION 3: INSURANCE

- A. Before operating any of the aforementioned OHVs on the public streets or roadways of the Town of Grand Lake, the owner shall obtain and carry a liability insurance policy, issued by an insurance carrier authorized to do business in the State of Colorado, which covers the operation of said OHV on public streets. The minimum coverage shall be \$100,000 for damages to the property of others; \$100,000 for damages for or on account of bodily injury or death of one person as a result of any one accident; and subject to such limit as to one person, a minimum sum of \$300,000 for or on account of bodily injury to or death of all persons as a result of any one accident.

This Emergency Ordinance, as adopted by the Board, shall be numbered and recorded by the Town Clerk in the official records of the Town, The adoption and publication shall be authenticated by the signatures of the Mayor and Town Clerk, and by the certificate of publication.

INTRODUCED, READ IN FULL, SIGNED, and ORDERED PUBLISHED, this 8th day of May, 2017.

TOWN OF GRAND LAKE



James C. Peterson, Mayor



Votes Approving: 7
Votes Opposing: 0
Absent: 0
Abstained: 0

ATTEST:



Katie Nicholls, Town Clerk