

**ORDINANCE NO. 17-2016**

**AN ORDINANCE AMENDING THE GRAND LAKE  
MODEL TRAFFIC CODE AS ENACTED BY ORDINANCE 1-2013 AND  
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 28<sup>th</sup> 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 (OHV) upon town streets and rights-of-way, except in limited circumstances; and

WHEREAS, the Town Board of Trustees had input from residents and OHV users and user groups that there is a desire for direct access to OHV trails on Public Lands from homes or other places of domicile; on town streets, 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 OHV 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 underlying purpose of this ordinance is ONLY to allow individuals to use town streets and rights-of-ways to travel from a residence or other place of domicile limited only to town streets; 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:

1. Ordinance 1-2013 is amended to allow OHV usage only on Town of Grand Lake streets and ROW.
2. Safety equipment.

Every off-highway vehicle operated pursuant to this Chapter shall be equipped, as provided by Section 33-14.5-109(1)(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.
- (e) 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 §1, 2011)
- (f) 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, as adopted by the Town of Grand Lake.
  - 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 (\$50.00) dollars, and a maximum fine of not more than three-hundred (\$300.00) 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.

- (g) 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.

This 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 24<sup>th</sup> day of October, 2016.


TOWN OF GRAND LAKE



  
James C. Peterson, Mayor

Votes Approving: 6  
Votes Opposing: 0  
Absent: 1  
Abstained: 0

ATTEST:

  
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Katie Nicholls, Town Clerk