

Chapter 3 USE OF OFF HIGHWAY VEHICLES

SECTIONS:

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9-3-1: 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: (Ord. 2-2011, eff. 6-9-2011)
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 Cars 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. C.R.S. 42-1-102 (39.5), as amended. (Ord. 2-2011, eff. 6-9-2011)

9-3-2: Required Equipment and Conditions

- A. 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 vehicle on the streets of Westcliffe. (Ord. 2-2011, eff. 6-9-2011)
- B. 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 OHVs or golf cars between the hours of 10:00 p.m. and 5:00 a.m. (Ord. 2-2011, eff. 6-9-2011)
- C. Seat belts shall be worn if the vehicle has them as standard equipment. (Ord. 2-2011, eff. 6-9-2011)
- D. Every passenger must have a designated seat. No sitting on cargo racks or standing on running boards or foot pegs is permitted. (Ord. 2-2011, eff. 6-9-2011)
- E. All Colorado laws imposing minimum safety and equipment standards for operating an OHV or a golf car 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. (Ord. 2-2011, eff. 6-9-2011)

9-3-3: Insurance

- A. Before operating any of the aforementioned OHVs or golf cars on the public streets or roadways of Westcliffe, 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 OHVs or golf cars 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. (Ord. 2-2011, eff. 6-9-2011)

9-3-4: Traffic Regulation

- A. The operation of OHVs or golf cars on State Highway 69 (North and South) and State Highway 96 is strictly prohibited; however, these vehicles are allowed to cross the highways at recognized intersections with local streets. (Ord. 2-2011, eff. 6-9-2011)

- B. Unlawful acts. It shall be unlawful for any person to operate an OHV or golf car on any street within the Town where: (Ord. 2-2011, eff. 6-9-2011)
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 3-A;
 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 2-B;
 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.

9-3-5: Enforcement and Fines ¹

Any violation of this Ordinance or the regulations of this Ordinance shall be a misdemeanor. Fines shall be as follows: For a first offense the fine shall be one hundred dollars (\$100.00); for a second offense within twelve months of the first offense, the fine shall be two hundred dollars (\$200.00); for a third and subsequent offenses within twelve months of the first offense, the fine shall be three hundred dollars (\$300.00). (Ord. 2-2011, eff. 6-9-2011, Ord. 11-2015, eff. 9-3-2015, Ord. 15-2016, eff. 12-1-2016)

9-3-6: Effective Date

- A. The Board of Trustees hereby determines and finds, pursuant to C.R.S. 31-16-105, that to promote the prosperity and improve the comfort and convenience of the Town and its inhabitants, and to best serve the immediate preservation of the public safety, welfare and interests of the Town and its inhabitants, this Ordinance shall become effective as a permanent ordinance following final passage. (Ord. 2-2011, eff. 6-9-2011)

¹ Title 9, Chapter 3, Section 5, Subsection A is repealed and reenacted in its entirety by (Ord. 11-2015, eff. 9-3-2015, Ord. 15-2016, eff. 12-1-2016)

9-3-7: Severability

- B. If any portion of this ordinance is found to be unconstitutional, invalid, or void for any reason, it shall be deemed severed from this Ordinance. Such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance and the remaining portions shall remain valid and in full force and effect. The Board of Trustees for the Town of Westcliffe hereby declares that it would have passed this Ordinance and each part or parts thereof regardless of the fact that any one part or parts may be declared unconstitutional or invalid. (Ord. 2-2011, eff. 6-9-2011)