

ORDINANCE NUMBER 250

AN ORDINANCE PROVIDING FOR THE REGULATION OF OFF-HIGHWAY VEHICLES WITHIN THE MINICIPAL LIMITS OF THE TOWN OF HUGO, LINCOLN COUNTY, COLORADO.

Whereas, Colorado Revised Statutes 33-14.5-101, et. Seq., gives to municipalities, through the governing body, the power to regulate the operation of off-highway vehicles on public streets and alleys within its boundaries; and

Whereas, the Board of Trustees, hereinafter referred to as the “Board”, has determined that regulation of off-highway vehicles within the Town of Hugo, hereinafter referred to as the “Town”, is required for the health and safety of the citizens of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, LINCOLN COUNTY, COLORADO:

SECTION I - DEFINITIONS. As used in this ordinance, unless the context otherwise requires:

- a. “Off-highway vehicle” means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. Off-highway vehicles include all terrain vehicles (ATVs) and “go carts”. Off-highway vehicles do not include the following:
 - i. Vehicles designed and used primarily for travel on, over, or in the water;
 - ii. Snowmobiles;
 - iii. Military vehicles;
 - iv. Golf carts;
 - v. Vehicles designed and used to carry individuals with disabilities;
 - vi. Vehicles designed and used specifically for agricultural, logging, or mining purposes; or
 - vii. Vehicles registered pursuant to Title 42, Article 3 of the Colorado Revised Statutes.
- b. “Off-highway vehicle route” means any road, street, alley, or right of way within the municipal limits of the Town of Hugo designated open by the Town of Hugo Board of Trustees for off-highway vehicle route, but does not include State highway 40/287, except as to the two designated crosswalks described herein.
- c. “Owner” means any person, other than a lien holder, having property interest in an off-highway vehicle and entitled to the use and possession thereof.

SECTION II - DESIGNATION OF OPEN STREETS AND OFF-HIGHWAY VEHICLE ROUTES.

- a. Pursuant to C.R.S. 33-14.5-108(1)(a), each Town of Hugo municipal street, alley, and right of way is designated as open for use by off-highway vehicles excluding any part of the State of Colorado highway system located within the municipal limits of the Town of Hugo, i.e., State highway 40/287.
- b. Pursuant to C.R.S. 33-14.5-108(1)(f), each Town of Hugo municipal street, alley, and right of way, excluding any part of State highway 40/287, is designated as an off-highway vehicle route to permit the operation of off-highway vehicles on municipal streets, alleys, and rights of way.

SECTION III - DRIVING ON STATE HIGHWAY PROHIBITED.

- a. No person shall cross a state highway or drive on a state highway while operating an off-highway vehicle within the jurisdiction of the Town of Hugo, except that off-highway vehicles may cross State Highway 40/287 at the designated crosswalks located at 3rd Avenue and 4th Avenue.

SECTION IV - OPERATION OF OFF-HIGHWAY VEHICLES.

- a. All Town of Hugo public streets, roads, or alleys shall be open to off-highway vehicles. The following regulations and restrictions shall apply as to off-highway vehicles being driven on Town streets, roads, and alleys.
 - i. No person shall operate an off-highway vehicle while carrying any person or object, or riding in any position that interferes with the normal operation or control of an off-highway vehicle or the view of the operator.
 - ii. No person under the age of eighteen (18) years may operate an off-highway vehicle on public streets, roads, or alleys of the Town of Hugo.
 - iii. All drivers must comply with all other traffic laws and rules of the road.
 - iv. No person may have more passengers on a vehicle than there exist manufactured seats available on the vehicle.

SECTION V - SAFETY EQUIPMENT REQUIRED.

- a. No off-highway vehicle shall be operated within the Town of Hugo unless it is equipped with the following:
 - i. At least one lighted head lamp having at least the minimum candlepower prescribed by regulation of the Colorado Division of Parks and Wildlife.
 - ii. At least one lighted tail lamp, having at least the minimum candlepower prescribed by regulation of the Colorado Division of Parks and Wildlife.
 - iii. Brakes
 - iv. Exhaust muffler
 - v. Spark arrester

SECTION VI – PENALTY.

Any person convicted of violating the provisions of this Ordinance may be fined Fifty Dollars (\$50.00) for a first offense and up to an amount not to exceed Five Hundred Dollars (\$500.00) for each violation which occurs within a one year span thereafter.

SECTION VII – VALIDITY.

If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any part or parts be declared invalid.

SECTION VIII – REPEAL.

Existing or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

SECTION IX-EFFECTIVE PERIOD:

The Town Clerk shall publish this Ordinance immediately after passage by the board. The Ordinance shall take effect thirty (30) days after publication. The Town Clerk shall, thereafter place the Ordinance in the Book of Ordinances.

Adopted and Approved this 11th day of September 2017.

/s/ Tom Lee/Mayor

ATTEST:

/s/ Maria Nestor/Town Clerk