

10.17 - Off Highway-Vehicles

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10.17.010 Definitions.

For the purpose of this chapter, the terms defined in this section shall have the meaning ascribed to them:

“Designated Route” means the off-highway vehicle routes designated in Section 10.17.030.

“Off-highway vehicle” or “OHV” 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 vehicle" does not include the following:

- a) Vehicles designed and used primarily for travel on, over, or in the water;
- b) Snowmobiles;
- c) Military vehicles;
- d) Golf carts;
- e) Vehicles designed and used to carry disabled persons;
- f) Vehicles designed and used specifically for agricultural, logging, or mining purposes; or
- g) Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

“Off-highway vehicle route” means any road, trail, or way owned or managed by the state or any agency or political subdivision thereof or the United States for off-highway vehicle travel.

“Operate” means to ride in or on and control the operation of an off-highway vehicle.

“Operator” means every person who operates or is in actual physical or constructive control of an off-highway vehicle.

“Owner” means a person, other than a lienholder, having the property in, or title to, an off-

highway vehicle, entitled to the use or possession thereof.

“Person” means an individual, partnership, corporation and any body or association of individuals.

“Possession” means physical custody of an off-highway vehicle by any person or by any owner of a motor vehicle or trailer on or in which an off-highway vehicle is placed for the purpose of transport.

“Roadway” means that portion of a highway, street or alley improved, designed or ordinarily used for vehicular traffic.

(Ord. 480 §1, 2003)

10.17.020 Operation permitted.

Off-highway vehicles may be operated on the streets and alleys of the Town except on U.S. Highway 40 and State Highway 9 in the manner set forth in this Chapter 10.17. Such operation shall be solely for the purpose of gaining access to public land adjacent to the Town via the nearest designated off-highway vehicle routes. (Ord. 480 §1, 2003)

10.17.030 Designated routes.

The following streets are designated off-highway vehicle routes:

A. For those areas south of U.S. Highway 40:

1. Spruce Street between U.S. Highway 40 and Eagle Avenue;
2. Eagle Avenue between Spruce Street and First Street;
3. First Street between Eagle Avenue and Range Avenue;
4. Range Avenue between First Street and Tenth Street;
5. Tenth Street between Depot Avenue and Kinsey Avenue;

B. For those areas north of U.S. Highway 40:

1. Spruce Street between U.S. Highway 40 and Central Avenue;
2. Central Avenue between Spruce Street and First Street;
3. First Street between Central Avenue and Kinsey Avenue;
4. Kinsey Avenue between First Street and Twelfth Street;
5. Twelfth Street between Kinsey Avenue and Jackson Avenue;
6. Jackson Avenue between Twelfth Street and County Road 22.

10.17.040 Prohibited acts.

It shall be unlawful to operate an off-highway vehicle in any of the following manners:

- A. On U.S. Highway 40 or State Highway 9 except to cross the highways at the intersection of U.S. Highway 40 and 10th Street, U.S. Highway 40 and Spruce Street; State Highway 9 and Range Avenue; and State Highway 9 and 10th Street;
- B. Between the hours of ten p.m. and eight a.m.; but any off-highway vehicle operated before sunrise or after sunset must have illuminated and in operation at least the lighting equipment required by state law;
- C. At any place while under the influence of intoxicating beverages, narcotics or habit-forming drugs;
- D. At any place in a careless, reckless or negligent manner so as to endanger any person or property or to cause injury or damage thereto;
- E. On any sidewalk or area set apart for the use of pedestrians;
- F. Failure to yield right-of-way to all other vehicles or pedestrians;
- G. Failure to make a complete stop at all intersections, whether controlled or uncontrolled;
- H. For purposes other than using the most direct route to the nearest designated off-highway vehicle route;
- I. To use designated off-highway vehicle routes for any purpose other than going to, or coming from, public lands adjacent to the Town;
- J. Without equipment required by C.R.S. 33-14.5-109 and regulations thereunder. At a minimum, the required equipment is:
 - 1. A muffler in constant operation and properly maintained.
 - 2. A spark arrestor in good working order which has been approved by the U.S. Forest Service as evidenced by the bona fide permanent marking of "qualified" or "approved" on the spark arrestor.
 - 3. A braking system that may be operated by hand or foot, capable of controlling the movement of, and to stop and to hold the off-highway vehicle stationary on any grade upon which it is operated.
 - 4. Any vehicle operated during legal hours but before sunrise or after sunset shall have illuminated at least one headlamp having minimum candlepower of sufficient intensity to reveal persons or objects at a distance of at least 100 feet ahead under normal atmospheric conditions and at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions.
- K. On any portion of any street except the far right portion of the street;

- L. To ride together in any pattern except in single file;
- M. On any public or private property without express consent of the owner of it;
- N. In excess of a speed of fifteen miles per hour;
- O. When between the ages of ten and sixteen years unless such person has in his possession a valid driver's license issued by the State of Colorado or another state; or the person is accompanied by and under the immediate supervision of a person who has in his possession a valid driver's license issued by the State of Colorado or another state. The phrase *Under immediate supervision* shall mean that, at a minimum, the unlicensed operator is within direct visual contact of the licensed supervisor.

(Ord. 480 §1, 2003)

10.17.045 Exception for utilitarian uses.

Notwithstanding the restrictions set forth in §10.17.030, and §10.17.040, subsections A, B, H, I, K, as to where off-highway vehicles may be operated; and notwithstanding the restriction in 10.17.020 as to purpose of use, off-highway vehicles may be operated on the streets and alleys of the Town that are not part of the state highway system:

- A. By employees and agents of governmental entities discharging official duties and in furtherance of the entity's governmental purposes;
- B. During an emergency properly declared by public authority and for the following purposes between the hours of 6:00 a.m. and 10:00 p.m.
- C. For agricultural purposes;
- D. On private land and the public right-of-way immediately adjacent to the private land, by property owners or their agents solely for property maintenance such as snowplowing, weed control, landscaping or tillage.
- E. On the public right-of-way to travel between properties owned by the operator or by the operator's principal for the purposes allowed in this Section.

(Ord. 480 §1, 2003)

10.17.046 Additional requirements for utilitarian use.

In addition to the other restrictions on use and equipment required by other sections of this chapter, an off-highway vehicle being used for a utilitarian use:

- A. Shall have a headlamp and tail lamp continuously illuminated;
- B. Shall have an operating brake light;
- C. Shall display a pennant flag of red or blaze orange material, at least thirty six square inches in area, at a height of not less than five feet above ground level. Use of a slow moving vehicle sign, visible from the rear of the vehicle, is encouraged.

(Ord. 480 §1, 2003)

10.17.050 Model Traffic Code to apply.

For the purposes of this chapter, to regulate the use of off-highway vehicles on streets, and to provide rules of the road:

- A. Operation of off-highway vehicles shall be in compliance with chapter 10.04 of this Code, except as specifically otherwise regulated in this chapter. Operators shall be subject to all of the duties and prohibitions applicable to a driver set forth in chapter 10.04, except those which, by their very nature, can have no application. Operators shall also comply with the special rules set forth in this chapter, which shall control over any regulation in chapter 10.04.
- B. The following terms used in the Model Traffic Code and chapter 10.04 of this Code, shall include the counterpart term of this chapter:
 - 1. The word “vehicle” used in any of the driving rules set forth in chapter 10.04 and the Model Traffic Code shall include off-highway vehicles;
 - 2. Either word, “driver” or “operator,” as used in chapter 10.04 and the Model Traffic Code, shall mean an operator of an off-highway vehicle.

(Ord. 480 §1, 2003)

10.17.060 Crossing highways.

When crossing U.S. Highway 40 or State Highway 9 as permitted in this chapter, the crossing shall be made at a ninety degree angle to the highway and only after coming to a complete stop and yielding to vehicles and pedestrians which constitute an immediate hazard to such crossing. (Ord. 480 §1, 2003)

10.17.070 Excessive noise prohibited.

Excessive noise shall not be permitted.

- A. No off-highway vehicle shall be operated without a conventional exhaust system in working order. Tuned exhausts are not permitted unless used in connection with an operable muffler.
- B. The maximum permissible noise or sound emanating from an off-highway vehicle is 90 decibels (decibel as defined in C.R.S. § 25-12-102(3)). Noise or sound emanating from an off-highway vehicle in excess of said level, measured on the “A” scale on a standard sound level meter having characteristics established by the American National Standards Institute, Publication S1.4 - 1971, and measured at a distance twenty inches (20”) at 45 degrees from the exhaust outlet is a violation of this Article.
- C. The establishment of a standard for maximum permissible noise or sound by reference to decibel level shall not preclude prosecution and determination of guilt under this section, “Excessive Noise Prohibited,” based solely on the testimony and description of the noise or sound by the complainant or law enforcement official.

(Ord. 480 §1, 2003)

10.17.080 Helmet, eye protection required.

All operators and passengers, including passengers in or on any towed device, shall wear helmets and adequate eye protection. (Ord. 480 §1, 2003)

10.17.090 Liability imposed on parent.

The parent or guardian of any juvenile shall not authorize or permit any such juvenile to violate any provision of this chapter. (Ord. 480 §1, 2003)

10.17.100 Liability imposed on owner.

The owner of any off-highway vehicle shall not authorize or permit any person to operate the off-highway vehicle in violation of any provision of this chapter. (Ord. 480 §1, 2003)

10.17.110 Enforcement.

Each provision of this chapter may be enforced as any other part of this code except as follows:

- A. Summonses and complaints shall be issued to juveniles. The parent(s) or guardian(s) of any juvenile so charged must appear with the juvenile;
- B. Summonses and complaints shall be issued in cases of driving while ability impaired by drugs or alcohol, driving under the influence of drugs or alcohol, reckless driving, eluding or attempting to elude an officer, in cases of accidents resulting in injury or death to any person or damage to property, and failure to stop in the event of such accident.

(Ord. 480 §1, 2003)

10.17.120 Penalty assessment.

The Municipal Court is authorized to promulgate a fine schedule for violations of this chapter which may be charged by penalty assessment procedure but no fine in such fine schedule shall be less than twenty-five dollars per violation. (Ord. 480 §1, 2003)

10.17.200 Violation - Penalty.

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §39, 2008; Ord. 480 §1, 2003)