

ORDINANCE # 2008-008

AN ORDINANCE AMENDING ORDINANCE 2003-003 ADOPTING THE "MODEL TRAFFIC CODE FOR COLORADO" AND PROVIDING FOR THE REGULATION OF "OFF HIGHWAY VEHICLES" WITHIN THE TOWN OF CRESTONE, COLORADO

WHEREAS, Ordinance 2003-03, enacted on July 14, 2003 adopted the 2003 version of the Model Traffic Code for Colorado, and

WHEREAS, Section 109 of such code is entitled "Motorized bicycles, animals, skis, skates, toy vehicles and all-terrain recreational vehicles on highways" but does not specifically address the operation of all-terrain vehicles on town streets nor define such vehicles, and

WHEREAS, the provisions of C.R.S 33-14.5-101 et seq specifically addresses the operation of "Off Highway Vehicles" and § 33-14.5-110 allows municipalities to regulate the operation of such vehicles on property under its jurisdiction,

NOW THEREFORE, be it Ordained by the Board of Trustees of the Town of Crestone that the Model Traffic Code for Colorado as enacted by Ordinance #755, is amended by the addition of the following subsection:

§ 109. Motorized bicycles, animals, skis, skates, toy vehicles and all-terrain vehicles on highways.

13. Off Highway Vehicles

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 highway, and which is generally and commonly used to transport persons for recreational purposes. "Off Highway Vehicle" does not include the following:

- 1) Vehicles designed and used primarily for travel on, over, or in the water;
- 2) Snowmobiles
- 3) Military Vehicles

4) Golf Carts

5) Vehicles designed and used to carry disabled persons

6) Vehicles designed and used specifically for agricultural, logging or mining purposes; or

7) Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

b. No person shall use, drive, operate, or be a passenger on any "Off Highway Vehicle" (OHV) upon any street, alley, right-of-way or public property within the Town of Crestone except in accordance with the provisions of this section 109 (13).

c. It shall be legal to drive, operate or be a passenger on any OHV on a town street of the Town of Crestone provided that:

(1) The operator of such OHV is a licensed driver pursuant to the provisions of Title 42 C.R.S.

(2) Such vehicle shall be operated in accordance with provisions of Title 42 and the Model Traffic Code adopted by Ordinance 2003-003.

(3) Said OHV shall not be operated between the hours of 10:00 p.m. and 7:00 a.m. on any day of the week.

(4) Red flagging shall be displayed upon and extending above the OHV to a height of not less than five (5) nor more than seven (7) feet.

d. Such vehicles shall only be allowed to operate on Colorado State highways within the town in accordance with the provisions of C. R.S. 33-14.5-108.

Any person who violates the provisions of this Ordinance shall be punished by a fine not exceeding \$1,000.00 or by incarceration not exceeding one year or by both such fine and imprisonment.

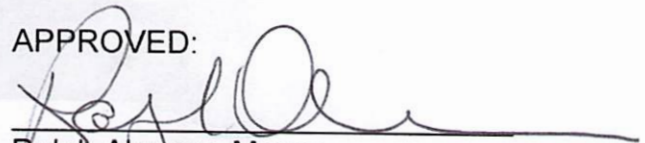
THE BOARD OF TRUSTEES FINDS THAT THIS ORDINANCE IS NECESSARY TO THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH AND SAFETY – DUE TO THE UNREGULATED OPERATION OF OHV'S PRESENTLY

OCCURRING WITHIN THE TOWN, AND SHALL TAKE EFFECT AND BE ENFORCED FROM AND AFTER PASSAGE OF THIS ORDINANCE.

INTRODUCED, read in full, adopted, and signed this 13TH day of October 2008.

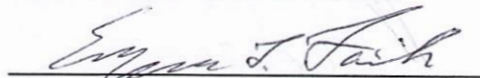


APPROVED:


Ralph Abrams, Mayor

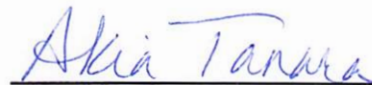

Akia Tanara, Town Clerk

APPROVED AS TO FORM:


Eugene L. Farish, Town Attorney

CERTIFICATION

I HEREBY CERTIFY that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Crestone, Colorado on the 13th day of October, 2008 and published by title in The Crestone Eagle, a legal newspaper in the Town of Crestone on November 1, 2008.


Akia Tanara, Town Clerk

**TOWN OF CRESTONE
PUBLIC NOTICE**

Ordinance #2008-008, An Ordinance Amending Ordinance 2003-003 Adopting the "Model Traffic Code for Colorado" and Providing for the Regulation of "Off Highway Vehicles" within the Town of Crestone, Colorado was adopted, approved, and signed on October 13, 2008.

Approved: Ralph Abrams,
Mayor

