

**TOWN OF MOFFAT, COLORADO
ORDINANCE NO. 50-21-3**

**AN ORDINANCE REGARDING
THE USE OF ALL TERRAIN VEHICLES AND OFF HIGHWAY
VEHICLES ON TOWN STREETS**

WHEREAS, the Board of Trustees has the power to regulate its streets pursuant to C.R.S 31-15-401 its general police powers; and

WHEREAS, the Board of Trustees desires to adopt laws for the use of ATVs and OHVs on Town streets, and alleys.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MOFFAT, COLORADO:

Section 1. Drivers.

A. It shall be legal for drivers at least fourteen (14) years of age to operate an all-terrain vehicle, here after known as ATV (all-terrain vehicle) or OHV (off-highway vehicle) on the public streets and alleys within the town, providing that said vehicle meets all requirements of this ordinance.

B. It shall be illegal for anyone under fourteen (14) years of age to operate ATV or OHV on the public streets and alleys within the town

C. Owners of ATVs and OHVs must have the following:

1. Proof of current insurance (which must meet requirements of motorcycles licensed by the state of Colorado); and

Section 2. Definitions.

As used in this ordinance:

All-terrain vehicle type I (ATV) means any motor vehicle fifty (50) inches or less in width, having an unladen dry weight of eight hundred (800) pounds or less, traveling on four (4) or more low pressure tires, having a seat designed to be straddled by the operator, having a seat height of a minimum of twenty-four (24) inches when measured at the forward edge of the seat bottom, with handlebars for control and designed for or capable of traveling over unimproved terrain.

Off Highway Vehicle means a vehicle designed specifically for use off road, and includes ATVs, UTVs and other off road vehicles.

Operator means the person who is in actual physical control of a vehicle.

State and town traffic laws means any traffic codes adopted by the town.

Utility type vehicle (UTV) means any recreational vehicle designed for and capable of traveling over unimproved terrain: traveling on four (4) or more low pressure tires, having a width of thirty (30) to seventy (70) inches, having an unladen dry weight of two thousand two hundred (2,200) pounds or less, having a seat height of twenty-five (25) to forty (40) inches when measured at the forward edge of the seat bottom, and having side by side seating with a steering wheel for control.

Section 3. Terms and conditions.

Terms and conditions of ATV/OHV use: town streets (hereinafter called "legal route"), except for any state highway, are open for ATV/OHV use under the following conditions and restrictions:

1. ATV/OHV is insured. Proof of insurance required with vehicle at all times. Must maintain liability insurance coverage required by state law;
2. ATV/OHV operator must be at least fourteen (14) years of age or older;
3. Limited to one (1) person on OHV unless the OHV is designed for two (2) riders and there is foot rest and hand holds for each rider. Side-by-sides (UTVs) must have and wear seatbelts for each occupant. All safety equipment on the OHV must be used;
4. A red triangle safety flag at least 4 feet tall shall be affixed to the vehicle.
5. ATV/OHV operator must obey all state and town traffic laws;
6. Operation of the ATV/OHV is only legal during daylight hours between sun rise and sun set;
7. The operator of an ATV/OHV may not exceed the posted speed limit or a maximum speed of thirty-five (35) mph; and
8. The operator of an ATV/OHV on legal routes shall have all the rights and duties applicable to the driver of any other vehicle under the provisions of Colorado statutes and laws.

Section 3. Limitation of liability.

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 ATV/OHV on the streets within the town limits.

Section 4. Violations and fines.

A. Any persons in violation of any town or state traffic laws will be ticketed and assessed fines that are applicable to said violations. The police department or any other legal

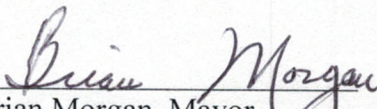
policing authority is given all rights to write citations to those individuals breaking laws as outlined in this chapter.

B. With respect to any violation of this ordinance the minimum fine shall be one hundred dollars (\$100.00).

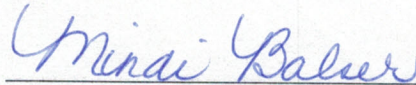
FIRST INTRODUCED, and READ on this 2nd day of October, 2012.

APPROVED and ADOPTED on this 6th day of November, 2012.

TOWN OF MOFFAT, COLORADO


Brian Morgan, Mayor

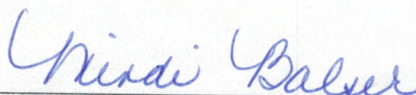
ATTEST:


Mindi Balser, Town Clerk

CERTIFICATION

I hereby certify that the above Ordinance was first introduced, and read on October 2, 2012, and approved and adopted at the regular meeting of the Board of Trustees of the Town of Moffat, Colorado on the 6th day of November, 2012 and posted at the following locations in the Town of Moffat:

- 1) Aventa Credit Union
- 2) Moffat Post Office
- 3) S&S


Mindi Balser, Town Clerk

