

ORDINANCE NO. 721-15

AN ORDINANCE PROVIDING FOR THE REGULATION OF OFF-HIGHWAY VEHICLES WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF FOWLER, COLORADO

1. Definitions

2. 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 vehicle" does 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 article 3 of title 42, C.R.S.
- b. "Off-highway vehicle route" means any road, street, alley, or right of way within the municipal limits of the town of Fowler designated open by the Town of Fowler Board of Trustees for off-highway vehicle travel and any street, alley, or right of way or designated as an off-highway vehicle route but does not include Highway 167 and U.S. Highway 50.
- c. "Owner" means any person, other than a lienholder, having a property interest in an off-highway vehicle and entitled to the use and possession thereof.
- d. "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.

3. Designation of Open Streets And Off-Highway Vehicle Routes

- a. Pursuant to C.R.S. §33-14.5-108(1)(a) each Town of Fowler 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 Fowler.

- b. Pursuant to C.R.S. Section 33-14.5-108(1)(f) each Town of Fowler municipal street, alley and right of way, excluding any part of the state of Colorado highway system located within the municipal limits of the Town of Fowler, is designated as an off-highway vehicle route to permit the operation of off-highway vehicles on municipal streets, alleys and rights of ways

4. Crossing State Highway Or 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 Fowler.

5. Colorado Driver's License And Insurance Required

- a. Each person who operates an off-highway vehicle in the town of Fowler shall have in his or her possession a current, valid Colorado driver's license and be in full compliance with any limitations on the license imposed by Colorado law or by action of a court.
- b. No person shall allow another to operate an off-highway vehicle in the town of Fowler who does not have in his or her possession a current, valid Colorado driver's license.
- c. No person shall operate an off-highway vehicle in the town of Fowler who does not have liability insurance that covers the off-highway vehicle.

6. Colorado Registration Required

- a. Within the Town of Fowler, no person shall operate or have in his or her possession any off-highway vehicle unless such off-highway vehicle has a current valid registration issued by the Colorado Division of Parks and Wildlife and is numbered by the Colorado Division of Parks and Wildlife unless the vehicle is exempt as provided in this Ordinance or Colorado law.
- b. No Colorado registration under this ordinance is required for any:
 - i. Off-highway vehicle owned by any agency of the United States or another state or a political subdivision thereof when such ownership is clearly displayed on such vehicle;
 - ii. Off-highway vehicle owned by a resident of another state or country if such off-highway vehicle is covered by a valid license or registration of such other state or country and such off-highway vehicle has not been within this state for more than thirty consecutive days;
 - iii. Off-highway vehicle used strictly for agricultural purposes;

- iv. Off-highway vehicle used strictly on private property;
 - v. Off-highway vehicle operated in an organized competitive or noncompetitive event on publicly or privately owned or leased land; except that this exemption shall not apply unless the agency exercising jurisdiction over such land specifically authorizes the organized competitive or noncompetitive event;
 - vi. Off-highway vehicle used by a dealer or manufacturer, or an authorized designee thereof, for off-highway vehicle operator education or safety programs.
- c. The Town of Fowler shall not require any municipal registration for an off-highway vehicle.

7. Colorado off-highway vehicle permit required

- a. No person shall operate, nor have in his or her possession an off-highway vehicle that does not have a current, valid off-highway vehicle permit issued by the Colorado Division of Parks and Wildlife and displayed as required by the Colorado Division of Parks and Wildlife unless the off-highway vehicle is not required to be registered or not required to be permitted under this ordinance or Colorado law.
- b. The following nonresident off-highway vehicles are exempt from the permit requirement.
 - i. Vehicles owned by the United States or another state or political subdivision thereof if such ownership is clearly displayed on such vehicles;
 - ii. Vehicles operated in an organized competitive or noncompetitive event on publicly or privately owned or leased land; except that this exemption shall not apply unless the agency exercising jurisdiction over such land specifically authorizes the organized competitive or noncompetitive event.
- c. The town of Fowler shall not require any municipal permit for an off-highway vehicle.

8. Safety Equipment Required.

- a. No off-highway vehicle shall be operated within the town of Fowler unless it is equipped with the following:
- b. At least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the Colorado Division of Parks and Wildlife while being operated between the hours of sunset and sunrise;

- c. Brakes and a muffler and spark arrester.
9. **Penalty.** Any person convicted of violating this ordinance may be fined an amount not to exceed two thousand six hundred fifty dollars.
10. **Effective Date.** This ordinance shall be effective as of September 1, 2015.
11. **Conflicts.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed or amended to the extent necessary to conform with this ordinance.
12. **Severability.** If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any Court, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED, ADOPTED and ordered published the 27th day of July 2015.

TOWN OF FOWLER

DATED this 27th day of July 2015.

By: Charles R. Hitchcock, mayor

ATTEST:

Terry Martin, Deputy Town Clerk