

State of Colorado
County of Moffat
City of Craig

ORDINANCE NO. 1001

An ordinance regulating the use of ATV/OHV's within the City of Craig
by the addition of Section 10.09 of the Craig Municipal Code

RECITAL

It is the desire of the Craig City Council to permit the use of ATV/OHV vehicles on certain public streets within the City of Craig, subject to their regulation with respect to public health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO:

Section 1: Section 10.09 of the Craig Municipal Code is hereby adopted and shall read as follows:

It shall be legal to operate an all terrain vehicle, here after known as ATV (all terrain vehicles) or OHV (off highway vehicle) on the public streets within the City of Craig providing that said vehicle is registered with the City of Craig and meets all requirements of this ordinance. Owners wishing to register their vehicle with the City of Craig may do so at the Craig Police Department located within the Public Safety Center.

Registration with the City of Craig will be completed only when the vehicle being registered meets the criteria set forth by the City of Craig in accordance with local traffic ordinances already in place.

Owners must provide the following:

Bill of sale, title of vehicle or proof of ownership

Proof of current insurance (which must meet requirements of motorcycles licensed by the State of Colorado)

Valid drivers license (a valid drivers license will be required to operate an ATV/OHV on the streets and alleys of Craig.)

Definitions. As used in this ordinance:

- (1) "All-terrain vehicle type I" (ATV) means any motor vehicle 50 inches or less in width, having an unladen dry weight of 800 pounds or less, traveling on four or more low pressure tires, having a seat designed to be straddled by the operator, having a seat height of a minimum of 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.
- (2) "Utility Type Vehicle" (OHV) means any recreational vehicle designed for and capable of traveling over unimproved terrain: traveling on four or more low pressure tires, having a width of 30 to 70 inches, having an unladen dry weight of 2,200 pounds or less, having a seat height of 25 to 40 inches when measured at the forward edge of the seat bottom, and having side by side seating with a steering wheel for control
- (3) "Motorcycle" means any vehicle as defined by the Colorado State Statutes, as time to time amended.
- (4) "Operator" means the person who is in actual physical control of a vehicle.
- (5) "Insured" The same insurance requirements needed to operate a street legal motorcycle in the state of Colorado
- (6) "State and city traffic laws" means any traffic codes adopted by the City of Craig.
- (7) "Valid drivers license" means any current, legal license not subject to revocation or suspension.

Terms and conditions of ATV/OHV use: Craig city 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 vehicle must be brought to Police Department for VIN inspection and issuance of permit.
- (2) Stickers must be placed on both front fenders of the AFV/ OHV.
- (3) ATV/OHV is insured. Proof of insurance required with vehicle at all times. Must maintain Liability insurance coverage. Minimum required by State Law.
- (3) ATV/OHV operator is licensed driver 16 years of age or older.
- (4) Limited to one person on OHV unless the OHV is designed for two 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. If UTV has a windshield, it must have operational wipers.
- (5) ATV/OHV operator must obey all state and city traffic laws.
- (6) No three wheel ATV/OHV type vehicles are allowed on city streets.
- (7) The operator of an ATV/OHV may not exceed the posted speed limit or a maximum speed of 35 MPH.

- (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 except when those provisions cannot be reasonably applied to ATV/OHV's and except as otherwise specifically provided for in Colorado statutes.

Must meet the following safety equipment requirements.

- (1) Headlamp
- (2) Tail Lamp and Reflector
- (3) Stop lamps on the rear
- (4) A horn or other audible warning device
- (5) A muffler and emissions system
- (6) Rear view mirror
- (7) A windshield or eye protection for the operator
- (8) For "side by side" vehicles, a seat belt is required for each occupant.
- (9) Anyone under the age of 16 who is riding as a passenger on a UTV (side by side) or two person ATV must wear a helmet, and
- (10) A footrest and hand hold for each passenger.

Limitation of liability.

Nothing in this ordinance shall be construed as an assumption of *any duty of care* by the City of Craig with respect to, or the assumption of any liability by the City for any injuries to persons or property which may result from the operation of an ATV/OHV on the streets within the city limits.

Violations, Fines and Fees.

Any persons in violation of any city 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 ordinance.

Section 2. Severance Clause. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 3. The City Council deems it appropriate to publish the title of this Ordinance, together with a summary of the Ordinance and with the statement that the text is available for public inspection and acquisition in the office of the City Clerk.

Section 4. This Ordinance shall be effective ten (10) days after passage.

READ, APPROVED, AND ORDERED PUBLISHED ON FIRST READING THIS ___ DAY OF _____, 2009, BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.