

**TOWN OF PARACHUTE
ORDINANCE NO. 699-2016**

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ADDING A NEW CHAPTER 12.03 TO THE PARACHUTE MUNICIPAL CODE AUTHORIZING AND REGULATING THE USE OF OFF-HIGHWAY VEHICLES WITHIN THE TOWN.

WHEREAS, the Town of Parachute (the “Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and under the Parachute Home Rule Charter;

WHEREAS, pursuant to Title 33, Article 14.5, C.R.S., the Town is authorized to permit “the operation of off-highway vehicles on city streets or county roads” by ordinance or resolution, and to enact regulations for the operation of the same, if consistent with the applicable Colorado statutes and regulations;

WHEREAS, Section 33-14.5-110, C.R.S., was adopted by Senate Bill 2016-008, signed into law on March 16, 2016, and authorizes the Town to require off-highway vehicle operators to be licensed and to carry liability insurance for use on local streets and county roads within the Town’s borders;

WHEREAS, Section 33-14.5-110, C.R.S., further provides that the Town may exercise local control for the safe crossing of state highways upon written request to the regional office of the Colorado Department of Transportation;

WHEREAS, C.R.S. § 30-15-401(1)(h) authorizes the Town to control and regulate the movement and parking of vehicles and motor vehicles on public property; and

WHEREAS, the Town of Parachute Board of Trustees finds and believes that it is in the interest of the public welfare and safety to authorize the use of off-highway vehicles on all local streets and county roads within the Town.

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Pursuant to C.R.S. § 30-14.5-110, the Town of Parachute hereby exercises local control and regulation concerning the operation of off-highway vehicles on public lands, waters, and property under its jurisdiction and on streets and highways within its boundaries

Section 3. The Town of Parachute hereby designates and permits off-highway vehicles to operate on all local streets and county roads within the borders of the Town, and amends the Parachute Municipal Code by the addition of a new Chapter 12.02 as follows:

Chapter 12.03 OFF-HIGHWAY VEHICLES

12.03.110 Definitions.

Whenever the following words or phrases are used in this Section, they shall have the following meaning:

“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:

- i. Vehicles designed and used primarily for travel on, over, or in the water;
- ii. Snowmobiles;
- iii. Privately owned military vehicles;
- iv. Golf carts;
- v. Vehicles designed and used to carry disabled persons;
- 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.

12.03.111 Purpose; applicability.

Off-highway vehicles shall be allowed on local streets located within the Town of Parachute to access recreational trails located outside the Town of Parachute, subject to the restrictions provided herein. The provisions of the Model Traffic Code, as amended in the Parachute Municipal Code, concerning reckless driving, careless driving, eluding a police officer, accidents and accident reports, and impaired driving shall apply throughout the Town.

12.03.112 Designated Routes.

A. Off-highway vehicles may be operated on local streets in order to access recreational trails located outside the Town of Parachute limits via County Roads 215 and 300, consistent with the following:

1. For all areas north of Interstate 70, off-highway vehicles must use the most direct route to Parachute Avenue or Parachute Park Boulevard, whichever is closest to the operator’s point of origin, to access County Road 215.
2. For all areas south of Interstate 70, off-highway vehicles must use

the most direct route to County Road 300.

3. Crossing of state highways shall only be permitted upon the Town obtaining approval from Colorado Department of Transportation for such crossing;

B. Off-highway vehicles, including snowmobiles, may be operated on local streets for the purpose of snow clearing and in the event of emergency, upon approval of the Town Manager.

12.03.113 Restrictions.

A. Any person operating an off-highway vehicle in the incorporated areas of the Town of Parachute shall comply with all rules and regulations applicable to such vehicles adopted by the State of Colorado and or the Federal Government, including, but not limited to, Article 14.5 of Title 33, C.R.S., and the following:

1. Any person operating an off-highway vehicle on any local street or county road within the Town of Parachute must be at least 16 years of age and have in their possession a valid current driver's license issued by the State of Colorado, or by any other state.

2. All off-highway vehicles operating within the Town shall be registered with Colorado Parks and Wildlife through the Colorado Department of Motor Vehicles as provided in C.R.S. § 42-6-103. Such registration shall at all times be visible on or in the possession of the operator of the off-highway vehicle.

3. When operated on any local street or county road within the Town, off-highway vehicles shall be considered to be "motor vehicles" as defined in the Colorado Motor Vehicle Financial Responsibility Law, Title 42, Article 7, C.R.S., and shall be required to maintain, and produce upon request by any law enforcement officer, liability insurance equal to at least the minimum amount required by law.

4. Off-highway vehicles operated within the Town shall be equipped with:

- a. A muffler in constant operation and properly maintained;
- b. A spark arrestor in good working order which has been approved by the U.S. Forest Service as evidenced by a bona fide permanent marking of "qualified" or "approved" on the spark arrestor;
- c. A braking system that may be operated by hand or foot, capable of producing deceleration of 14 feet per second on level ground at a speed of 20 miles per hour; and
- d. At least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the Division of Parks and Wildlife while being operated between the hours of sunset

and sunrise.

- e. At least one rear-view mirror.
- f. At least one functioning brake-light.

5. Operators of off-highway vehicles within the Town shall use proper hand signals to warn other drivers of their intentions such as to turn or stop.

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

- 1. In excess of 25 miles per hour or the posted speed limit, whichever is less;
- 2. On any portion of any street except the far right portion of the street;
- 3. To drive together in any pattern except single file;
- 4. Upon any state-highway under the jurisdiction of the Colorado Department of Transportation;
- 5. Notwithstanding any other portion of this Section, off-highway vehicles may be driven in the left portion of the street when preparing for a left turn;
- 6. To tow objects or people behind such vehicle;
- 7. To carry more people than such vehicle is designed to carry;
- 8. To operate such vehicle on sidewalks within the Town;
- 9. And in a manner inconsistent with Section 12.03.112.

12.03.114 Safety Requirements.

A. Notwithstanding any other provision of this Chapter, the requirements of Section 42-4-1501 through 42-4-1504 shall apply to the use of off-highway vehicles within the Town of Parachute.

B. Any operator or passenger of an off-highway vehicle must at all times be equipped with the following:

- 1. For persons under eighteen years of age, a functioning protective helmet of a type and design manufactured for use by operators of off-highway vehicles or motorcycles which conforms to the specifications of C.R.S. § 42-4-1502. A person driving or riding an off-highway vehicle need not wear a helmet if the off-highway vehicle has:
 - a. Three wheels or more;
 - b. A maximum design speed of twenty-five miles per hour or less;
 - c. A windshield; and
 - d. Seat belts.
- 2. Protective eye-wear.

12.03.115 Special Events.

For the purposes of a prearranged organized special event and upon a showing that safety will be reasonably maintained, the Town Manager may grant a special permit exempting the operation of an off-highway vehicle from any requirement of this Chapter 12.03.

12.03.116 Enforcement.

A. *Penalties.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who violates any of the provisions of this Chapter commits a Class B municipal offense. Any person who violates any other provision of this Chapter, not resulting in appreciable damage to the property of another or any injury or death to any person, commits a non-criminal municipal offense. Any violation of this Chapter which does result in appreciable damage to the property of another or an injury or death to any person shall be deemed a Class B municipal offense. The municipal judge is hereby authorized to promulgate a penalty assessment schedule for violations of this Chapter in accordance with Rule 210(b)(5) of the Colorado Municipal Court Rules of Procedure.

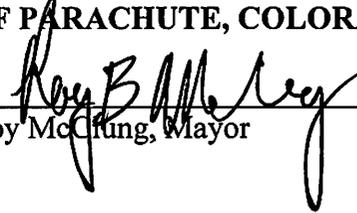
B. *Impoundment of Off-highway Vehicles.* The Town of Parachute Police Department is hereby authorized to impound any off-highway vehicle which the Department has probable cause to believe is being operated within the Town in violation of the provisions of this Chapter. Unless otherwise determined by the Parachute Municipal Court or the Chief of Police, any vehicle so impounded shall remain impounded until such time as the operator of such impounded off-highway vehicle is found guilty of a violation under this Chapter, pleads guilty to a violation under this Chapter, or is found not guilty by the Parachute Municipal Court of violating a provision in this Chapter. In the event an off-highway vehicle is impounded pursuant to this Section, the owner of such vehicle shall pay an impoundment fee of one hundred dollars (\$100.00) and after five (5) days following impoundment of the vehicle, the owner shall also pay a storage fee of twenty-five dollars (\$25.00) per day for each day that said vehicle remains in the custody and control of the Parachute Police Department.

Section 4. If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part of portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 6 to 0 of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 21 day of July, 2016 and approved by the Mayor on the 21 day of July, 2016.

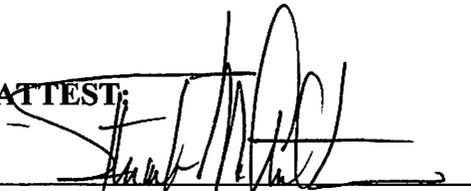
**BOARD OF TRUSTEES OF THE TOWN
OF PARACHUTE, COLORADO**

By:



Roy McClung, Mayor

ATTEST:



Town Manager

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ADDING A NEW CHAPTER, 12.03 TO THE PARACHUTE MUNICIPAL CODE AUTHORIZING AND REGULATING THE USE OF OFF-HIGHWAY VEHICLES WITHIN THE TOWN.

was introduced before the Board of Trustees on July 21, 2016; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Board of Trustees held on July 21, 2016, and approved by the Mayor on July 21, 2016.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this 21 day of July, 2016.

TOWN OF PARACHUTE



Town Manager