

TOWN OF GYPSUM, COLORADO

**ORDINANCE NO. 09
SERIES 2019**

**AN ORDINANCE PROVIDING FOR THE ADOPTION OF A NEW CHAPTER
10.02, OFF-HIGHWAY VEHICLES, AND AMENDING PORTIONS OF THE
GYPSUM MUNICIPAL CODE TO EXPAND THE DEFINITIONS OF
“VEHICLE” AND “MOTOR VEHICLE” TO INCLUDE
“OFF-HIGHWAY VEHICLES”**

WHEREAS, the Town of Gypsum (“Town”) is a home rule municipality duly organized and existing under Articles XX of the Colorado Constitution and the Town’s Home Rule Charter effective October 21, 1982; and

WHEREAS, Title 10 of the Gypsum Municipal Code relates to vehicles and traffic; and

WHEREAS, pursuant to Article 14.5 of Title 33, of the Colorado Revised Statutes, the Town, by ordinance, may regulate the operation of off-highway vehicles on streets and highways within its boundaries; and

WHEREAS, the Town desires to provide a route of travel for operators of off-highway vehicles to access certain recreation areas via Town streets and roads; and

WHEREAS, the Town Council desires to adopt a new Chapter 10.02, Off-Highway Vehicles, and to amend certain sections of the Gypsum Municipal Code to expand the definition of “vehicles” and “motor vehicles” to include off-highway vehicles.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Gypsum, Colorado that:

Section 1. Adoption of Chapter 10.02 of Title 10 of the Gypsum Municipal Code. Chapter 10.02 of the Gypsum Municipal Code, as more particularly set forth in “Exhibit A”, as attached hereto and incorporated herein by this reference, is hereby adopted in its entirety and by this reference ordained.

Section 2. Amendment of the Gypsum Municipal Code. The following sections of the Gypsum Municipal Code are hereby amended to replace all references to the words “*vehicle*” and “*motor vehicle*” with the phrase “*motor vehicle and/or off-road vehicle*”:

- a. Chapter 8.05;
- b. Section 8.07.020;

- c. Section 13.04.360;
- d. Chapter 9.05;
- e. Section 18.02.585; and
- f. Section 9.08.020.

Section 3. Amendment of Subsection 9.03.010(6). The definition of “Motor Vehicle” in Subsection 9.03.010(6), is hereby amended to add the double-underlined words, as follows:

Motor vehicle means any vehicle such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-carts, snowmobiles, racing vehicles, and other devices propelled by mechanical power, and off-highway vehicles as defined in Section 10.02.010.A.

Section 4. Public Inspection. Copies of this ordinance and the Gypsum Municipal Code are available for public inspection at the office of the Gypsum Town Clerk.

Section 5. Public Hearing. A public hearing on this Ordinance shall be held on the 10th day of August, 2019, at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 6. Effective Date. This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption after a public hearing held on the 10th day of August, 2019, at 7:00 p.m., at the Gypsum Town Hall, 50 Lundgren Blvd., Gypsum, Colorado.

Section 7. Severability. If any portion of this Ordinance, or the International Codes amended hereby, is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 23rd DAY OF July, 2019.

TOWN OF GYPSUM

By. 

Stephen M. Carver, Mayor

Attest:

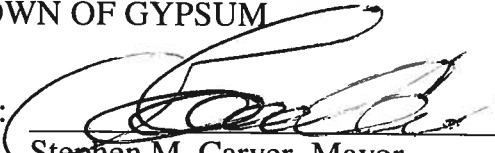

Danette Schlegel, Town Clerk



INTRODUCED ON SECOND READING, READ, CONSIDERED AT A PUBLIC HEARING AND FINALLY ADOPTED, PASSED AND APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED POSTED AND PUBLISHED, BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS MEETING HELD ON THE 13 DAY OF Aug, 2019, BY A VOTE OF 6 IN FAVOR AND 0 AGAINST.

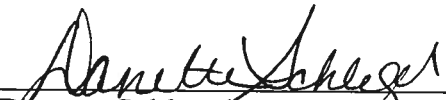
TOWN OF GYPSUM

By:



Stephen M. Carver, Mayor

Attest:



Danette Schlegel, Town Clerk

(SEAL)



EXHIBIT A
CHAPTER 10.02 OF THE GYPSUM MUNICIPAL CODE

CHAPTER 10.02. - OFF-HIGHWAY VEHICLES

Section 10.02.010. - Definitions.

The following words, terms and phrases, when used in this Chapter 10.02, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. *Off-highway vehicle* means any self-propelled vehicle which is designed to travel on wheels 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:

- (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 individuals with disabilities
- (6) Vehicles designed and used specifically for agricultural, logging, or mining purposes;
- (7) Vehicles registered pursuant to Article 3 of Title 42, C.R.S.;
- (8) Self-balancing motorized personal vehicles, including but not limited to hoverboards, kickscooters, e-scooters, self-balancing scooters, and self-balancing transporters; or
- (9) Ride-on lawn mowers.

B. *Off-highway vehicle route* means any road, trail, or other public way owned or managed by the Town and designated for off-highway vehicle travel pursuant to this Chapter.

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. *Operator* means any person having physical custody of or using an off-highway vehicle.

Section 10.02.020. - Off-highway vehicle routes designated.

In accordance with C.R.S. § 33-14.5-108, excluding Highway 6 from Jules Drive east to the Town boundaries and any street or road which is part of the State Highway System, all other streets, roads, and alleys within the Town are hereby designated as limited off-highway vehicle routes. Off-highway vehicles shall be permitted on such routes for the limited purpose of traveling to or from the owner's or operator's residence or place of storage directly to the following Town-owned recreational areas and recreational areas immediately adjacent to the Town's boundaries:

- A. Hardscrabble Special Recreation Management Area via any of the following routes:
 - (a) BLM access in Siena Lake;
 - (b) BLM access in Buckhorn Valley; and
 - (c) BLM access from Spring Creek Road.
- B. Gypsum Hills Extensive Recreation Management Area via the BLM access from Trail Gulch Road.
- C. Red Hill from any of the following routes:
 - (a) BLM access from Cottonwood Pass Road;
 - (b) BLM access from Legend Drive in Sky Legend; and
 - (c) BLM access from Highlands Road.
- D. Dry Lake Motocross Park via Trail Gulch Road, provided that Eagle County authorizes off-highway vehicles to travel on Trail Gulch Road.

Section 10.02.030. - Regulations concerning the operation of off-highway vehicles within the Town.

No off-highway vehicle shall be operated on any off-highway vehicle route within the Town except in accordance with the following. This Chapter shall not apply to use of off-highway vehicles during applicable emergency conditions declared by the Town or proper State authority, or to off-highway vehicles used solely on private property.

- A. Every off-highway vehicle shall be currently registered with the State Division of Parks and Wildlife.
- B. Every off-highway vehicle shall be covered by either an insurance policy complying with the State's requirements for motor vehicles or a certificate of self-insurance in full force and effect which complies with the State's requirements for motor vehicles. When an accident occurs, or when requested to do so following any lawful traffic contact, or during an investigation by a peace officer, no owner or operator of an off-highway vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.
- C. No person shall operate an off-highway vehicle at a speed greater than is reasonable and prudent under the conditions then-existing, and in no event

greater than the posted speed limit within business districts and 15 miles per hour in a residential zone district.

- D. Any person who drives an off-highway vehicle in such a manner as to indicate either a wanton or willful disregard for the safety of persons or property shall be deemed guilty of reckless operation of an off-highway vehicle.
- E. Any person who operates an off-highway vehicle in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, pedestrians and use of the streets, and all other attendant circumstances, shall be deemed guilty of careless operation of an off-highway vehicle.
- F. A person operating an off-highway vehicle shall observe all official traffic control devices, including signs and signals, as set forth in the Model Traffic Code for Colorado Municipalities, as adopted by reference by the Town, and shall further operate such off-highway vehicle in the manner required for vehicles under the Model Traffic Code for Colorado Municipalities, as adopted by reference by the Town, except as otherwise provided in this chapter.
- G. No off-highway vehicle shall be operated between the hours of sunset and sunrise unless such off-highway vehicle is equipped with at least one lighted headlamp and one lighted taillamp, each having the minimum candlepower prescribed by the regulations of the State.
- H. No off-highway vehicle shall be operated unless such off-highway vehicle is equipped with brakes and a muffler and spark arrester which conform to the standards prescribed by the regulations of the State.
- I. No person shall operate an off-highway vehicle unless such person has a current valid driver's license and is at least 16 years of age, unless supervised by an adult traveling on a separate off-highway vehicle who is riding immediately next to, in front of, or behind the minor operator.
- J. Any operator of an off-highway vehicle that is under the age of 18 years shall wear a safety helmet.
- K. An off-highway vehicle shall not carry more people than such vehicle is designed to carry.
- L. An off-highway vehicle shall not tow objects or people behind such vehicle.
- M. No off-highway vehicle shall be operated on sidewalks within the Town.

- N. Operators of off-highway vehicles shall use proper hand signals to warn other drivers of their intentions such as to turn or stop.
- O. Operators of off-highway vehicles shall wear proper eye protection.

Section 10.02.040. - 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 civil infraction. 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. Fines and costs shall be paid to, received by, and accounted for by the Court Clerk.