

**TOWN OF BUENA VISTA, COLORADO**  
**ORDINANCE NO. 3**  
**(SERIES OF 2019)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,  
AMENDING CHAPTER 8 OF THE BUENA VISTA MUNICIPAL CODE  
BY THE ADDITION OF A NEW ARTICLE IX, OFF-HIGHWAY  
VEHICLES**

WHEREAS, the Town has determined to permit off-highway vehicles on Town streets for the limited purpose of snow removal from sidewalks.

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

Section 1. Chapter 8 of the Buena Vista Municipal Code is hereby amended by the addition of new Article IX, Off-Highway Vehicles to read as follows:

**ARTICLE IX – Off-Highway Vehicles**

**Sec. 8-141. – Definitions.**

- (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:
- (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; or
  - (7) Vehicles registered pursuant to article 3 of title 42, C.R.S.
- (b) Operator means the person who is in actual physical control of the vehicle.
- (c) Owner means a person, other than a lien holder, having the property in or title to an OHV and entitled to the use of it.

- (d) Public streets or alleys is the entire right-of-way between boundary lines of any such public way which is open to the use of the public as a matter of right for the purpose of motor vehicle travel.

**Sec. 8-142. – Permitted Use.**

- (a) It shall be unlawful to operate any OHV on Town streets and/or alleys, except in accordance with this Article.
- (b) Properly registered, operated and insured OHVs may be operated on all public streets and alleys within the limits of the Town, except for Highway 24, in conformity with the requirements of this Article.
- (c) No OHV may be operated on Highway 24.
- (d) All OHVs operated in accordance with this Article shall be used solely for the purpose of snow removal from sidewalks and any necessary movement of the OHV from one location to another for snow removal, as described herein.
- (e) All provisions of the Model Traffic Code as adopted by the Town and all traffic laws of the State governing operation and parking of motor vehicles on Town streets shall apply to the operation and parking of OHVs hereunder, including, without limitation, laws prohibiting the operation of vehicles while intoxicated or under the influence of alcohol or drugs. The provisions of the Model Traffic Code and state law governing motor vehicle required equipment shall not apply and shall be replaced with the equipment requirements set forth in this Article. It shall be unlawful for any person operating an OHV on Town public streets and alleys to violate any such applicable traffic laws and such person shall be prosecuted either in the Municipal Court or in the state courts if the violation would be prosecuted in the state courts had the operator been operating a motor vehicle.

**Sec. 8-143. – Requirements.**

- (a) The owner of any OHV driven within the Town shall obtain an annual OHV Registration or Non-Resident Permit through Colorado State Parks and Wildlife Division or its successor agency. Such registration or permit must be clearly displayed on the OHV or in the presence of the driver at all times while operating an OHV on Town streets pursuant to this Article.
- (b) Any OHV that operates on any Town public street or alley must have all the following listed equipment installed and such equipment must be operable:
  - (1) Headlamp, which is or are in use at all times before and at dawn and at and after dusk;
  - (2) Tail lamp, which is or are in use at all times before and at dawn and at and after dusk, and reflector;

- (3) Stop or brake lamps on the rear;
  - (4) A horn or other audible warning device;
  - (5) A muffler and emissions system as required by the State;
  - (6) Rear view mirror;
  - (7) A windshield or eye protection for and worn by the operator;
- (c) Any operator of an OHV operating on any Town public street or alley must have in his or her possession while operating the OHV:
- (1) A valid driver's license;
  - (2) Proof of current policy of insurance for the OHV in operation in at least minimum policy coverage amounts as required for motor vehicles pursuant to state law; and
  - (3) Documentation of current registration or permit as required by this Article.
- (d) All OHV owners and/or operators and passengers shall comply with the following:
- (1) The registered owner of the OHV shall be responsible for the operation at all time of the OHV;
  - (2) The operator of any OHV shall obey all Town ordinances and state law regarding the operation of the OHV;
  - (3) The operator of any OHV shall comply with all posted speed limits at all time; and
  - (4) The use of an OHV is limited one (1) person unless the vehicle is designed for two (2) or more riders and there are foot rests and hand holds for each rider.

**Sec. 8-144. – Unlawful activities.**

- (a) It shall be unlawful to operate any OHV on Town public streets or alleys in a careless, reckless or negligent manner.
- (b) It shall be unlawful to operate an OHV in any way in violation of this Article.
- (c) It shall be unlawful to operate an OHV within the Town between the hours of 9:00 p.m. and 5:00 a.m..

- (d) It shall be unlawful to operate an OHV in violation of Section 7-165(10).
- (e) It shall be unlawful to operate an OHV within the Town for any other purpose than snow removal on Town sidewalks and to relocate the OHV for snow removal.
- (f) It shall be unlawful for the parent or guardian of any juvenile to authorize or permit any such juvenile to violate any provision of this Article.
- (g) It shall be unlawful for the owner of any OHV to authorize or permit any person to operate the OHV in violation of any provision of this Article.

**Sec. 8-145. – Enforcement**

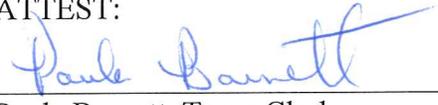
- (a) Any person in violation of any provision of this Article shall be punished pursuant to Sec. 1-72 of this Code.

**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED** this 26th day of February, 2019.

**THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.**

TOWN OF BUENA VISTA, COLORADO

By:   
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 Duff Lacy, Mayor

ATTEST:  
  
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 Paula Barnett, Town Clerk

