

Town of Nucla State of Colorado
ORDINANCE NO. 2022-03

AN ORDINANCE REPEALING ORDINANCE 2015-002 REGARDING THE USE OF
ATV/OHV WITHIN THE TOWN OF NUCLA

RECITAL

It is the desire of the Town of Nucla Board of Trustees to permit the use of ATV/OHV vehicles operated by properly licensed drivers at least sixteen years of age on certain public streets within the Town of Nucla, subject to their regulation with respect to public health and safety.

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

It shall be legal for licensed drivers at least sixteen (16) years of age 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 Town of Nucla from sunup to sundown only and providing that said vehicle is registered with the Town of Nucla and meets all requirements of this ordinance. Owners wishing to register their vehicle with the Town of Nucla may do so at Town Hall.

Registration with the Town of Nucla will be completed only when the vehicle being registered meets the criteria set forth by the Town of Nucla 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 Nucla)
- Payment of the permit fee listed on our rate schedule

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) "Off Highway 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) "Operator" means the person who is in actual physical control of a vehicle.

- 4) "Recreational Visitor" means any person operating ATV/OHV as a tourist or visitor to Nucla from local recreation areas.
- 5) "Insured" means 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 Town of Nucla.
- 7) "Valid driver's license" means any current, legal license not subject to revocation or suspension.

Terms and conditions of ATV/OHV use: Nucla town 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 Town Hall for registration and issuance of permit and payment of fees each year before the expiration date of March 31. Recreational Visitors are exempt only from town permits but must have Colorado Parks and Wildlife permit.
- (2) Town Permit stickers must be placed on a back fender of the ATV/OHV.
- (3) ATV/OHV is insured. Proof of insurance is required to be with the vehicle at all times. Must maintain Liability insurance coverage. Minimum required by State Law.
- (4) ATV/OHV operator is licensed driver sixteen (16) years of age or older.
- (5) Limited to one person on ATV unless the ATV is designed for two riders and there is footrest and hand holds for each rider. All safety equipment on the Side by Sides (OHVs) and OHV's must be used (including seatbelts) by all occupants. If OHV has a windshield, it must have operational wipers.
- (6) ATV/OHV operator must obey all state and city traffic laws.
- (7) No three wheel ATV/OHV type vehicles are allowed on city streets.
- (8) The operator of an ATV/OHV may not exceed the posted speed limit or a maximum speed of 15 MPH.
- (9) 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/OHVs and except as otherwise specifically provided for in Colorado statutes.
- (10) Motor Vehicles that have been modified to be used as ATV's/OHVs are not permitted.**

Must meet the following safety equipment requirements.

- (1) Headlamp
- (2) Tail Lamp and/or 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 OHV (side by side) or two person ATV must wear a helmet, and
- (10) A footrest for each passenger.

Limitation of liability.

Nothing in this ordinance shall be construed as an assumption of any duty of care by the Town of Nucla with respect to, or the assumption of any liability by the Town 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.

Underage or non-licensed operator

- 1st offense - \$50 - \$100 fine
- 2nd offense - \$100 - \$250
- 3rd offense - \$300 fine, permit will be suspended for 1 year from date of offense.

Operation without Permit

- 1st offense - warning
- 2nd offense - \$50 fine + permit cost
- 3rd offense - \$50 fine + 90 day permit suspension
- 4th offense – Permit will be suspended for 1 year from date of offense

Equipment & Safety Violation (use of seatbelts and helmets)

- 1st offense - \$50 - \$100 fine
- 2nd offense - \$100 - \$250 fine
- 3rd offense - \$300 fine, permit will be suspended for 1 year from date of offense.

Any persons in violation of any Town of Nucla or Montrose County “Model Traffic Code” violations will be ticketed (NTO 2015-001) and assessed fines that are applicable to said violations. The Montrose County Sheriff’s Department or any other legal policing authority is given all rights to write citations to those individuals breaking laws as outlined in this ordinance.

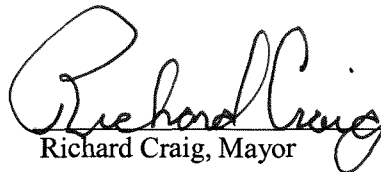
The Town of Nucla shall revoke the Registration of any Owner who is convicted of three (3) or more violations of any Town or State traffic laws within one year unless otherwise addressed in this ordinance.

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.

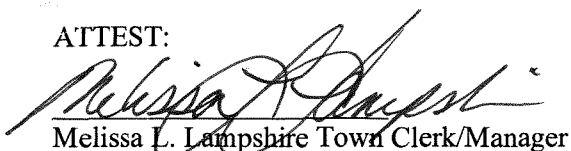
Section 3. The Town Board deems it appropriate to publish the title of this Ordinance, together with a summary of the Ordinance and with the statement that the text is available for public inspection and acquisition in the office of the Town Clerk.

Section 4. This Ordinance shall be effective thirty (30) days after passage.

READ AND ORDERED PUBLISHED ON THIS 10th DAY OF FEBRUARY 2022 BY THE NUCLA TOWN BOARD OF TRUSTEES


Richard Craig, Mayor

ATTEST:


Melissa L. Lampshire Town Clerk/Manager