

TITLE XIII

VEHICLES AND TRAFFIC

CHAPTER 2

GOLF CARS, LOW SPEED ELECTRIC VEHICLES AND OFF-HIGHWAY VEHICLES USE AND OPERATION

Section:

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13-2-1: DEFINITIONS

As used in this Chapter, the words and terms hereafter shall have the following meanings ascribed to them.

- A. “Class B Low Speed Electric Vehicle” is as defined in § 42-4-109.6(4) of the Colorado Revised Statutes, as may be amended.
- B. “Golf Car” is as defined in § 42-1-102(39.5) of the Colorado Revised Statutes, as may be amended.
- C. “Low Speed Electric Vehicle” is as defined in §§ 42-1-102 (48.6) and 42-4-109.6(4) of the Colorado Revised Statutes, as may be amended.
- D. “Off-Highway Vehicle” or “OHV” is as defined in § 33-14.5-101(3) of the Colorado Revised Statutes, as may be amended.
- E. “Division” means the State of Colorado’s Division of Parks and Outdoor Recreation and its employees.
- F. “Highway” means the entire width between the boundary lines of every way maintained by a public authority when any part of such way is open to the public for purposes of vehicular traffic.

- G. "Helmet" is as defined in § 42-1-1502 of Colorado Revised Statutes, as may be amended.
- H. "Street" is defined in C.R.S. § 31-1-101(12), as may be amended. (2016-05)

13-2-2: OPERATION OF GOLF CARS AND LOW SPEED ELECTRIC VEHICLES (Ord 2016-05)

Title X111, Chapter 2, Section 2, OPERATION is repealed and reenacted as follows:

Any golf car or low speed electric vehicle, may be operated on the streets within the boundary of the Town of Olathe subject to the following conditions:

A. HOURS OF OPERATION

- 1) Hours of permitted operation shall be between an hour after sunrise and an hour before sunset.
- 2) No one shall be permitted to operate their golf car or low speed electric vehicle, except in the case of organized special events to be approved by the Board of Trustees.

B. SPEED, REGISTRATION AND EQUIPMENT

- 1) No person shall operate a golf car or low speed electric vehicle, within the Town of Olathe or on any street at a speed in excess of any posted limit or 30 miles per hour whichever is less.
- 2) No golf car or low speed electric vehicle, shall be operated on any street within the Town limits unless it conforms to all State of Colorado registration requirements.
- 3) Every golf car or low speed electric vehicle must be properly equipped as provided by Colorado law.
- 4) A helmet must be worn and secured properly on the person's head with a chin strap by all passengers fifteen (15) years old and younger at all times while the golf car or low speed electric vehicle is in motion.
- 5) All vehicles, except bicycles and other human-powered vehicles, designated to operate or normally operated at a speed of less than twenty-five miles per hour on a public street shall be required to display the "slow moving vehicle" emblem as required by C.R.S. §42-4-234, as amended.

13-2-3: RESTRICTIONS ON OPERATORS OF GOLF CARS AND LOW SPEED ELECTRIC VEHICLES

Title X111, Chapter 2, Section 5, is repealed and reenacted as follows:

A. GOLF CARS

Golf cars can only be operated in compliance with C.R.S § 42-4-111(1)(bb), as may be amended.

B. LOW SPEED ELECTRIC VEHICLES

Low Speed Electric Vehicles shall only be operated by person holding a valid driver's license pursuant to C.R.S. § 42-2-101 et seq., as amended.

13-2-4: ROUTES FOR USE OF GOLF CARS, LOW SPEED ELECTRIC VEHICLES AND OHVS

Title X111, Chapter 2, Section 6, is repealed and reenacted as follows: (2016-05)

A. Designated Routes. No person shall operate any golf car or low speed electric vehicle upon any public right-of-way, in any public park or cemetery or on any other public or private property in the Town except upon routes designated by the Board of Trustees.

B. No person shall operate a golf car, low speed electric vehicle, or OHV on limited access highways.

C. Areas of Prohibited Operation

1) No person may operate a golf car, low speed electric vehicle, or OHV for any reason on the following highways:

- a) State Highway 50 Business Loop; or
- b) State Highway 348.

13-2-5: OPERATION OF OFF HIGHWAY VEHICLES (OHVS)

Title X111, Chapter 2, Section 7, ENFORCEMENT is repealed and a new section is added as follows: (2016-05)

The following rules and regulations shall apply to the operation of OHVS in the Town of Olathe:

- A. Any person operating an OHV within the Town of Olathe shall comply with all State of Colorado rules and regulations applicable to such vehicles, as amended.
- B. Any person operating an OHV in the Town of Olathe must have in their possession a valid, current driver's license.
- C. Persons under the age of sixteen (16) shall not operate an OHV on any Town of Olathe street.
- D. The OHV shall be titled and registered as defined in Certificate of Title Act, C.R.S. § 42-6-101 et seq., as amended.
- E. When operated on any Town of Olathe street, the OHV shall be considered to be a "motor vehicle" as defined by the Colorado Motor Vehicle Financial Responsibility Act, C.R.S. § 42-7-101 et. seq., as amended and the operator shall be required to maintain at least the minimum liability insurance coverage required by such law.
- F. While operating an OHV on the streets in the Town of Olathe, the operator shall not exceed 35 miles per hour or the posted speed limit, whichever is less.
- G. Operation of an OHV in the Town of Olathe is subject to the Town of Olathe Traffic Code as amended.
- H. All OHV operating in the Town of Olathe must register with the Colorado Division of Parks and Outdoor Recreation.
- I. State Registration Permits are valid April 1 through March 31.
- J. If you are not a Colorado resident, your OHV must be registered with the State of Colorado whether it is registered in your home state or not. Non-residents must possess proof of non-residency when riding their OHV.
- K. The operator of an OHV on Town of Olathe streets shall have the rights and duties applicable to the driver of any of any other motor vehicle under the provisions of Colorado law except when those provisions cannot be reasonably applied to OHV and except as otherwise specifically provided for in Colorado law.

- L. All OHVs operating on Town of Olathe streets shall meet all of the following safety equipment requirements:
1. Headlamps;
 2. Tail lamps 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 sixteen (16) who is riding as a passenger on a two-person OHV must wear a helmet; and
 10. A footrest and hand hold for each person.

13-2-6: ENFORCEMENT

Title X111, Chapter 2, Section 8, PENALTIES is repealed and a new section is added as follows: (2016-05)

This Section shall be enforced by any law enforcement officer of the Town of Olathe, Montrose County, Colorado, or such other local, county or state law enforcement officers.

- A. The Uniform Safety Code of 1935, C.R.S. § 42-4-106 et seq., as amended, shall be used for violations of this Chapter relating to highway use except as herein provided.
- B. A Town parking ticket shall be used for enforcement of violations of rules of the road relating to parking vehicles.
- C. In addition to those persons set forth in subsection A above, every peace officer of the State of Colorado, Montrose County, every Federal enforcement officer and every person commissioned by the Division of Wildlife shall have the authority to enforce the provisions of this Ordinance.

13-2-7: PENALTIES

Title XIII, Chapter 2, Section 9, is added as follows: (2016-05)

The following penalties shall apply to golf car and low speed electric vehicle violations:

- A. It shall be unlawful for any person to commit an act in violation of this Chapter concerning the operation of a golf car or low speed electric vehicle on streets in the Town of Olathe and violations not subject to the State of Colorado penalties, shall be punishable by a fine up to \$300.00 or up to 90 days in jail, or both.

The following penalties shall apply to OHV violations:

- B. Violations of State or Federal law may be cited as provided by such laws. Violations of the Town of Olathe Traffic Code may be cited according to the enforcement provisions contained in said Code. A violation of this ordinance not covered by State or Federal Law or the Town of Olathe Traffic Code shall be a Class 2 petty offence and upon conviction shall be punishable as follows:

1. For the first violation, a fine of not less than \$50.00 and not more than \$150.00.
2. For a second offense by the same person within a period of one year, a fine of not less than \$150.00 and not more than \$500.00.
3. For a third or any subsequent offense by the same person within a period of one year, a fine of not less than \$500.00 and not more than \$1,000.00 and possible right to operate an OHV on Town of Olathe streets or roads.

- C. Violations of this Ordinance may be enforced through the penalty assessment procedure pursuant to C.R.S. § 16-2-201, as amended, requiring the violator to appear at the place, time and date specified therein or in lieu thereof to pay the specified minimum fine in person or by mail at the place and within the time specified in the penalty assessment notice.

13-2-8: ASSUMPTION OF DUTY OF CARE

Title XIII, Chapter 2, Section 10, is added as follows: (2016-05)

Nothing in this Chapter shall be construed as an assumption of any duty of care by the Town of Olathe with respect to, or the assumption of liability by the Town for any injuries to persons or property which may result from the operation of an OHV on Town of Olathe streets.