

CITY OF FLORENCE, COLORADO

ORDINANCE NO. 08-19-2019A

AN ORDINANCE AMENDING TITLE 10 OF THE FLORENCE MUNICIPAL CODE RELATING TO OFF-HIGHWAY VEHICLES BY ADDING A NEW CHAPTER 10.18 REGULATING THE USE OF OFF-HIGHWAY VEHICLES WITHIN THE CITY OF FLORENCE

WHEREAS, the City Council of the City of Florence, Colorado, pursuant to Colorado statute and the Florence Municipal Code, is vested with the authority of administering the affairs of the City of Florence, Colorado; and

WHEREAS, the City has previously adopted regulations concerning vehicles and traffic, which are currently provided for in Chapter 10 of the Florence Municipal Code; and,

WHEREAS, the City wishes to adopt regulations concerning the use of off-highway vehicles within the City of Florence.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, COLORADO AS FOLLOWS:

1. Title 10 of the Florence Municipal Code is hereby amended by adding a new chapter, Chapter 10.18, regulating the use of off-highway vehicles within the City of Florence to read in its entirety as follows:

Chapter 10.18 – OFF-HIGHWAY VEHICLES

10.18.10 - Definitions.

- (A) As used in this Chapter, “off-highway vehicle” shall have the meaning given in Colorado Revised Statute § 33-14.5-101, as amended from time to time.
- (B) As used in this Chapter, “public road” means and shall include any road, street, alley, avenue, thoroughfare, public way, or other public property within the City of Florence.

10.18.20 - Permitted Acts.

- (A) It shall be lawful to operate off-highway vehicles on all public roads within the City of Florence, except public roads that are a part of the state highway system, provided that:
1. The operator of the off-highway vehicle has in his or her possession a valid motor vehicle driver's license or operator's license; and
 2. The operator of the off-highway vehicle shall have in full force and effect a complying policy of insurance under the terms of Part 6, Article 4, Title 10, of the Colorado Revised Statutes, covering such off-highway vehicle; and
 3. The operator and any passengers comply with the City of Florence Rules and Regulations Pertaining to Off-highway Vehicles, which may be amended by resolution from time to time, and all other provisions of this Chapter.

10.18.30 - Prohibited Acts.

- (A) It shall be unlawful for any person to operate an off-highway vehicle on any public road in violation of the regulations of Title 432 of the Colorado Revised Statutes pertaining to the movement of traffic on roadways within the City of Florence.
- (B) It shall be unlawful for any person to operate an off-highway vehicle on any public road traveling at a speed greater than twenty-five miles per hour (25 mph).
- (C) It shall be unlawful for any person to operate an off-highway vehicle on any public road traveling at a speed greater than twenty miles per hour (20 mph) if in a posted School Zone during applicable times.
- (D) It shall be unlawful for any person to allow, authorize, suffer or permit an off-highway vehicle owned or belonging to him or her, or that is under his or her control, to be operated by any other person in violation of this Chapter.

10.18.030 - Penalty, Enforcement, and Fines.

- (E) Any person convicted of a violation of this Chapter shall be subject to a fine not less than \$25.00 and not to exceed \$500.00, in addition to surcharges and other costs assessed, for each separate violation.

- (F) This Chapter shall be enforced by any law enforcement or peace officer, including the Florence Police Department or a person designated by the Chief of Police as the Off-Highway Vehicle Enforcement Officer.
- (G) Any fines collected by the City of Florence for violations of this Chapter shall be deposited to the Street and Alley fund.

2. The Rules and Regulations pertaining to Off-highway Vehicle, which may be amended by resolution of the City Council from time to time, are as follows:

The City of Florence Rules and Regulations Pertaining to Off-highway Vehicles

1. Operators and Passengers comply with all Colorado statues pertaining to motor vehicles in motion.
2. Operators and Passengers must follow posted speed limit and any other traffic law.
3. Operators must have a valid driver's license in possession and proof of minimum liability insurance for each vehicle which complies with state law.
4. Operators and Passengers must be wearing a helmet at all times while the off-highway vehicle is moving. A Passenger under 18 years of age, that is properly restrained in a properly secured child restraint, within a UTV or side-by-side, does not need a helmet. Under no circumstances will a bicycle helmet comply with the provisions of this paragraph. All state rules regarding child restraints in vehicles apply.
5. Operators and all Passengers are required to have proper eye protection, which may include prescription glasses, sunglasses, goggles, or a vehicle windshield.
6. The Off-highway vehicle may not have more Operators/Passengers than it was designed to accommodate by the manufacturer.
7. If provided by the manufacturer, seatbelts must be worn at all times.
8. Dirt Bikes, unless inspected and approved by the Florence Police

Department, as well as boats and snowmobiles are specifically excluded from the definition of Off-highway vehicles.

9. The City of Florence noise ordinance will be enforced on all Off-highway Vehicles.
 10. All Off-highway vehicles are required to have functioning headlights, tail lights, brake lights and a speedometer in addition to all other required safety equipment per state law.
 11. Off-highway Vehicles are not required, but highly recommended to have, mirrors, turn signals, tires approved by the Department of Transportation (DOT), and a horn.
 12. There will be an annual permit fee of fifty-dollars (\$50.00) that can be paid at City Hall. An initial permit fee can also be paid at the time of purchase of an off-highway vehicle from a licensed dealer in Florence, but must be submitted to City Hall annually thereafter.
 13. Off-highway vehicles are allowed to be driven between the hours of 6:00 A.M. to 10:00 P.M., with exceptions made for the plowing of snow.
 14. Speed limit will not exceed twenty-five miles per hour (25 mph), or twenty miles per hour (20 mph) in an applicable School Zone.
 15. Off-highway vehicles are not permitted on state highways. However, Off-highway vehicles may cross the highways, if safe, to get to gas stations, grocery stores and/or restaurants.
 16. Specifically, areas that include limited highway use are: HWY 115 from TELLER STREET to EAST OF GUMAER STREET (allowing entrance to businesses located at 1100 E Main St), and HWY 67 from ARROWHEAD STREET to 7TH STREET.
3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

4. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FLORENCE ON THIS 19TH DAY OF AUGUST, 2019.

ATTEST:

CITY OF FLORENCE, COLORADO



Jessica Griffith, Deputy City Clerk

BY: 

Keith Ore, Mayor

PASSED AND ADOPTED ON A SECOND READING THIS 3RD DAY OF SEPTEMBER, 2019.

ATTEST:

CITY OF FLORENCE, COLORADO



Jessica Griffith, Deputy City Clerk

BY: 

Keith Ore, Mayor

