

**TOWN OF SEDGWICK
ORDINANCE # 3-2016**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
SEDGWICK CONCERNING THE USE OF GOLF CARS AND OFF-
HIGHWAY VEHICLES WITHIN THE TOWN OF SEDGWICK**

WHEREAS, C.R.S. § 42-4-111(1)(bb) authorizes the governing body of a municipality to adopt an ordinance authorizing and regulating the operation of golf cars on public roads and roadways within the boundaries of the municipality; and

WHEREAS, C.R.S. § 33-14.5-108(1)(f) authorizes political subdivisions to establish by ordinance off-highway vehicle routes to permit the operation of off-highway vehicles on public roads and roadways, but no street or road which is part of the state highway system may be so designated; and

WHEREAS, the Board of Trustees of the Town of Sedgwick finds that authorizing the operation of golf cars and off-highway vehicles on public roads and roadways, subject to the regulations set forth herein, is in the interest of the public health, safety and general welfare of the citizens of the Town of Sedgwick and is necessary for the preservation of health and safety and for protection of public convenience and welfare.

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

Recitals. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Board of Trustees.

Adoption. The Board of Trustees hereby adopts the following provisions regarding the use of golf cars and off-highway vehicles within the Town, which provisions may be referred to as the "Golf Cars / Off-Highway Vehicles Ordinance of the Town of Sedgwick:"

Golf Cars / Off-Highway Vehicles

- Section 1** **Definitions.**
- Section 2** **Vehicles Covered by this Ordinance.**
- Section 3** **General.**
- Section 4** **Designated Areas of Operation.**
- Section 5** **Time of Operation.**
- Section 6** **Exemptions.**
- Section 7** **Penalties.**
- Section 8** **Severability.**
- Section 9** **No Release of Prior Penalties.**
- Section 10** **Repeal.**

Section 1. Definitions. The following words and phrases, when used in this Ordinance, shall have the following meanings:

A. "Golf car" as defined by in C.R.S. § 42-1-102(39.5), as amended from time to time, shall mean a self-propelled vehicle not designed primarily for operation on roadways and that has:

1. A design speed of less than twenty miles per hour;
2. At least three wheels in contact with the ground;
3. An empty weight of not more than one thousand three hundred (1,300) pounds; and
4. A carrying capacity of not more than four persons.

B. "Off-Highway Vehicle" as defined by C.R.S. § 33-14.5-101(3), as amended from time to time, shall mean 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.

1. "Off-Highway Vehicles" includes what are commonly called all-terrain vehicles (ATVs) and utility-task vehicles (UTVs).
2. "Off-Highway Vehicles" does not include the following:
 - (a) Vehicles designed and used primarily for travel on, over, or in the water;
 - (b) Snowmobiles;
 - (c) Military vehicles;
 - (d) Golf cars;
 - (e) Vehicles designed and used to carry individuals with disabilities;
 - (f) Vehicles designed and used specifically for agricultural, logging, or mining purposes; or
 - (g) Vehicles registered pursuant to article 3 of title 42, C.R.S.

C. "Public Road" shall mean and include any road, street or alley within the Town of Sedgwick, but shall not include sidewalks, berms, or shoulders.

Section 2. Vehicles Covered by this Ordinance. This ordinance shall apply only to golf cars and off-highway vehicles.

Section 3. General. All golf cars and off-highway vehicles shall be subject to the regular restrictions of the *2010 Model Traffic Code for Colorado* including, but not limited to, the following:

A. The operator of the golf car or off-highway vehicle shall have in his or her possession a valid motor vehicle driver's license or operator's license.

B. The operator of the golf car or off-highway vehicle shall have in full force and effect a complying policy of insurance under the terms of C.R.S. § 10-4-601, covering such golf car or off-highway vehicle.

C. Each golf car and off-highway vehicle shall be equipped with a Bicycle Safety Flag extending not less than seven feet above the ground.

D. The speed of golf cars and off-highway vehicles shall be limited to no more than twenty miles per hour (20 mph).

E. Occupancy shall not exceed the manufacturer's recommended limit.

F. It shall be unlawful for any person to allow, authorize, suffer or permit a golf car or 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 Ordinance.

G. It shall be unlawful for any person to operate a golf car or off-highway vehicle on any public road or roadway in violation of the regulations of Title 42 of the Colorado Revised Statutes pertaining to the movement of traffic on roadways within the Town of Sedgwick.

Section 4. Designated Areas of Operation.

A. It is lawful for golf cars and off-highway vehicles to operate on public roads within the Town of Sedgwick.

C. It shall be unlawful to operate golf cars and off-highway vehicles on public roads that are part of the state highway system, including State Highway 138.

Section 5. Time of Operation. Vehicles which do not meet the requirements of the *2010 Model Traffic Code for Colorado* for operation after sunset shall only operate during the hours from sunrise to sunset.

Section 6. Exemptions. It is the intent of the Sedgwick Town Board that the following shall be exempt from the requirements of this Ordinance:

- A. Wheelchairs, or any device designed to assist mobility-impaired people who use pedestrian rights-of-way.
- B. Lawn maintenance equipment, including self-propelled mowers.

Section 7. Penalties. It shall be a misdemeanor for any person to violate the provisions of this Ordinance. Any person convicted violating any provision of this Ordinance shall be subject to a fine not to exceed \$300 for each separate violation.

Section 8. Enforcement. This Ordinance may be enforced by a law enforcement or peace officer of the Sedgwick County Sherriff's Department or any person designated by the Board of Trustees as a Code Enforcement Officer.


Section 9. Severability. If any portion of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 10. No Release of Prior Penalties. The repeal or modification of any provision of the Town of Sedgwick ordinances by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.


Section 11. Repeal. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, VOTED ON, ADOPTED AND APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, SEDGWICK COUNTY, COLORADO ON THIS 11th DAY OF October, 2016, AND IS HEREBY ORDERED PUBLISHED BY "TITLE ONLY" IN COMPLIANCE WITH ORDINANCE #01-2006, AND SHALL BECOME EFFECTIVE THIRTY (30) DAYS FOLLOWING THE PUBLICATION OF SUCH.

TOWN OF SEDGWICK, COLORADO



Alan G. Otsuka, Mayor



Attest:
Rhonda K. Jones, Town Clerk

SEAL