

**COLORADO CITY METROPOLITAN DISTRICT  
RESOLUTION NO. 08-2022**

**RESOLUTION AMENDING RULES AND REGULATIONS TO AUTHORIZE THE USE  
OF OFF-HIGHWAY VEHICLES ON COLORADO CITY METROPOLITAN ROADS**

**RECITALS**

WHEREAS, Colorado City Metropolitan District (the "District"), in the County of Pueblo and State of Colorado, is duly organized and existing under the Constitution and the laws of the State of Colorado; and

WHEREAS, the District is a quasi-municipal corporation and a political subdivision of the State of Colorado, existing as a special district under the Constitution and laws of the State of Colorado and operating pursuant to Title 32, Article 1, Colorado Revised Statutes; and

WHEREAS, the members of the Board of Directors of the District ("Board") have been duly elected or appointed and qualified; and

WHEREAS, C.R.S. § 32-1-1001(1)(m) states that the District's Board of Directors (the "Board") has the power to "adopt, amend, and enforce by laws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district"; and

WHEREAS, pursuant to C.R.S. § 33-14.5-108, C.R.S. it is unlawful to operate off-highway vehicles on public streets within the State of Colorado except "when local political subdivisions have authorized by ordinance or resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on city streets or county roads, but no street or road which is part of the state highway system may be so designated;" and

WHEREAS, the Board wishes to adopt this Resolution to establish off-highway vehicle routes consisting of roads owned by the District.

**RESOLUTION**

NOW, THEREFORE, BE IT RESOLVED BY THE COLORADO CITY METROPOLITAN DISTRICT BOARD OF DIRECTORS:

1. The Board hereby amends Sec. 16.2.3 of the Rules and Regulations in Section 16.2 on PARKS, GREENBELTS AND OPEN SPACES, as follows (new language underlined and deleted language stricken).

**16.2.3 Unlicensed Vehicles:** Unlicensed motorized vehicles (including dirt bikes) shall be prohibited from traveling within the boundaries of all Colorado City parks, greenbelts and open spaces, unless operated on District-owned roads in accordance with all requirements of Section 16.6.3.

2. The Board hereby approves an amendment to its Rules and Regulations to adopt a new **Sections 16.6.3 Unlicensed Vehicles** which will read in its entirety as follows:

**16.6.3 Off-Highway Vehicles and Golf Cars:** Operation of Off Highway Vehicles and Golf Cars is permitted on District-Owned Roads by licensed drivers, in strict compliance with all requirements set forth in this section 16.6.3 and all registration and other requirements of Sec. 33-14.5-101, *et seq.*, C.R.S. All such operation shall be at the Operator's risk, and the District assumes no liability related thereto.

**16.6.3.1 Definitions:** The following definitions apply to this Section 16.6.3.

A. **Off Highway Vehicle (OHV):** means any self-propelled vehicle that is

designed to travel on wheels or tracks in contact with the ground, that is designed primarily for use off of the public highway, and that is generally and commonly used to transport persons for recreational purposes. Off Highway Vehicle includes ATVs (all-terrain vehicles) but does not include the following:

1. Vehicles designed and used specifically to transport disabled persons.
2. Vehicles designed and used specifically for lawn care, agricultural, logging or mining purposes.
3. Snowmobiles.

B. **Golf Cars:** means a self-propelled vehicle not designed primarily for operation on roadways and that has (a) a design speed of less than twenty miles per hour; (b) at least three wheels in contact with the ground; (c) an empty weight of not more than one thousand three hundred pounds; and, (d) a carrying capacity of not more than four persons. C.R.S. 42-1-102 (39.5), as amended.

C. **District Road:** means a public street or road owned by the District. See Metro District Office for a map of District-Owned roads. It is the Responsibility of the operator of any OHV or golf car to make sure they are on a District owner road.

#### 16.6.3.2

##### Required Equipment and Conditions:

A. Headlights, taillights, and front and rear turn signal lights must be illuminated and in working condition on any OHV or Golf Car operated between one half-hour after sunset and one-half hour before sunrise. If the vehicle is not equipped with the above-mentioned lights, then operation of the vehicle during the above-mentioned time is strictly prohibited and the operator can only use the vehicle during daylight hours and must always use the appropriate hand signals for all traffic maneuvers.

B. Regardless of whether the vehicles contain the required lights, there shall be no operation of OHVs or golf cars between the hours of 9:00 p.m. and 6:00 a.m.

C. Seat belts shall be worn if the vehicle has them as standard equipment.

D. Every passenger must have a designated seat. No sitting on cargo racks or standing on running boards or foot pegs is permitted.

E. All Colorado laws imposing minimum safety and equipment standards for operating an **OHV or a golf car on a public street or roadway shall be complied with** and it is the responsibility of the operator of such vehicle to ascertain and comply with said laws.

F. A florescent red or orange safety flag will be affixed to the rear of any OHV or golf car 5ft to 7ft above the ground and must be displayed at all times the vehicle is operated on District roads.

#### 16.6.3.3 Insurance:

A. Before operating any of the OHVs or golf cars on the public streets or roadways of the District, the owner shall obtain and carry a liability insurance policy, issued by an insurance carrier authorized to do business in the State of Colorado, which covers the operation of said OHVs or golf cars on public streets. The minimum coverage shall be:

- \$25,000 for damages to the property of others.
- \$25,000 for damages for or on account of bodily injury or death of one person as a result of any one accident;

- and, subject to such limit as to one person, a minimum sum of \$50,000 for or on account of bodily injury to or death of all persons as a result of any one accident.

B. The Operator of an OHV or golf car shall be required to carry proof of registration insurance while operating the vehicle and may be required to present proof of registration and insurance to District representatives or law enforcement agents.

#### **16.6.3.4 Traffic Regulation:**

A. The operation of OHVs or golf cars on State Highway 165 (East and West) is strictly prohibited; however, these vehicles are allowed to cross the highways at recognized at-grade intersections with local streets, provided:

- The crossing must be made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
- The off-highway vehicle must be brought to a complete stop before crossing the shoulder or, if none, the roadway before proceeding.
- The driver must yield the right-of-way to all motor vehicle traffic on the roadway that constitutes an immediate hazard to the crossing.
- A driver of an off-highway vehicle must cross a divided highway at an intersection of the highway with another road or highway.

B. Unlawful acts. It shall be unlawful for any person to operate an OHV or golf car on any street within the boundaries of the District where:

1. The operator does not have in his possession a valid, current, and un-revoked driver's license.
2. The operator does not have current insurance coverage as provided in Section Insurance.
3. The vehicle is not equipped for use as described in Section 16.6.3.2, Required Equipment and Conditions.
4. The operation of the vehicle is prohibited during the time periods specified in Section 16.6.3.2, Required Equipment and Conditions.
5. The operator fails to observe all vehicle and traffic laws and regulations, except when those provisions cannot reasonably be applied to OHV and golf car operation.
6. All alcohol and drug related vehicle violations shall be enforced in accordance with the Colorado laws.
7. Registration, licensing and insurance requirements of OHVs operated on public streets and roadways imposed by Colorado law shall be complied with prior to operating said vehicles. It is the responsibility of the owner and/or operator of the vehicle to ascertain and comply with said laws.

C. Reporting Accidents. As required by Sec. 33-14.5-113, C.R.S., the operator of an OHV involved in an accident resulting in property damage of fifteen hundred dollars or more or injuries resulting in hospitalization or death, or some person acting for the operator, or the owner of the OHV having knowledge of the accident shall immediately, by the quickest available means of communication, notify an officer of the Colorado state patrol, the sheriff's office of the county wherein the accident occurred, or the office of the District wherein the accident occurred.

**16.6.3.5** Enforcement: Any violation of traffic laws or this Colorado City Metropolitan District rule will be enforced by Pueblo Sheriff Department or State Police, and may be subject to civil or criminal penalties, or by a property owner in the event of trespass of private property.

3. Effective Date: The Colorado City Board of Directors hereby determines and finds, that to promote the prosperity and improve the comfort and convenience of Colorado City Metropolitan District and its inhabitants, and to best serve the immediate preservation of the public safety, welfare and interests of Colorado City Metro Department and its inhabitants, these Rules amendments shall become effective immediately upon adoption by the Board of the District.. The District Manager is directed to update the Rules and post an updated version on the District's website.

4. Severability: If any portion of this Rule is found to be unconstitutional, invalid, or void for any reason, it shall be deemed severed from this Resolution. Such decision shall not affect the constitutionality or validity of the remaining portions of this Resolution and the remaining portions shall remain valid and in full force and effect. The Colorado City Board of Directors hereby declares that it would have passed this Rule and each part or parts thereof regardless of the fact that any one part or parts may be declared unconstitutional or invalid.

A motion was made and seconded, and, upon a majority vote, this Resolution was **ADOPTED AND APPROVED** by the Board this 26<sup>th</sup> day of July, 2022.

**COLORADO CITY METROPOLITAN  
DISTRICT**

By:  \_\_\_\_\_  
Neil Elliot, Chairperson

[SEAL]

ATTEST:

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Gregory Collins, Secretary