

ORDINANCE NO. 1927

INTRODUCED BY: BENSON, BULLOCK, CARSON, DOUGLAS, ELLIOTT, FORD, MCELLOWNEY, MORENO, TETER

AN ORDINANCE AMENDING SECTION 11-23(3) OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO PERMIT THE OPERATION OF ALL TERRAIN VEHICLES ON CITY SIDEWALKS FOR THE PURPOSE OF SNOW REMOVAL, SUBJECT TO CERTAIN LIMITATIONS

WHEREAS, Section 11-23(3) of the Commerce City Revised Municipal Code bans the use of motorized devices on public property with limited exceptions; and

WHEREAS, the City Council for the City of Commerce City has determined it to be in the best interest of the City to amend the ordinance to provide an exception for the use of all terrain vehicles on City sidewalks for the purpose of removing snow, subject to certain conditions.

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

**SECTION 1.** Section 11-23(3) of the Commerce City Revised Municipal Code is hereby amended to read as follows:

3. Section 109.6 is amended to read as follows:

*Sec. 109.6 Ban on the Use of Motorized Devices on Public Property.*

(1) *Definitions.*

- (a) *Motorized device.* For purposes of this section, "motorized device" shall mean any mechanism intended for the transport of one or more persons that is operated by means other than human or animal power, such mechanism not meeting the lighting, engine capacity, and/or safety feature requirements for licensing as a motor vehicle in the State of Colorado.
- (b) *Public property.* For purposes of this section, "public property" shall mean all lands, sidewalks, trails, parking lots or other properties owned, leased or otherwise operated by the City, excluding streets and highways.
- (c) *All Terrain Vehicle or ATV* means a motorized flotation-tired vehicle riding on four low pressure tires having an engine displacement of at least 100 but less than 800 cubic centimeters, and total dry weight of less than 600 pounds.

- (2) *Prohibitions.* It shall be unlawful for any person to operate a Motorized Device, as defined herein; upon any Public Property, unless such Public Property has been designated for use of such Motorized Devices.
- (3) *Exemptions.* Exempt from the prohibition of this section are the following:
- (a) Motorized Devices intended for the conveyance of disabled persons.
  - (b) Golf carts operated within the confines of the Buffalo Run Golf Course or operated on Public Property within one (1) mile of the Buffalo Run Golf Course.
  - (c) Any Motorized Device authorized by the City Manager or his designee for operation on Public Property.
  - (d) ATVs operated on a public sidewalk for the limited purpose of snow removal, provided the following requirements are met:
    - i. The landowner adjacent to the sidewalk on which the ATV is operated has granted permission;
    - ii. A snow removal device is attached to the ATV;
    - iii. The operator of the ATV is 16 years of age or older;
    - iv. There is one or more illuminated yellow lights, which are flashing or rotating and visible for 360 degrees, displayed on the ATV;
    - v. The ATV's headlights are on at all times and not obstructed by the attached snow removal device;
    - vi. The operator is actively engaging in snow removal on the property and not exceeding a speed of 5 mph; and
    - vii. The operator of the ATV yields the right of way to any pedestrian, bicyclist, or motor vehicle approaching on the street, sidewalk, or alley.
- (4) *Impoundment.* Any police officer observing a violation of this section may stop the operator of such prohibited Motorized Device and, in addition to issuing the operator thereof a summons to the Municipal Court of Commerce City, may impound the Motorized Device as evidence for use in any court proceeding of the Municipal Court.

**SECTION 2.** Except as specifically modified herein, the provisions of the Commerce City Revised Municipal Code shall remain unchanged and in full force and effect.

**SECTION 3.** This ordinance shall take effect October 15, 2012.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED  
THIS 17<sup>TH</sup> DAY OF SEPTEMBER, 2012.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED  
THIS 15<sup>TH</sup> DAY OF OCTOBER, 2012.

CITY OF COMMERCE CITY, COLORADO

---

Sean Ford, Mayor

ATTEST:

---

Laura J. Bauer, CMC, City Clerk