



Commerce City

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Council Communication File Number: Ord 2380

Agenda Date: 3/7/2022

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number:

AN EMERGENCY ORDINANCE AMENDING SECTIONS 11-2100 AND 7-1003 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO AMEND THE DEFINITION OF ALL-TERRAIN VEHICLE, EXPRESSLY PROHIBIT THE USE OF ALL-TERRAIN VEHICLES ON PARK PROPERTY, AND ESTABLISH A MINIMUM FINE FOR THE UNLAWFUL USE OF ALL-TERRAIN VEHICLES AND MOTORCYCLES ON PARK PROPERTY AND OPEN SPACE

Summary and Background Information:

The City of Commerce City ("City"), on September 16, 2013 by Ordinance 1973, adopted the 2010 Model Traffic Code promulgated and published by the Colorado Department of Transportation. At the time the City adopted the MTC, it concurrently adopted Additional Provisions as set forth generally at Chapter 11, Article 2, of the Commerce City Revised Municipal Code. The use of motorized vehicles on public property is prohibited as set forth in the CCRMC at section 11-2100 therein, and includes an exception for an all-terrain vehicle ("ATV") used in association with plowing snow. The use of motorized vehicles on park property is prohibited as set forth in the Commerce City Revised Municipal Code at section 7-1003.

Subsequent to these enactments, advancements in technology and changes in design and uses of all-terrain vehicles ("ATVs") have rendered the definition of ATV obsolete as set forth in the CCRMC. Those advancements in technology, and the associated changes in size, weight, capacity and displacement of ATVs, has resulted in increased and substantial destructive impact on lands not designed to accommodate such use. The City's park property, including its open spaces, was not designed or intended to accommodate the use of all-terrain vehicles and motorcycles and the use of such vehicles does in fact cause irreparable harm and damage. In order to deter use of ATVs and motorcycles on park property, including open space, it is necessary to clarify the express prohibition on the use of ATVs and motorcycles and to establish a minimum fine for the unlawful use of ATVs and motorcycles on park property.

Staff Responsible (Department Head): Matt Hader, Interim City Attorney

Staff Member Presenting: Matt Hader, Interim City Attorney

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: Approve Ordinance 2380

Suggested Motion: I move to approve Emergency Ordinance 2380 as introduced on first and final reading.