

ORDINANCE NO. 2380

INTRODUCED BY: _____

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

WHEREAS, the City of Commerce City (“City”), on September 16, 2013 by Ordinance 1973 adopted the 2010 Model Traffic Code (“MTC”) promulgated and published by the Colorado Department of Transportation;

WHEREAS, at the time the City adopted the MTC, the City concurrently adopted Additional Provisions as set forth generally at Chapter 11, Article 2, of the Commerce City Revised Municipal Code (“CCRMC”);

WHEREAS, the use of motorized vehicles on public property is prohibited as set forth in the CCRMC at section 11-2100 and includes an exception for all-terrain vehicle (“ATV”) use associated with plowing snow;

WHEREAS, the use of motorized vehicles on park property is prohibited as set forth in the Commerce City Revised Municipal Code at section 7-1003;

WHEREAS, advancements in technology and changes in design and uses of all-terrain vehicles (“ATVs”) has rendered the definition of ATV obsolete as set forth in the CCRMC;

WHEREAS, the foregoing advancements in technology, and the associated changes in size, weight, capacity and displacement of ATVs, has resulted in potentially increased and substantial destructive impact on lands not designed to accommodate such use;

WHEREAS, 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;

WHEREAS, 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.

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

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is declared to be an emergency ordinance and is immediately necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendments. Section 11-2100 of the Commerce City Revised Municipal Code is hereby amended as set forth in Exhibit A. Section 7-1003 of the Commerce City Revised Municipal Code is hereby amended as set forth in Exhibit B.

SECTION 3. Except as specifically modified and amended herein, the provisions of the Commerce City Revised Municipal Code shall remain unchanged and in full force and effect.

SECTION 4. This ordinance shall take effect immediately upon passage as set forth in Section 5.4 of the City Charter.

INTRODUCED AND PASSED AS AN EMERGENCY ORDINANCE AND PUBLIC NOTICE ORDERED THIS 7TH DAY OF MARCH, 2022.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk