

ORDINANCE NO. 2761

AN ORDINANCE AMENDING CHAPTER 11 OF THE COMMERCE CITY REVISED MUNICIPAL CODE PROHIBITING OFF-HIGHWAY VEHICLES ON CITY STREETS, SIDEWALKS AND HIGHWAYS

WHEREAS, concerns have arisen regarding the dangerous operation of certain off-highway vehicles, including ATVs and dirt bikes on City streets, sidewalks and highways by adults and minors;

WHEREAS, the City currently regulates the operation of “motorized devices” and “all-terrain vehicles (ATVs)” on public property under section 11-2100 of the Commerce City Revised Municipal Code (“CCRMC”) for activity on “public property” that is not a street or highway, while state statute prohibits the use of such vehicles on public streets and highways unless permitted by a political subdivision within its jurisdiction;

WHEREAS, the City finds the need to hold accountable individuals who illegally operate off-highway vehicles, as well as parents and guardians of minors who illegally operate off-highway vehicles to protect the health, safety and welfare of the community; and

WHEREAS, the City hereby finds and determines that expressly prohibiting the operation of off-highway vehicles on City streets, sidewalks and highways is in the best interest of the public welfare of the residents of the City.

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 found to be supported and authorized by law and in the best interests of and necessary for the protection of the health, safety and welfare of the public.

SECTION 2. Amendment. Chapter 11, Article II of the Commerce City Revised Municipal Code is hereby amended by creating “Section 11-2106. - Off-highway vehicles” which shall read as follows:

Sec. 11-2106. - Off-highway vehicles.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Off-highway vehicle means “any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, designed primarily for use off of the

public highways, and generally and commonly used to transport persons for recreational purposes.

“Off-highway vehicle” does not include the following:

- (a) Vehicles designed and used primarily for travel on, over, or in the water;
- (b) Snowmobiles;
- (c) Golf carts;
- (e) Vehicles designed and used to carry individuals with disabilities;
- (f) Vehicles designed and used specifically for agricultural, logging, or mining purposes;
- (g) Vehicles registered pursuant to C.R.S. Article 3 of Title 42; or
- (h) A surplus military vehicle, as defined in section 42-6-102 (20.5), that is owned or leased by a municipality, county, or fire protection district, as defined in section C.R.S. section 32-1-103 (7), for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

Operate means “to ride in or on and control the operation of an off-highway vehicle while the vehicle is being self-propelled.”

Street or highway means “the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, or the entire width of every way declared to be a public street or highway by any law of this state.”

(b) Prohibition.

- (1) It shall be unlawful to operate an off-highway vehicle on any city street, sidewalk or highway.
- (2) No parent or guardian shall cause or knowingly permit their child or ward under the age of 18 years to drive or ride an off-highway vehicle in the City in violation of this section.

(c) Penalty. Any person who enters a plea of guilty, no contest or is convicted at trial of violating any provision of this section shall be punished by a fine of not less than \$50.00, to the extent allowable by law.

SECTION 3. Repealer. All ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective pursuant to Section 5.4 of the Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 2ND DAY OF FEBRUARY, 2026.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE
ORDERED THIS 2ND DAY OF MARCH, 2026.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Stephen J. Ruger, City Clerk