

## ORDINANCE NO. 5231

### AN ORDINANCE RE-ADOPTING ORDINANCE 4973 AND DELETING THE SUNSET CLAUSE FOR USE OF UTILITY TYPE VEHICLES (UTV'S) ON SEGMENTS OF HORIZON DRIVE, H ROAD AND 27 ¼ ROAD IN THE CITY OF GRAND JUNCTION

#### RECITALS:

In 2019, Adrenaline Driven Adventure Company ("Business" or "the Business"), a business located at 750 ½ Horizon Drive that rents off-highway vehicles requested City Council to allow limited and specific use of certain City streets to gain access to public lands North and East of the City. Colorado law allows a local jurisdiction to regulate the operation of off-highway vehicles on, *inter alia*, streets and highways within its jurisdiction, but not streets or roads which are part of the State or Federal highway system.

On June 17, 2019, City Council adopted Ordinance 4859 which allowed the use of utility type vehicles (UTV'S) on segments of Horizon Drive, H Road and 27¼ Road in the City of Grand Junction subject to certain conditions established by the Ordinance. Specifically, the Grand Junction Municipal Code ("GJMC") was amended to include §10.04.109.8 which provides the rules and restrictions for operation of UTV's on the designated City streets.

On January 6, 2021, City Council adopted Ordinance 4973 which extended the findings made and permissions granted with Ordinance 4859. Ordinance 4973 included a sunset clause by which the effectiveness of Ordinance 4973 was to be considered and whether the findings made, and permissions granted, were consistent with the general health, safety and welfare of the residents of the City. The City Council has determined that re-adoption of an Ordinance to extend the use of the streets as provided in Ordinance 4973 with the deletion of the sunset clause is proper.

#### NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

That the foregoing Recitals are incorporated and made as finding if the City Council and that the GJMC is hereby amended to include the re-adoption Chapter 10.04.109.8 which shall read as follows:

1. Definition. For the purposes of this section, "UTV" means any recreational vehicle designed for and capable of travel over unimproved terrain, traveling on four or more tires, having a width of 70 inches or less and having side by side seating with a steering wheel for operation. A UTV does not include an all-terrain vehicle, a motorcycle or a snowmobile. (An ATV means a recreational vehicle 52 inches or less in width traveling on three or more low pressure tires with a seat

designed to be straddled by the operator and designed for or capable of travel over unimproved terrain.)

2. Boundary. A UTV may be driven on Horizon Drive East of 1-70, H Road to 271/4 Road and 271/4 Road North of H Road, which are the *Allowed Streets*; UTV's are not permitted on Horizon Drive East of 1-70 and Crossroads Boulevard to 271/4 Road. No UTV may be operated on any other street, road, alley, path or trail, including but not limited to the Riverfront Trail, within the City limits of Grand Junction, including any state or federal highways.

3. Rules and Restrictions.

(a) No person shall operate a UTV in the City of Grand Junction except on *Allowed Streets* and then only if:

(i) the UTV is equipped at a minimum with one or more DOT approved headlamps; and one or more tail lamps; and no less than one rear view mirror; and a horn or an audible warning device emitting no less than 55 dB; and a steering wheel; and a foot controlled accelerator; and a foot brake/braking system; electric turn signals with one on each side of the vehicle front and rear; and a windshield unless the operator and front seat passenger wear eye protection while operating the vehicle; and an illuminated speedometer and seats and seatbelts for each occupant. All required equipment must be intact and fully operational if/when the UTV's is operated on *Allowed Streets*; and,

(ii) not operated during the time from 1/2 hour before sunrise to 1/2 hour after sunset; and,

(iii) in a direct route from the Business to public lands open to the public and legally accessible from the *Allowed Streets*; and,

(iv) such person possesses, on the person of the operator, a valid adult driver's license; and,

(v) in a way and/or at a speed which exceeds or impedes the normal flow of traffic; the operator has the affirmative duty to observe all traffic laws; and,

(vi) the operator is not under the influence of, or impaired by, alcohol and/or any drug(s). The definition of, and proof of, intoxication or impairment shall be as set forth in C.R.S. 42-4-1202 *et. seq.* The operator of a UTV that is arrested for operating a UTV while under the influence of or impaired by alcohol and/or drug(s) shall submit to chemical testing as set forth in Title 42 of the Colorado Revised Statutes. Failure to submit to a test as required shall result in the immediate revocation of the operators' driver's license; and,

(vii) the UTV has a current annual inspection and permit from the Grand Junction Police Department, which permit shall be attached to the UTV at all times that the UTV is being operated upon *Allowed Streets* as designated by the City; and,

(viii) such person has, on his/her person, proof of motor vehicle insurance, that is current and provides liability coverage for injury to persons and property; and,

(ix) any violation of the foregoing (3(a)(i)-(viii)) may be cause for the City Council to repeal this ordinance and rescind the approval afforded the Business to sanction operation of UTV's on *Allowed Streets*.

(b) The operator of a UTV on *Allowed Streets* shall comply with all applicable provisions of the traffic code adopted by the City and the State of Colorado. In the event of conflict, the more restrictive law, rule or regulation shall control.

(c) Nothing in this section authorizes the operation of a UTV on rights-of-way under the jurisdiction of Mesa County, it is the duty of each operator of a UTV to ascertain whether a right-of-way is within the City limits.

4. Permit Required. The Police Chief or his designee, after having determined that the UTV and the Business are in compliance with requirements of this Ordinance, will issue an annual permit for each compliant UTV. Such permits will be valid from the date of issuance unless revoked for Just cause. Fees for the permit will be \$50.00 per UTV per year. The City Council may alter such fees by resolution.

5. Inspection. Police officers are authorized to stop a UTV which is being operated on an Allowed Street in the City without probable cause or other reason, at any time, to verify that the operator has a valid permit and to inspect for required safety equipment. The Business shall notify its customers that UTV's are subject to random inspection and that the customers may not assert claims to the contrary.

6. Insurance. The City Council shall, by resolution, establish the minimum requirements of required insurance.

7. Penalties. Any person who violates any provision of this ordinance is guilty of a misdemeanor which is punishable by a fine of up to and including \$500.00.

8. Severability. It is the intention of the City Council that the provisions of this ordinance are not severable. If any provision of this ordinance is declared unconstitutional or invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall invalidate all of the provisions of this ordinance.

**ALL OTHER PROVISIONS OF TITLE 10 OF THE GRAND JUNCTION MUNICIPAL CODE SHALL REMAIN IN FULL FORCE AND EFFECT.**

Introduced on first reading the 4<sup>th</sup> day of September 2024 and ordered published in pamphlet form.

Adopted on second reading this 18<sup>th</sup> day of September 2024 and ordered published in pamphlet form.

ATTEST:

  
Selestina Sandoval  
City Clerk



Abram Herman  
President of the City Council

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5231 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 4<sup>th</sup> day of September 2024 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 18<sup>th</sup> day of September 2024, at which Ordinance No. 5231 was read, considered, adopted, and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 19th day of September 2024.



Deputy City Clerk

Published: September 6, 2024  
Published: September 20, 2024  
Effective: October 21, 2024

