

**TOWN OF PAONIA, COLORADO  
ORDINANCE NO. 2025-05**

**AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO  
AMENDING ARTICLE 5 (OPERATION OF OFF-HIGHWAY  
VEHICLES) OF CHAPTER 8 (VEHICLES AND TRAFFIC) OF  
THE PAONIA MUNICIPAL CODE**

**WHEREAS**, the Town of Paonia, Colorado (the "Town") is a statutory municipality organized pursuant to Colorado Revised Statutes (C.R.S.) §31-1-203; and

**WHEREAS**, Chapter 8, Article 5, of the Town's municipal code (the "Code") authorizes with conditions the public use of off-highway vehicles ("OHVs") on public roads not part of the state highway system; and

**WHEREAS**, the Board of Trustees of the Town of Paonia, Colorado, finds it necessary for the public health, safety, and welfare to amend the Ordinance of the Town pertaining to the Operation of Off-Highway Vehicles.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, THAT THE AMENDMENTS TO THE TOWN OF PAONIA MUNICIPAL CODE ARE HEREBY APPROVED AND ADOPTED.**

**Section 1.** The foregoing recitals are incorporated by reference as findings and determinations of the Board of Trustees.

**Section 2.** Chapter 8, Article 5, of the Paonia Municipal Code, entitled "Operation of Off-Highway Vehicles" is hereby amended to read as follows:

**SECTION 8-5-10. DEFINITIONS**

*Off-Highway Vehicles.*

- a) As used in this Section, "off-highway vehicle" (OHV) shall have the meaning given in Colorado Revised Statute §33-14.5-101, as amended from time to time.
- b) As used in this Section, "public road" means and shall include any road, street, alley, avenue, thoroughfare, public way, or other public property within the Town of Paonia where off-highway vehicle riding is specifically allowed.

## **SECTION 8-5-20. OPERATION AUTHORIZED**

- a) It shall be lawful to operate off-highway vehicles on all public roads within the Town of Paonia, except public roads that are part of the state highway system, provided that:
1. The operator of the off-highway vehicle has in his or her possession a valid motor vehicle driver's license or operator's license.
  2. The operator of the off-highway vehicle shall register said vehicle as required by Title 33 of the Colorado Revised Statutes.
  3. The operator of the off-highway vehicle shall have in full force and effect a complying policy of insurance under the terms of Part 6, Article 4, Title 10, of the Colorado Revised Statutes, covering such off-highway vehicle.
  4. At least one lighted headlamp having minimum candlepower of sufficient intensity to reveal people or objects at a distance of at least 100 feet ahead during operation from sunset to sunrise. Such headlamp shall be aimed so that glaring rays are not projected into the eyes of operators in oncoming vehicles when operated on a straight level surface. One lighted tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during operation from sunset to sunrise.
  5. The OHV must have a braking system that may be operated by hand or foot, capable of producing deceleration of 14 feet per second on level ground at a speed of 20 miles per hour.
  6. The OHV must have a spark arrestor in good working order which has been approved by the U.S. Forest Service as evidenced by the bona fide permanent marking of "qualified" or "approved" on the spark arrestor.
  7. The OHV must have a muffler, which is in constant operation and properly maintained.
  8. The operator and passenger(s) must be wearing eye protection unless the OHV is equipped with a full windshield and steering wheel.
  9. The operator, if under the age of 18, must wear a DOT or SNELL certified helmet and must require any passenger(s), if under the age of 18, wear a DOT or SNELL certified helmet.

### **SECTION 8-5-30. OPERATION PROHIBITED**

- a) It shall be unlawful for any person to operate an off-highway vehicle on any public road in violation of the regulations of Title 42 of the Colorado Revised Statutes pertaining to the movement of traffic on roadways within the Town of Paonia.
- b) It shall be unlawful for any person to operate an off-highway vehicle on any public road at a speed greater than the posted prima facie speed limit.
- c) It shall be unlawful for any person to allow, authorize, suffer or permit an off-highway vehicle owned or belonging to him or her, or that is under his or her control, to be operated by any other person not otherwise authorized under this section.
- d) It shall be unlawful to operate any off-highway vehicle which has only three wheels on any public road.
- e) It shall be unlawful to operate any tracked off-highway vehicle under this Article unless the tracks are composed of 100% rubber with no metal or other material in contact with the road.
- f) It shall be unlawful to operate an off-highway vehicle on a road, roadway, or alley of the Town while carrying any person or riding in any position that may interfere with the safe operation or control of the vehicle and/or the view of the operator.

### **SECTION 8-5-40. NOTICE OF ACCIDENT AND LIABILITY**

- a) The operator of an off-highway vehicle involved in an accident within the Town limits resulting in property damage, injuries or death, or some person acting for the operator, or the owner of the off-highway vehicle having knowledge of the accident shall immediately, by the quickest available means of communication, notify the office of the Town police department. If an accident occurs outside of the Town limits, the operator or some person acting for the operator shall immediately notify the Delta County Sheriff's Office.
- b) To the maximum extent permitted by law, nothing in this chapter shall be construed as an assumption of any duty of care by the Town with respect to or the assumption of any liability by the Town for any injuries to persons or property which may result from the operation of an off-highway vehicle on the roads, roadways, or alleys within the Town limits.

## **SECTION 8-5-50. PENALTY AND ENFORCEMENT**

- a) Any person convicted of a violation of this Section shall be subject to a fine not to exceed \$300.00, for each separate violation.
- b) This Section shall be enforced by any law enforcement or peace officer, including the Paonia Police Department.
- c) The repeal and amendment of various provisions of the Town of Paonia Municipal Code by this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right, or duty established or accruing before the effective date of this ordinance.

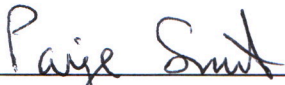
**Section 3. Notice of Enforcement and Inspection.** Violation of this Ordinance is subject to enforcement and punishment and shall constitute a misdemeanor punishable by a fine of up to three hundred dollars (\$300.00). Each day that a violation continues to exist shall constitute a separate offense. The full text of the ordinance, including any amendments, is available for public inspection at the office of the Town Clerk at Town Hall.

**Section 4. Severability.** If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

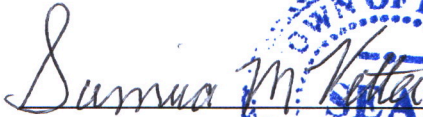
**Section 5. Effective Date and Time.** This Ordinance shall become effective 30 days after publication in accordance with law.

**INTRODUCED, READ AND ADOPTED** by the Board of Trustees of the Town of Paonia, Colorado, this 8<sup>th</sup> day of July, 2025.

TOWN OF PAONIA, COLORADO

  
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Paige Smith, Mayor

ATTEST:

  
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Samira M. Vetter, Town Clerk

