

ORDINANCE NO. 2023-16

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE
AMENDING SECTION 10.12.010 OF THE MOUNTAIN VILLAGE MUNICIPAL CODE
TO AUTHORIZE THE OPERATION OF GOLF CARTS ON DESIGNATED
THOROUGHFARES AND GOLF CART PATHS**

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended ("Charter"); and

WHEREAS, pursuant to C.R.S. § 42-4-111, the General Assembly has vested local authorities with the power to authorize and regulate the operation of golf carts on roadways by ordinance of the governing body if the authorization or regulation is consistent with Title 42 of the Colorado Revised Statutes and does not authorize:

- (I) An unlicensed driver of a golf cart to carry a passenger who is under twenty-one years of age;
- (II) Operation of a golf cart by a person under sixteen years of age; or
- (III) Operation of a golf car on a state highway; except that the ordinance or resolution may authorize a person to drive a golf cart directly across a state highway at an at-grade crossing to continue traveling along a roadway that is not a state highway;

WHEREAS, the Town has adopted the Model Traffic Code (the “Traffic Code”) as published by the Colorado Department of Transportation pursuant to Chapter 10.01 of the Town of Mountain Village Municipal Code (the “Code”); and

WHEREAS, the Traffic Code also vests local authorities with the power to authorize and regulate the operation of golf carts on roadways by ordinance, subject to substantially the same limitations as C.R.S. § 42-4-111; and

WHEREAS, the Town recognizes the benefit of permitting golf carts on designated public thoroughfares for the convenience of residents and visitors; and

WHEREAS, the Town now desires to designate specific public thoroughfares for the operation of golf carts and allow for the designation of additional public thoroughfares for the same purpose in the future.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, AS FOLLOWS:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendment. The Town Council hereby amends Section 10.12.010.B.4. of the Code as

follows, with added language in **bold** and underlined typefaces and removed language in ~~stricken~~ typeface. Those provisions on the Code not expressly amended by this Ordinance shall remain unchanged and in full force and effect.

4. Golf carts. Golf carts shall be permitted only on designated golf cart paths ~~only~~ **and those thoroughfares identified in the List of Thoroughfares Permitted for Golf Cart Use maintained by the Town Clerk.** Golf carts shall be permitted to cross public streets at designated intersections in order to stay on a golf cart path.

Section 3. Creation of List of Thoroughfares Permitted for Golf Cart Use.

a. Establishment of the List. The Town Council hereby establishes a “List of Thoroughfares Permitted for Golf Cart Use” (the “List”), which shall identify all thoroughfares within the Town of Mountain Village where the operation of golf carts is permitted.

b. Maintenance and Updates. The List shall be maintained by the Town Clerk and may be updated or amended from time to time by the Town Manager in consultation with the Chief of Police without the necessity of further action by the Town Council. The Town Manager shall have the authority to add or remove thoroughfares from the List as deemed appropriate based on safety, traffic patterns, and other relevant considerations.

c. Availability and Attachment. A current copy of the List is attached hereto as Exhibit A. The List will also be made accessible for public inspection during regular business hours at the office of the Town Clerk and on the official Town of Mountain Village website.

Section 4. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 5. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. Effective Date. This Ordinance shall become effective on fourteen (14) days after final publication pursuant to Section 4.3 of the Town Charter and shall be recorded in the official records of the Town kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.


Section 7. Public Hearing. A public hearing on this Ordinance was held on the 16th day of November 2023 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 8. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.


INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 19th day of October 2023

TOWN OF MOUNTAIN VILLAGE:

TOWN OF MOUNTAIN VILLAGE, COLORADO, a Home-Rule Municipality

By: 
Martinique Prohaska, Mayor

ATTEST

By: 
Susan Johnston, Town Clerk

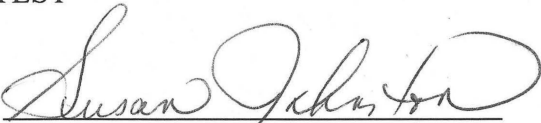
HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 16th day of November 2023

TOWN OF MOUNTAIN VILLAGE:

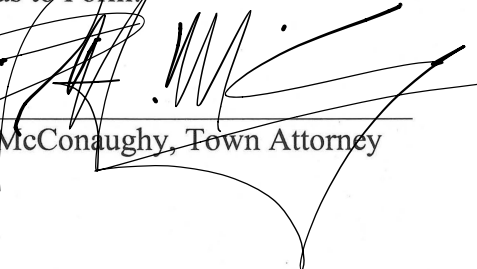
TOWN OF MOUNTAIN VILLAGE, COLORADO, a Home-Rule Municipality

By: 
Martinique Prohaska, Mayor

ATTEST

By: 
Susan Johnston, Town Clerk

Approved as to Form:

By: 
David McConaughy, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. 2023-16 (the "Ordinance") is a true, correct, and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on October 19, 2023, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	"Absent"	"Abstain"
Marti Prohaska, Mayor	X			
Scott Pearson, Mayor Pro Tem	X			
Jack Gilbride	X			
Peter Duprey	X			
Harvey Morgenson	X			
Tucker Magid	X			

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on October 25, 2023 in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter.
4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on November 16, 2023. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	"Absent"	"Abstain"
Marti Prohaska, Mayor	X			
Scott Pearson, Mayor Pro Tem	X			
Jack Gilbride	X			
Peter Duprey	X			
Harvey Morgenson	X			
Tucker Magid	X			

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 16th day of November 2023.

By: Susan Johnston
Susan Johnston, Town Clerk

(SEAL)



EXHIBIT A

List of Thoroughfares Permitted for Golf Cart Use in the Town of Mountain Village

Pursuant to Ordinance No. 2023-16 and in accordance with the authority vested in the Town Council of the Town of Mountain Village pursuant to C.R.S. § 42-4-111 and the Model Traffic Code as adopted by the Town pursuant to Chapter 10.01 of the Town of Mountain Village Municipal Code, this list specifies the thoroughfares within Mountain Village where golf cart use is permitted. The list is current through November 16, 2023 and the Town Clerk may update it as appropriate.

For clarity, the Town may visually depict the permitted thoroughfares on a map. However, such maps serve solely to illustrate and clarify the written descriptions provided in this List. The Town Clerk and the Town are under no obligation to provide, maintain, or update such maps, and, to the extent such maps contradict the description of the permitted thoroughfares below, the written description shall supersede and control in every respect.

1. Mountain Village Golf Course Thoroughfares:

- a. Double Eagle Drive (east and south bound): Commencing at the property at 150 Double Eagle Drive and terminating at its intersection with Russell Drive.
- b. Russell Drive (eastbound): Commencing at its intersection with Double Eagle Drive and terminating immediately beyond the property at 208 Russell Drive

