

2018-01

ORDINANCE NO. ~~2017~~-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY, COLORADO ALLOWING THE OPERATION OF OFF-HIGHWAY VEHICLES ON ALL COUNTY ROADS LOCATED IN UNINCORPORATED AREAS OF MONTROSE COUNTY, COLORADO, PROVIDING PENALTIES FOR VIOLATION OF SUCH ORDINANCE, AND REPEALING ALL OTHER PREVIOUS ORDINANCES ADDRESSING SUCH VEHICLE USE IN MONTROSE COUNTY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY, COLORADO:

REFERENCES:

- A. C.R.S. § 33-14.5-108(1)(f) authorizes the Board of Commissioners (the "Board") to allow, through written resolution or ordinance, the establishment of off-highway vehicle ("OHV") routes to permit the operation of OHVs on designated county roads which are not part of the state highway system.
- B. C.R.S. § 33-14.5-110 authorizes the Board to regulate the operation of OHVs on County property and on streets and highways within its boundaries.
- C. C.R.S. § 30-15-401(1)(h) authorizes the County to control and regulate the movement and parking of vehicles and motor vehicles on public property, except state highways.

ORDINANCE:

Section 1. Definition. The County hereby adopts the statutory definition of OHV from C.R.S. § 33-14.5-101(3) as: any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "OHV" does not include the following:
(a) Vehicles designed and used primarily for travel on, over, or in the water; (b) Snowmobiles; (c) Military vehicles; (d) Golf carts; (e) Vehicles designed and used to carry disabled persons; (f) Vehicles designed and used specifically for agricultural, logging, or mining purposes; or (g) Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

Section 2. Designation of Routes. OHV travel shall be allowed, subject to the restrictions listed in this Ordinance, on all county roads located in unincorporated Montrose County.

Restrictions and Prohibited Acts.

Section 2.01 Any person operating an OHV in the unincorporated areas of Montrose County shall comply with all rules and regulations applicable to such vehicles adopted by the State of Colorado and or the Federal Government, including but not limited to Article 14.5 of Title 33, C.R.S.

Section 2.02 Any person operating an OHV on a county road pursuant to this Ordinance shall be in possession of a valid motor vehicle operator's license and be at least 16 years of age.

Section 2.03 OHVs operating on Montrose County roads shall be equipped, as provided by state law, C.R.S. 13-14.5-109, with:

- (a) muffler in constant operation and properly maintained, the muffler must conform to the noise abatement standards set forth in C.R.S. 25-12-110, as amended;
- (b) 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. The braking system must be adequate to control the movement of, and to stop and to hold the off-highway vehicle stationary on any grade upon which operated;
- (c) at least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the Division of Parks and Wildlife while being operated between the hours of sunset and sunrise.

Section 2.04 It shall be unlawful to operate an OHV on Montrose County roads in any of the following manners:

- (a) On any portion of any street except the far right side of the street, as practicable;
- (b) To ride together in any pattern except in single file;

Section 2.05 OHVs operating on Montrose County roads shall be considered to be motor vehicles for purposes of maintaining at least the minimum liability insurance coverage required by the Colorado Motor Vehicle Financial Responsibility Law, Title 42, Article 7, C.R.S.

Section 2.06 On county roads, OHVs shall not exceed 35 miles per hour or the posted speed limit, whichever is less.

Section 2.07 All OHVs, and the operation thereof, are required to abide by state law and regulations promulgated pursuant to C.R.S. 13-14.5-101, et. seq. and violations shall be enforced consistent with those statutory and regulatory provisions.

Section 3. Limitations. This Ordinance does not authorize or designate the use of OHV's on lands, roads or trails under the jurisdiction of municipalities or state or federal agencies or on other lands or roads not under the jurisdiction of Montrose County as set forth in Section 1. Nothing in this Ordinance shall prohibit the use of OHVs for agricultural purposes on any public road.

Section 4. Application. The restrictions on operation of OHVs contained in this Ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside

the corporate limits of this County, the use of which this County has jurisdiction and authority to regulate.

Section 5. Validity. If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 6. Repealer. All resolutions or ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that this section shall not be interpreted to revive any resolution or ordinance that has been repealed. Specifically, the following Ordinances are hereby repealed: 2015-01, 2015-03, 2016-01, 2016-02 and 2016-03.

Section 7. Safety. The adoption of this Ordinance is in the best interest, safety and welfare of the citizens of and visitors to Montrose County.

Section 8. Publication and Effective Date. The foregoing text is the authentic text of Ordinance No. 2018-01. The first reading of said Ordinance took place on Jan 17, 2018, 2018, at a regular Board of County Commissioners Meeting. It was published, in full, in the Montrose Daily Press on Jan 21st, 2018. The Ordinance was adopted on second reading at a regular Board of County Commissioners Meeting on Feb 7, 2018, and shall take effect on Feb 23, 2018.

Adopted this 7th day of February, 2018.

By and Through its Board of County Commissioners
Montrose County, Colorado.



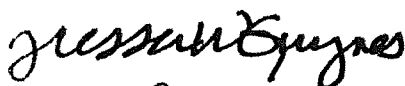
Keith Caddy, Chairman

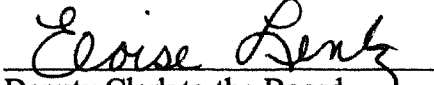


Roger Rash, Vice-Chairman



Glen Davis, Commissioner

Attest: 



Deputy Clerk to the Board

