



**CHAFFEE COUNTY
ORDINANCE NO. 2005-01**

TITLE: AN ORDINANCE ALLOWING THE OPERATION OF OFF-HIGHWAY VEHICLES ON CERTAIN COUNTY ROADS AND PROVIDING PENALTIES FOR VIOLATION OF SUCH ORDINANCE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CHAFFEE COUNTY COLORADO:

WHEREAS, C.R.S. §33-14.5-108(1)(f) authorizes the Board of Commissioners (the "Board") to allow, through written resolution or ordinance, off-highway vehicles ("OHVs") to be operated on designated county roads.

WHEREAS, C.R.S. §33-14.5-110 authorizes the Board to regulate the operation of OHVs on public lands.

WHEREAS, various public hearings have been held for the purpose of receiving public comments with respect to the proposed opening of certain county roads to off-highway vehicles; extensive public comment has been received, both from Chaffee County residents and non-residents, and the people of Chaffee County have had an opportunity to comment publicly for or against the operation of OHVs on public roads.

WHEREAS, authorizing the operation of OHVs on certain county roads will assist in promoting economic development within Chaffee County.

WHEREAS, the operation of OHVs on certain specifically designated county roads, or portions thereof, can be undertaken in a safe and prudent manner.

WHEREAS, the Board has analyzed the county road system, in cooperation with the U.S. Forest Service and the Bureau of Land Management, and has determined which roads would best assist in promoting economic development within Chaffee County by opening them to OHVs, without unduly affecting other forms of recreation or uses on such roads.

WHEREAS, the Board has determined that it will better promote the health, safety and welfare of the citizens of and visitors to Chaffee County if it authorizes the operation of OHVs on certain county roads.

Section 1. Adoption. Pursuant to Article 14.5 of Title 33 of the Colorado Revised Statutes, the County hereby designates the following county roads for use by OHVs which are registered and operated pursuant to C.R.S. §33-14.5-101 *et seq.*:

- a) Marshall Pass Area: CR 200 west of the Shirley Campsite.
- b) Turret Area: CR 175 north of CR 181.
- c) Four-mile Area: CR 375 (entire section); CR 307 from FS 308 to CR 187; CR 187 from CR 307 to FS 300.

For purposes of this Ordinance, OHVs are those vehicles defined as by C.R.S. §33-14.5-101(3).

Section 2. Restrictions and Prohibited Acts.

Section 2.01 Any person operating an OHV on a designated 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 2.02 OHVs operating on Chaffee County roads shall at all times comply with the requirements of C.R.S. §33-14.5-101 *et seq.*; at a minimum, OHVs shall be equipped with:

- (a) a muffler in constant operation and properly maintained;
- (b) 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;
- (c) 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; and
- (d) At least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the division of Parks while being operated between the hours of sunset and sunrise.

Section 2.03 It shall be unlawful to operate an OHV on Chaffee County roads in any of the following manners:

- (a) For purposes other than using the most direct route to the nearest designated OHV route;
- (b) To use designated OHV routes for any purpose other than going to, or coming from, public lands adjacent to the designated County roads;
- (c) On any portion of any street except the far right portion of the street;
- (d) To ride together in any pattern except in single file;
- (e) On any public or private property without express consent of the owner.

Section 2.04 OHVs operating on Chaffee 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 2.05 All ordinances and regulations pertaining to vehicles or motor vehicles, including without limitation the Model Traffic Code adopted by Ordinance 2004-1, shall be applicable to the operation of OHVs on County roads, except to those which, by their nature, can have no application. In the event of a conflict between such ordinances and regulations and this Ordinance, this Ordinance shall govern.

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 owned or under the jurisdiction of Chaffee County. Nothing in this Ordinance shall prohibit the use of OHVs for agricultural purposes on any public road.

Section 4. Penalties. The following penalties shall apply to this ordinance:



Section 4.01 The provisions of C.R.S. §42-4-1701 are adopted by this reference (references to Article 4 of Title 42 shall refer to the corresponding part of the Model Traffic Code), except that any fine or penalty and the surcharge shall be paid to the County; further, C.R.S. §42-4-1701(4)(c) is modified so that the penalties and surcharges imposed for speeding in a maintenance, repair, or construction zone are tripled rather than doubled. Accordingly, C.R.S. §42-4-1701(4)(c) is modified to read as follows:

“The penalties and surcharges imposed for speeding violations under subsection (4) (a) (I) (L) of this section are tripled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated as such pursuant to the requirements of Part 6, Section 614 of the Model Traffic Code.”

Section 4.02 With respect to violations of this Ordinance not covered by the Model Traffic Code, any person who violates this Ordinance commits a class 2 petty offense or, in the case of traffic offences, commits a traffic infraction, and, upon conviction thereof, shall be punished by a fine of no less than fifty dollars and no more than two hundred and fifty dollars for each separate violation.

Section 4.03 In addition to the above penalties, any person convicted of a violation of this Ordinance is subject to:

- (a) Surcharges of ten dollars and five dollars shall be paid to the clerk of the court by the defendant. The clerk shall transmit the ten dollar surcharge to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in the judicial district. The clerk shall transmit the \$5 surcharge to the Chaffee County Treasurer for credit to the victim assistance fund.
- (b) Persons convicted of operating a vehicle in excess of the speed limit in violation of this Ordinance are subject to a surcharge of ten dollars that shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the state treasurer, who shall credit the same to the Colorado traumatic brain injury trust fund. If the surcharge is collected by a county treasurer, the surcharge shall be twelve dollars of which two dollars shall be retained by the county treasurer and the remaining ten dollars shall be transmitted to the state treasurer and credited to the Colorado traumatic brain injury trust fund.

Section 4.04 The penalty assessment procedure provided in C.R.S. §16-2-201 may be followed by any arresting law enforcement officer for any such violation.

Section 4.05 In a cooperative agreement with the Chaffee County Court, each penalty assessment or summons issued will be assessed a nineteen dollar court administrative fee to be paid to the State of Colorado. All fines shall be remitted to Chaffee County.

Section 5. 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. The provisions of Sections 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this County.

