

ORDINANCE NO. 19

AN ORDINANCE ESTABLISHING THE USE AND REGULATION OF OFF-HIGHWAY VEHICLES ON SPECIFIC SECTIONS OF COUNTY ROADS IN TELLER COUNTY FOR TRAIL CONNECTIVITY

WHEREAS, pursuant to Title 33, Article 14.5, Part 1 of the Colorado Revised Statutes, the Teller County Board of County Commissioners is authorized to establish, through written ordinance, routes for the operation of unlicensed off-highway vehicles (“OHVs”) on designated county roads, and to enact regulations for the operation of OHVs on such designated county roads, if consistent with the applicable Colorado statutes and regulations.

WHEREAS, on May 27, 2004, the Teller County Board of County Commissioners passed Resolution No. 05-27-2004(25) to establish off-highway vehicle routes on designated roads within Teller County and restricting use thereof to off-highway vehicles and high clearance four-wheel drive vehicles; and

WHEREAS, the Teller County Board of County Commissioners has determined that it is necessary to establish routes for the operation of unlicensed OHVs on designated county roads in Teller County for trail connectivity between the roads described in this Ordinance; and

WHEREAS, the Teller County Transportation Department is the appropriate agency to manage the road rights of way for the use of OHVs on the specific sections of County roads identified in this Ordinance; and

WHEREAS, the Teller County Sheriff’s Office is the appropriate agency for enforcement of this Ordinance; and

WHEREAS, the Board of County Commissioners hereby finds, determines and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Teller County, Colorado.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TELLER COUNTY, COLORADO AS FOLLOWS:

Section 1. Purpose.

The purpose of this Ordinance is to establish routes for the operation of unlicensed OHVs on designated county roads in Teller County for trail connectivity between the roads described below and as depicted on Exhibit A, attached hereto and incorporated herein:

1. Teller County Road 3 from the intersection of Teller County 51 then proceeding North/Northwest for 5.6 miles ending at the intersection of United States Forest Service Road 367.

2. Teller County Road 33 from the intersection of County Road 3 then proceeding West for 1.18 miles ending at the intersection of United Forest Service Road 360.A.
3. Teller County Road 33 from the intersection of County Road 51 then proceeding South/Southwest for 2.43 miles ending at the intersection of United States Forest Service Road 367.
4. Teller County Road 51 from the intersection of United Forest Service Road 363 then proceeding West/Northwest for 0.85 miles to the intersection of Teller County Road 3.
5. Teller County Road 78 from the intersection of United States Forest Service Road 357 then proceeding West for 0.2 miles to the intersection of United States Forest Service Road 340.B.

Section 2. Scope.

This Ordinance shall apply to the operation of unlicensed OHVs on designated county roads in Teller County, Colorado.

Section 3. Definitions.

The following definitions shall apply to this Ordinance:

- a. “Off-highway vehicle” or “OHV” shall have the same definition ascribed to “Off-highway vehicle” as set forth at C.R.S. 33-14.5-101(3).
- b. “Public Right-of-Way” means any road that is part of the Teller County road system.

Section 4. Regulations and Restrictions Pertaining to the Operation of Off-Highway Vehicles on Designated Teller County Roads.

Any person operating an OHV in Teller County shall comply with the following rules and regulations:

- a. All of the rules and regulations set forth in the Code of Colorado Regulations, 2 CCR 405-5, Chapter P5, Off-Highway Vehicle Regulations.
- b. Ride single file when more than one OHV per group.
- c. Remain on the right side of roadway.
- d. Obey posted speed limits on roadway. Teller County at its discretion may post specific speed limits for OHV traffic.
- e. Give right-of-way to motor vehicles. Move OHV to edge of roadway to allow for safe passing of vehicles to maintain traffic flow.

Section 5. Authorized Enforcement Personnel.

- a. Any Level I peace officer, as such term is defined in C.R.S. §18-1-901(1), is authorized to enforce the provisions of this Ordinance.
- b. Any person designated by the Board of County Commissioners of Teller County is authorized to enforce the provisions of this Ordinance.

Section 6. Violations and Penalties.

Violation of any provision of this Ordinance shall be a Class 2 petty offense and upon conviction, shall be punishable as follows:

- a. For the first violation, a fine of not less than \$50.00 and not more than \$150.00, except that if a penalty assessment is issued as provided by Section 6.d, the fine shall be the minimum.
- b. For a second offense by the same person, the person shall be assessed a fine of not less than \$150.00 and not more than \$500.00 except that if a penalty assessment is issued as provided by Section 6.d, the fine shall be the minimum.
- c. For a third or any subsequent offense thereafter by the same person, the person shall be punished by a fine of not less than \$500.00 but not more than \$1,000.00 for each separate offense.
- d. Violations of this Ordinance may also be enforced through the penalty assessment procedure pursuant to C.R.S. §16-2-201, as the same may from time to time be amended, requiring the defendant to appear at the place, time and date specified or, in lieu thereof, to pay the specified fine in person or by mail at the place and within the time specified in the notice. Payment of the specified fine shall constitute acknowledgment of guilt of the offense charged.

Section 7. Prosecution.

All prosecutions for all offenses under this Ordinance shall be by the Fourth Judicial District, District Attorney according to the Colorado County Court Rules of Criminal Procedure in the Teller County Court. The simplified county court procedures set forth in Part 1 of Article 2 of Title 16, C.R.S. shall be applicable to the prosecution of violations of this Ordinance.

Section 9. Severability.

If a Court of competent jurisdiction shall hold any part of this Ordinance void or unconstitutional, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Ordinance.

Section 10. Effective Date.

The publication and notice of this Ordinance will be performed in accordance with C.R.S. §§ 30-15-405 and 3015-406 and shall become effective 30 days after the second publication of the Ordinance.

CERTIFICATION: THE FOREGOING ORDINANCE WAS INTRODUCED AND READ ON 10/13/2016 BY THE BOARD OF COUNTY COMMISSIONERS OF TELLER COUNTY, COLORADO, AND APPROVED FOR PUBLICATION.

DATE OF PUBLICATION: 11/02/2016

THE FOREGOING ORDINANCE WAS CONSIDERED ON _____ AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS EFFECTIVE 30 DAYS AFTER THE SECOND PUBLICATION.

DATE OF SECOND PUBLICATION: _____

EFFECTIVE:

Krystal Brown
Teller County Clerk and Recorder

THE TELLER COUNTY BOARD OF COUNTY COMMISSIONERS

Norm Steen
Chairman, Board of County Commissioners of Teller County, Colorado

Attest:

Krystal Brown
Teller County Clerk and Recorder

