



AN ORDINANCE OF CUSTER COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO, REGULATING THE OPERATION AND USE OF OFF-HIGHWAY VEHICLES ON THE PUBLIC ROADWAYS OF CUSTER COUNTY

Ordinance No. 15-01

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO, THAT:

Whereas, the Board of County Commissioners deems it is in the best interest of the citizens of Custer County and the general public that the operation and use of off-highway vehicles on the public roadways of Custer County be regulated as authorized by §33-14.5-110, C.R.S., and

Whereas, there has been full compliance with all statutory requirements concerning notice to the public of this proposed Ordinance and publication of said Ordinance, and the public has now been afforded full opportunity to be heard on this proposed Ordinance at a regular meeting of the Board of County Commissioners; and

Whereas, more than 30 days have now passed since this Ordinance was approved by the Board of County Commissioners in accordance with the procedures prescribed in §30-15-404 through §30-15-407, C.R.S.,

NOW THEREFORE, this Ordinance is declared to be in full force and effect as of the date signed by the Chairman of the Board of County Commissioners and attested to by the County Clerk and Recorder below.

PART ONE: DEFINITIONS

1. "Off-highway vehicle" means any self-propelled vehicle that is designed to travel on wheels or rubber tracks in contact with the ground, designed primarily for use off of the public highways and public roadways, and generally and commonly used to transport persons for recreation purposes. "Off-highway vehicle" 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 persons with disabilities; and
 - f. Vehicles designed and used specifically for agricultural, logging, or mining purposes.

2. "Public roadway" means the entire width between the boundary lines of every county road located within Custer County and publicly maintained by said county when any part thereof is open to the use of the public for purposes of vehicular travel. "Public roadway" does not include those portions of State Highways 67, 69, 78, 96 and 165 which are located in Custer County and which are maintained and

regulated by the Colorado Department of Transportation, nor does it include the roads located within the town limits of the Town of Westcliffe and the Town of Silver Cliff.

3. "Safety belt system" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed by the manufacturer of an off-highway vehicle for the purpose of restraining the operator and passengers.

PART TWO: VIOLATIONS

1. No off-highway vehicle shall be operated at any time on any public roadway within Custer County unless the operator of the off-highway vehicle is at least 16 years of age and has in his or her possession a valid motor vehicle driver's license or operator's license.
2. No off-highway vehicle shall be operated at any time on any public roadway within Custer County unless the operator of the off-highway vehicle is insured to the minimum level required by the State of Colorado for the operation of automobiles.
3. No off-high way vehicle shall be operated at any time on any public roadway within Custer County unless the vehicle is properly registered and numbered with the Colorado Division of Parks and Wildlife in accordance with the provisions of §33-14.5-102, C.R.S., and the validation decal issued by the division shall be affixed to the off-highway vehicle in the manner prescribed by the division.
4. No off-highway vehicle shall be operated at any time on any public roadway within Custer County while towing a sled, toboggan or other similar device intended to be used for recreational purposes. A utility trailer may be towed if it is attached to the off-highway vehicle by a rigid bar and is equipped with a red reflector attached to the rear of said trailer. Transporting passengers or occupants in a trailer towed by an off-highway vehicle is prohibited.
5. No off-highway vehicle shall be operated at any time on any public roadway within Custer County unless it is equipped with the following:
 - a. At least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the Colorado Division of Parks and Wildlife;
 - b. Brakes and a muffler and spark arrester which conform to the standards prescribed by regulation of the Colorado Division of Parks and Wildlife.
6. No off-highway vehicle shall be operated at any time on any public roadway within Custer County between the hours of 10:00 p.m. and 5:00 a.m.
7. No off-highway vehicle shall be operated at any time on any public roadway within Custer County for the purpose of plowing snow or for modifying the grade or drainage of said public roadway.

8. No off-highway vehicle shall be operated at any time on any public roadway within Custer County with more occupants or passengers than intended by the manufacturer's design.
9. If an off-highway vehicle is equipped with a safety belt system by the manufacturer of said vehicle, every driver and every passenger of a vehicle so equipped shall wear a fastened safety belt at all times while the off-highway vehicle is being operated on any public roadway within Custer County.
10. The operator of an off-highway vehicle on the public roadways of Custer County shall also comply with all traffic ordinances of Custer County regulating the operation of motor vehicles on said roadways within the county.
11. This Ordinance shall be enforced by law enforcement officers and peace officers duly sworn and authorized to enforce laws and ordinances in Custer County, as well as by any person or persons designated by the Board of County Commissioners as special county enforcement officers.

PART THREE: PENALTIES

1. Any person who violates paragraphs (1) through (9) of Part Two shall be guilty of a class 2 petty offense and upon conviction for a first violation thereof shall be punished by a fine of \$50.
2. A subsequent violation of paragraphs (1) through (9) of Part Two by the same person shall also be a class 2 petty offense, but upon conviction for a second offense the violator shall be punished by a fine of \$150.
3. A person who violates paragraphs (1) through (9) of Part Two for a third time or more shall, upon conviction, be punished by a fine of \$300 for each such violation and no portion of such fine may be waived or suspended by the sentencing judge.
4. The penalty assessment procedure set forth in §16-2-201, C.R.S., shall be followed for any violation of paragraphs (1) through (9) of Part Two of this Ordinance. The penalty assessment notice shall be a summons and complaint containing identification of the alleged offender, specification of the offense and applicable fine, a requirement that the alleged offender pay the fine or appear to answer the charge in the county court for Custer County at a specified date and time, and any other matter reasonably adapted to the effectuation of this Ordinance. A duplicate copy shall be sent to the clerk of the county court.

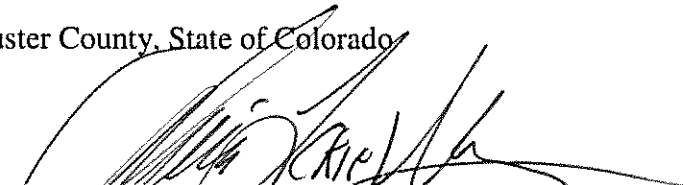
5. A person who is charged with and convicted of violating a traffic ordinance as set forth in paragraph 10 of Part Two shall be punished with a fine as specified in the fine schedule set forth in §42-4-1701 and §42-4-1703, C.R.S., and §42-4-1708 to 42-4-1718, C.R.S., except that the fine or penalty for a violation charged and the surcharge thereon if authorized by county ordinance shall be paid to the County Treasurer.
6. If the person given a penalty assessment notice chooses to acknowledge his guilt, he may pay the specified fine in person or by mail to the County Treasurer within 20 days from the date of issuance of the penalty assessment notice. If he chooses not to acknowledge his guilt, he shall appear in county court as required in the notice. Upon trial, if the alleged offender is found guilty, the fine imposed shall be that specified in the notice for the offense of which he is found guilty. Customary court costs may be assessed against him in addition to the fine.
7. All revenues received by the County Treasurer for fines imposed and collected pursuant to this ordinance shall be allocated as follows: 80% to the county sheriff; 20% to the county road and bridge department. For the first year this ordinance is in effect, the county sheriff shall allocate and set aside not less than 20% of any such revenues received from fines collected pursuant to this ordinance for the purpose of informing and educating the public regarding the existence of this ordinance and explaining what operations of an off-highway vehicle are allowed and what operations are not allowed on the public roadways of this county.

PART FOUR

Effective Date: This Ordinance shall be effective immediately following adoption on second reading and shall apply to off-highway vehicle violations occurring or committed on or after said date.

INTRODUCED, READ AND ADOPTED ON FIRST READING ON THE 7th DAY OF APRIL, 2015, AND ORDERED PUBLISHED IN THE SANGRE DE CRISTO SENTINEL.


The Board of County Commissioners for Custer County, State of Colorado



Christopher L. (Kit) Shy, Chairman

SEAL:

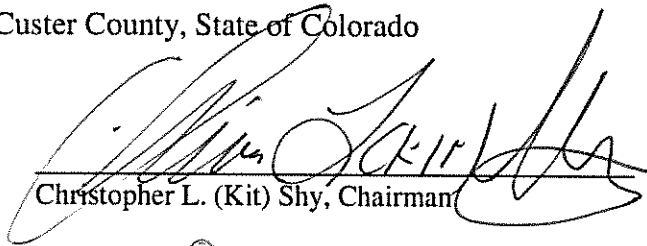


ATTEST: 

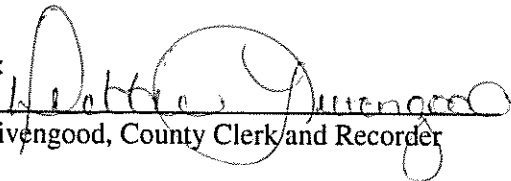
Debbie Livengood, County Clerk and Recorder

ADOPTED ON SECOND AND FINAL READING ON THE 30th DAY OF APRIL, 2015, AND ORDERED PUBLISHED BY REFERENCE TO TITLE ONLY IN THE SANGRE DE CRISTO SENTINEL.

The Board of County Commissioners for Custer County, State of Colorado


Christopher L. (Kit) Shy, Chairman

SEAL:

ATTEST: 
Debbie Livengood, County Clerk and Recorder