
Procedures

(30-15-406 C.R.S.)

Ordinance 2021-001

- 1) **First Reading and Introduction of Ordinance:** Reading of the ordinance shall be introduced and read at a regular or special commissioner's meeting (March 2, 2021). After the first reading of the ordinance a request for motion to schedule a **second reading** can be made with a suggested date, or first reading can be *continued* to a date certain (March 23, 2021 at 10:30AM).
- 2) **Initial Publication in Newspaper:** Ordinance must be published in full at least ten days prior to the second reading. (March 4, 2021)
- 3) **Second Reading:** Ordinance may be adopted at this time or continued. (March 23, 2021 at 10:30AM)
- 4) **Second Publication in Newspaper:** A second publication of the ordinance by title only must be made after adoption including any amendments (*Certification and Attestation of the County Clerk and Recorder by the Deputy Clerk of the Board must be included with the second reading concerning the dates of the reading and the facts concerning its publication*). (March 25, 2021).
- 5) **Effective Date:** Ordinance becomes effective 30 days after the second publication. (April 24, 2021)

First Reading: March 2, 2021

First Publication: March 4, 2021

Second Reading: March 23, 2021 at 10:30AM

Second Publication: March 25, 2021

Effective Date: April 24, 2021

ORDINANCE 2021-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, AMENDING REGULATIONS CONCERNING THE USE OFF-HIGHWAY VEHICLES ON PUBLIC ROADS IN UNINCORPORATED OURAY COUNTY

WHEREAS, the Board of County Commissioners of Ouray County (BOCC) may regulate the operation of off-highway vehicles (OHVs) on streets and highways within its jurisdictional boundaries pursuant to C.R.S. § 33-14.5-110;

WHEREAS, on September 15, 2002, the BOCC designated any Ouray County road be multi-use for activities, including, foot travel, horseback, bicycle, motorcycle, automobiles and other motor vehicles, including OHVs, through Ordinance 2002-034;

WHEREAS, on July 3, 2007, Ordinance 2007-01 was adopted, repealing Ordinance 2002-034, and requiring OHV users have a valid driver's license and liability insurance when operating OHVs on public roads except for roads designated no OHV use by resolution and OHVs used for agriculture;

WHEREAS, on May 5, 2015, the BOCC amended Ordinance 2007-01 to extend the valid driver's license and liability insurance requirement to any driver of an OHV whether on public roads or trails, within Ouray County through Ordinance 2015-01;

WHEREAS, the use of OHVs within unincorporated Ouray County has increased since 2015 such that Hinsdale, San Miquel, San Juan, and Ouray County work closely to regulate OHVs within the region; and

WHEREAS, the BOCC finds it necessary to update its OHV Ordinance by repealing and replacing Ordinance 2007-01 and 2015-01, and adopting this Ordinance regulating OHVs within unincorporated Ouray County to align with County partner regulations so enforcement can be more uniform throughout the region.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO as follows:

1. Off-highway vehicle (OHV) is defined pursuant to C.R.S. § 33-14.5-101(3), as amended.
2. All Ouray County roads, trails or ways located in unincorporated Ouray County are open to travel by OHVs, except for roads, trails, and ways designated no OHV travel under state law, by resolution as amended, or where an official sign that prohibits OHV travel.
3. It is unlawful to operate an off-highway vehicle within unincorporated Ouray County unless:
 - a. any OHV is registered with the State of Colorado pursuant to C.R.S. § 33-14.5-102, unless exempt from registration.
 - b. the OHV has at least one lighted head and tail lamp, each having the minimum candlepower prescribed by the State of Colorado between the hours of sunset and sunrise.
 - c. the driver has a valid driver's license.
 - d. the driver has the minimum liability insurance required by under Colorado law.
 - e. all occupants wear a safety belt system if the OHV is installed with one by the manufacturer.
 - f. all occupants use eye protection consisting of (1) goggles or eyeglasses with lenses made of safety glass or plastic, (2) a helmet containing eye protection made of safety glass or plastic, or (3) a full windshield.

- g. all occupants under the age of eighteen (18) years old, wear a helmet of the type and design manufactured for use by operators of motorcycles, including a properly secured chin strap when the OHV is in motion.
 - h. the OHV contains no more occupants than the OHV was designed to hold when in motion or the number of occupants that the vehicle was designed to hold plus one occupant in an aftermarket seat, if the aftermarket seat is installed in accordance with the instructions of the aftermarket seat manufacturer and does not extend outside the roll cage; but if the off-highway vehicle is an all-terrain vehicle or motorcycle, the number of occupants is limited to two.
 - i. the driver obeys all applicable traffic laws under C.R.S § 42-4-101, *et. Seq*, as amended.
 - j. all occupants obey the Ouray County Rubbish Ordinance 1995-01 and not dispose of rubbish in Ouray County other than in those places permitted for such purpose.
- 4. It is unlawful for any person owning an OHV to allow, authorize, suffer, or permit another person to operate such OHV in violation of this Ordinance.
 - 5. This ordinance does not apply to (1) vehicles designed and used primarily for travel on, over, or in the water, (2) snowmobiles, (3) golf carts, (4) vehicles designed and used to carry individuals with disabilities, (5) vehicles designed and used specifically for agricultural, logging, or mining purposes, and other uses exempt under state law.
 - 6. This Ordinance shall be enforced by any law enforcement or peace officer, parks and recreation officer, and other person(s) designated by the Board of County Commissioners as Ouray County Enforcement Officer by resolution.
 - 7. Any person who violates any provision of this Ordinance shall be guilty of a class 2 petty offense and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1000.00) for each separate violation, except for a first offense to which the fine shall be \$250.00.
 - 8. The penalty assessment procedure concerning the issuance of a summons and complaint under C.R.S. § 16-2-201, as amended, shall be followed when issuing a ticket for any violation of this Ordinance.
 - 9. All fines, penalties, or forfeitures for the violation of this Ordinance, but not any surcharge imposed by the Court upon conviction pursuant to C.R.S. § 30-15-402, shall be paid to the County Treasurer of Ouray County, Colorado.

INTRODUCED AND FIRST READING on and on such date ordered published in the *OURAY COUNTY PLAINDEALER*. Published on _____.

**Board of County Commissioners
Ouray County, Colorado**

Ben Tisdel, Chair

Lynn M. Padgett, Vice-Chair

Jake Niece, Commissioner Member

ADOPTED ON SECOND AND FINAL READING on _____

**Board of County Commissioners
Ouray County, Colorado**

Ben Tisdel, Chair

Lynn M. Padgett, Vice-Chair

Jake Niece, Commissioner Member

EFFECTIVE DATE _____.

CERTIFICATION BY OURAY COUNTY CLERK AND RECORDER:

I, Michelle Nauer, Clerk and Recorder of Ouray County and Clerk to the Board of County Commissioners, do hereby attest and certify that this Ordinance was

INTRODUCED AND READ ON _____ AND CONTINUED TO _____ AND READ AND ORDERED PUBLISHED AT SUCH REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS.

THE ORDINANCE WAS PUBLISHED IN FULL IN THE *OURAY COUNTY PLAINDEALER* ON _____ ALONG WITH A NOTICE OF PUBLIC HEARING.

ADOPTED AND APPROVED AT A PUBLIC HEARING OF THE BOARD OF COUNTY COMMISSIONERS ON _____, AFTER THE SECOND AND FINAL READING OF THE ORDINANCE.

PUBLISHED AFTER ADOPTION IN THE *OURAY COUNTY PLAINDEALER* ON THE ____ DAY OF _____, 2020.

Michelle Nauer, Clerk and County Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board