AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, AMENDING
REGULATIONS CONCERNING THE USE OF OFF-HIGHWAY VEHICLES IN UNINCORPORATED OURAY
COUNTY; AND SETTING PENALTIES FOR VIOLATIONS.

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, Ordinance 2002-034 was adopted designating any Ouray County
road be multi-use for activities, including, foot travel, horseback, bicycle, motorcycle, automobiles and other motor
vehicles, including OHVs;

WHEREAS, on July 9, 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 July 2, 2007, Resolution 2007-034 was adopted, prohibiting OHVs use on certain Ouray
County roads which have a hard surface and it remains in full force and effect;

WHEREAS, on April 14, 2008, the BOCC adopted Resolution 2008-024, defining public roads within
unincorporated Ouray County and it remains in full force and effect;

WHEREAS, on July 22, 2014, the BOCC adopted Resolution 2014-014 adopting the Ouray County road
map and it remains in full force and effect;

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 Miguel, 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COUNTY, COLORADO that Ordinance 2007-01 and 2015-01 is hereby repealed and replaced as follows:

DEFINITIONS

1. All-Terrain Vehicle (ATV) means a three or four wheeled vehicle that travels on low-pressure tires with
   a seat that is straddled by the rider and with handlebars for steering control, as defined under C.R.S. 42-6-102(1).

2. Child Restraint System, also known as a car seat, means a specially designed seating system that is
designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to
the child in the event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to
such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety
standards.

3. Defacing Property means any method of defacement, including but not limited to painting, drawing,
   writing, or otherwise marring the surface of public or private property by use of paint, spray paint, ink, or any other
   substance or object, without consent of the owner.

4. Litter means all rubbish, waste material, refuse, garbage, trash, debris, or other foreign substances,
solid or liquid, of every form, size, kind, and description.

5. Marrying Property means impairing the appearance of public or private property, including, but is not
   limited to, driving off the traveled way and leaving tire tracks, skid marks, or otherwise disturbing tundra, wetlands,
   and any vegetation or natural or manmade surfaces of any kind.

6. Motorcycle means an autocycle or a motor vehicle that uses handlebars or any other device connected
to the front wheel to steer and that is designed to travel on not more than three wheels in contact with the ground,
including any dirt bike or other motorcycle primarily used for off road use.

7. Occupant means a passenger or rider of a vehicle regulated by this ordinance.

8. Off-highway vehicle (OHV) is any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, designed primarily of use off of the public highways, and generally and commonly used to transport persons for recreational purposes, as defined under C.R.S. § 33-14.5-101(3), but not (1) a vehicle 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.

9. Operator means the driver of a vehicle regulated by this ordinance.

10. Ouray County Public Right-of-Ways means those roads designated as primary and secondary roads set forth on the official Ouray County road map (Resolution 2014-014) and are open to such use by official designation.

REGULATIONS

11. It is unlawful to operate an unlicensed OHV, ATV, or unlicensed / unregistered motorcycle on Ouray County Public Rights-of-Ways where such use is prohibited by Resolution, Ordinance, or Official Designation, unless:

   a. it is registered / permitted with the State of Colorado pursuant to C.R.S. § 33-14.5-102 and the registration / permit is displayed.
   b. it 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 required minimum liability insurance required under Colorado law.
   e. each occupant wears a safety belt if the OHV is installed with one by the manufacturer.
   f. any child under the age of eight years old who is transported by an OHV or ATV is properly restrained in a child restraint system as required under C.R.S. § 42-4-236 and installed according to the manufacturer's instructions.
   g. each occupant uses 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.
   h. 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. The helmet must meet or exceed the federal Department of Transportation helmet standards set forth under 49 C.F.R. § 571.218 Standard No. 218.
   i. the OHV / ATV / motorcycle contains no more occupants than it is designed to hold when in motion.
   j. the operator obeys all applicable traffic laws under C.R.S § 42-4-101, et. seq, as amended.

12. It is unlawful for any person owning an OHV, ATV, or motorcycle, to allow, authorize, suffer, or permit another person to operate such OHV in violation of this Ordinance.

13. 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 Ouray County Commissioners by resolution.

14. It is unlawful for any person to deposit, throw, or leave any litter on any public or private property or to deface public or private property.

15. Any person who violates any provision of this Ordinance, except for litter, defacing, or marring property violations, 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.

16. Any person, operator, or occupant who deposits, throws, or leaves any litter on any public or private property shall be subject to the penalty assessments set forth under C.R.S. § 18-4-511.

17. Any person, operator, or occupant who defaces, mars, or causes, aids-in, or permits the defacing or marring of any public or private property shall be subject to the penalty assessments set forth under C.R.S. § 18-4-
18. The penalty assessment procedure concerning the issuance of a summons and complaint under C.R.S. §16-2-201 shall be followed when issuing a ticket for any violation of this Ordinance.

19. 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.

20. Reckless driving as provided by C.R.S. §42-4-1401 and careless driving as provided by C.R.S. §42-4-1402 apply to the operation of OHVs hereunder and are prohibited. A violation is subject to punishment pursuant to C.R.S. §42-4-1401 and C.R.S. §42-4-1402.

INTRODUCED AND FIRST READING on April 6, 2021 and ordered published in the Ouray County Plaindealer on April 8, 2021.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Ben Tisdel, Chair

Lynn M. Padgett, Vice-Chair

Jake Niece, Commissioner

ADOPTED ON SECOND AND FINAL READING on April 23, 2021

Ben Tisdel, Chair

Lynn M. Padgett, Vice-Chair

Jake Niece, Commissioner

EFFECTIVE DATE MAY 29, 2021

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 April 6, 2021 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 April 8, 2021 along with a notice of public hearing.

Adopted and approved at a public hearing of the Board of County Commissioners on April 23, 2021, after the second and final reading of the Ordinance.

Published after adoption in the Ouray County Plaindealer on the 29th day of April, 2021.

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

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