

4 PAGE DOCUMENT

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**ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF MESA, STATE OF COLORADO**

ORDINANCE NO. 12

**AN ORDINANCE ALLOWING THE OPERATION OF OFF-HIGHWAY
VEHICLES ON ALL COUNTY ROADS LOCATED IN UNINCORPORATED
AREAS OF MESA COUNTY, COLORADO AND PROVIDING PENALTIES FOR
VIOLATION OF SUCH ORDINANCE**

***BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MESA
COUNTY COLORADO:***

REFERENCES:

- A. C.R.S. § 33-14.5-108(1)(f) authorizes the Board of Commissioners (the “Board”) to allow, through written resolution or ordinance, the establishment of off-highway vehicle (“OHV”) routes to permit the operation of OHVs on designated county roads which are not part of the state highway system.
- B. C.R.S. § 33-14.5-110 authorizes the Board to regulate the operation of OHVs on County property and on streets and highways within its boundaries.
- C. C.R.S. § 30-15-401(1)(h) authorizes the County to control and regulate the movement and parking of vehicles and motor vehicles on public property, except state highways.
- D. Authorizing the operation of OHVs on certain additional county roads will assist in promoting economic development within Mesa County and the operation of OHVs on such designated roads can be undertaken in a safe and prudent manner.

ORDINANCE:

Section 1. **Definition.** The County hereby adopts the statutory definition of OHV from C.R.S. § 33-14.5-101(3) as: any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. “OHV” 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 disabled persons; (f) Vehicles designed and used specifically for agricultural, logging, or mining purposes; or (g)

Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

Section 2. Designation of Routes. OHV travel shall be allowed, subject to the restrictions listed in this Ordinance, on all county roads located in unincorporated Mesa County.

Restrictions and Prohibited Acts.

Section 2.01 Any person operating an OHV in the unincorporated areas of Mesa County shall comply with all rules and regulations applicable to such vehicles adopted by the State of Colorado and or the Federal Government, including but not limited to Article 14.5 of Title 33, C.R.S.

Section 2.02 Any person operating an OHV on a 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 2.03 OHVs operating on Mesa County roads 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 and Wildlife while being operated between the hours of sunset and sunrise.

Section 2.04 It shall be unlawful to operate an OHV on Mesa County roads in any of the following manners:

- (a) On any portion of any street except the far right portion of the street;
- (b) To ride together in any pattern except in single file;
- (c) On any public or private property or roads without express consent of the owner.

Section 2.05 OHVs operating on Mesa 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 2.06 All ordinances and regulations pertaining to vehicles or motor vehicles, including without limitation the Model Traffic Code adopted in Mesa County, 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 2.07 On county roads, OHVs shall not exceed 35 miles per hour or the posted speed limit, whichever is less.

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 not under the jurisdiction of Mesa County as set forth in Section 1. 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; the penalties and applicable Court surcharges and administrative fees shall be consistent with those applied under the Model Traffic Code adopted in Mesa County.

Section 4.02. With respect to violations of this Ordinance not covered by the Model Traffic Code, criminal prosecution may be brought against a violator in accordance with Sections 30-15-402 C.R.S. and under the penalty assessment procedure provided in Section 16-2-201 C.R.S. Such violations shall be a class 2 petty offense, and, upon conviction or confession of guilt thereof, shall be punished by a fine of not more than one thousand dollars for each separate violation, plus a surcharge of ten dollars (\$10.00), under Section 30-15-402(2) C.R.S. and any applicable Court surcharges and administrative fees.

Section 4.03. Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other federal, state, or local law, rule, order or regulation.

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.

Section 6. Reevaluation. The Board will periodically re-evaluate this Ordinance to

determine the propriety of the terms and conditions herein.

Section 7. Validity. If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 8. Repealer. All resolutions or ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such resolutions nor revive any resolution thereby.

Section 9. Safety. The adoption of this Ordinance is in the best interest, safety and welfare of the citizens of and visitors to Mesa County.

Section 10. Publication and Effective Date. The foregoing text is the authentic text of Ordinance No. 12. The first reading of said Ordinance took place on October 27, 2014 at a regular Board of County Commissioners Meeting. It was published in full in the Grand Junction Daily Sentinel on October 31, 2014. The Ordinance was adopted on second reading at a regular Board of County Commissioners Meeting on November 17, 2014 and shall take effect on November 30, 2014.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS this 17th day of November, 2014.

MESA COUNTY BOARD OF COUNTY COMMISSIONERS


By and through its Chair, John Justman

STATE OF COLORADO
MESA COUNTY

ATTEST:


Mesa County Clerk

