

## **ORDINANCE 2017-02**

### **AN ORDINANCE OF SAN JUAN COUNTY, COLORADO REGULATING THE OPERATION OF OFF HIGHWAY VEHICLES ON THE PUBLIC ROADS OF SAN JUAN COUNTY**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, COLORADO** as follows:

1. The term off highway vehicles shall be defined as provided in Colorado Revised Statute 33-14.5-101. Public road shall include any road or highway open to travel by the public pursuant to law whether or not formally designated a county road.
2. No off-highway vehicle shall be operated at any time on any public road within San Juan County unless such public road is then open to such use by official designation as an off-highway vehicle route by duly adopted resolution of the Board of County Commissioners of San Juan County.
3. No off-highway vehicle shall be operated at any time on any public road within San Juan County unless the operator of the off-highway vehicle has in his or her possession a valid motor vehicle driver's license or operator's license.
4. No off-highway vehicle shall be operated at any time on any public road within San Juan County unless the operator of the off-highway vehicle is insured to the minimum level required by the State of Colorado for automobiles.
5. Seat belt use is required if seatbelts are incorporated into the off-highway vehicle by the manufacturer. In the event an off-highway vehicle is manufactured to incorporate child car seats, child car seats and restraints must be used in accordance with laws for motor vehicles under Colorado law.
6. Eye protection is required of all operators and passengers of any off-highway vehicle without a full windshield which is hereby defined to be a windshield which completely protects the driver's entire head behind its surface.
7. Off-highway vehicles shall contain no more occupants than the number of occupants/seats for which the off-highway vehicle was designed and manufactured.
8. Helmets are required for off-highway vehicles operators and passengers under the age of 18, unless a passenger is properly contained in a child seat or restraint appropriate to the child's age. This child helmet exception is applicable only to off-highway vehicles designed and manufactured to safely support a child seat.

9. Off-highway vehicle operators and passengers are subject to all traffic laws applicable to motor vehicles and off-highway vehicles, including but not limited to, any state, federal, county or municipal law applicable to motor vehicle and/or off-highway vehicle operation. This shall include without limitation compliance with the applicable provisions of Title 42, C.R.S. and the Colorado Model Traffic Code.

10. Reckless driving as provided by § 42-4-1401 and Careless driving, as provided by § 42-4-1402, C.R.S., apply to the operation of OHVs hereunder and is prohibited. A violation of these prohibitions against reckless or careless driving is subject to punishment pursuant to § 42-4-1401 and § 42-4-1402, C.R.S.

11. Littering, as provided by § 42-4-1406, C.R.S., is prohibited. A violation of this littering prohibition is subject to punishment as provided by § 42-4-1406, C.R.S.

12. No person shall allow, authorize, suffer or permit an off-highway vehicle owned or belonging to him or her, or which is under his or her control, to be operated by any other person in violation of this Ordinance.

13. This Ordinance shall be enforced by any law enforcement or peace officer and by any person or persons designated by the Board of County Commissioners as County Enforcement Officer.

14. There is hereby created the position of County Enforcement Officer for San Juan County whose duties and responsibilities shall include enforcement of this and all other County Ordinances, together with such other duties as the Board of County Commissioners may assign from time to time. The County Enforcement Officer shall be at least eighteen years of age and a resident of the State of Colorado and need not be either a resident of San Juan County or a peace officer certified pursuant to Colorado Revised Statutes 24-33-301 et seq. The Board of County Commissioners may appoint one or more specific persons as County Enforcement Officer by resolution or other official action of the Board. Any person designated as County Enforcement Officer shall serve at the pleasure of the Board of County Commissioners.

15. 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 for each separate violation.

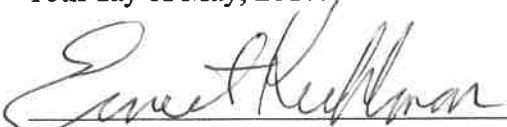
16. The penalty assessment procedure provided in Colorado Revised Statute 16-2-201 shall be followed for any violation of this Ordinance. Any person who violates any provision of this Ordinance shall be given a penalty assessment by the apprehending peace officer or by the County Enforcement Officer. The penalty assessment shall be a summons and complaint which (i) identifies the alleged offender by name, address and social security number, (ii) specifies the offense with which the person is charged, (iii) states both the applicable maximum \$1,000 fine (if imposed by the Court) and the optional \$150 fine which may be paid to the County Treasurer, and (iv) states the requirement that the alleged offender either pay the \$150 fine to the County Treasurer in person or by mail within fourteen days of the issuance of the penalty assessment or else appear to answer the charge before the County Court at 9:00 a.m. on the date of its next

regular session at the San Juan County Courthouse. Any person who chooses to acknowledge his or her guilt may, within fourteen days of the date of issuance of the penalty assessment, pay a fine of \$150 to the San Juan County Treasurer either in person or by mail at her address as shown on the penalty assessment. Any such payment shall be accompanied by a copy of the penalty assessment signed by said person acknowledging his or her guilt. Payment of the foregoing fine shall relieve the person receiving the penalty assessment of any further obligation to appear in the County Court to answer the offense charged in the penalty assessment.


17. All fines, penalties or forfeitures for the violation of this Ordinance, but not any surcharge imposed by the Court upon conviction pursuant to Colorado Revised Statute 30-15-402, shall be paid to the County Treasurer of San Juan County, Colorado.

**INTRODUCED, FIRST READING AND ORDERED PUBLISHED IN FULL on April 13, 2017.**

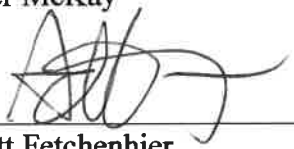
**ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL this 10th day of May, 2017.**

  
Ernest Kuhlman, Chairman

ATTEST:

  
Peter McKay

  
Ladonna L. Jaramillo

  
Scott Fetchenhier