

ORDINANCE NO. 2019 - 01

**THE BOARD OF COUNTY COMMISSIONERS
OF LOGAN COUNTY, COLORADO**

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

WHEREAS, C.R.S. § 33-14.5-108(1)(f) authorizes the Board of County 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; and

WHEREAS, 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; and

WHEREAS, C.R.S. § 30-15-401(1)(h) authorizes the County to control and regulate the movement and parking of vehicles on public property, except state highways; and

WHEREAS, the operation of OHVs on county roads can be undertaken in a safe and prudent manner if certain safeguards are followed; will provide a means of transportation that provides recreation and leisure opportunities for the community; and may assist in promoting economic development in Logan County.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF LOGAN COUNTY, COLORADO AS FOLLOWS:**

Section 1. Definitions.

"All-terrain vehicle" means a four-wheeled vehicle that travels on low-pressure tires with a seat that is straddled by the rider and with handlebars for steering control.

"Off-highway vehicle" means any self-propelled vehicle, including an all-terrain vehicle, that is designed to travel on wheels or tracks in contact with the ground, designed primarily for use off of the public highways, and generally and commonly used to transport persons for recreational purposes. "Off-highway vehicle" includes surplus military vehicles as defined in C.R.S. section 42-6-102. "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) Golf carts; (d) Vehicles designed and used to carry individuals with disabilities; (e) Vehicles designed and used specifically for agricultural, logging or mining purposes; or (f) Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

Section 2. Designation of Routes.

OHV travel shall be allowed and OHVs may be operated upon all county roads (not including state highways) located in unincorporated Logan County, subject to the restrictions of this Ordinance.

Restrictions and Prohibited Acts.

Section 2.01 No person shall operate an OHV on a county road pursuant to this Ordinance unless such person has in his or her possession a valid motor vehicle operator's license and is at least eighteen (18) years of age.

Section 2.02 No OHV shall be operated on a county road pursuant to this Ordinance unless such OHV has been registered with the Colorado Division of Parks and Wildlife as required by C.R.S. § 33-14.5-102 and a registration decal is affixed permanently on the upper forward-half of the OHV in a location where the decal can be easily seen.

Section 2.03 OHVs operating on Logan County roads pursuant to this Ordinance 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. No OHV shall be operated at any time on any public road within Logan County unless the operator is insured to the minimum level required by the law.

Section 2.04 OHVs shall contain no more occupants than the number of occupants/seats for which the OHV was designed and manufactured. If the OHV is an all-terrain vehicle, it shall have no more than two occupants.

Section 2.05 No three-wheel all-terrain vehicles shall be operated on any county road except as otherwise allowed by state law.

Section 2.06 The operator of an OHV shall not exceed the posted speed limit or a maximum speed of thirty-five (35) miles per hour, whichever is less, on any county road.

Section 2.07 OHV 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, or county law applicable to motor vehicle and/or off-highway vehicle operation except for those which, by their nature, can have no reasonable application to OHVs. This shall include without limitation compliance with the applicable provisions of Title 42, C.R.S.

Section 2.08 OHVs operating on Logan County roads shall be equipped with the following:

- (a) At least one lighted headlamp 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;
- (b) Stop lamps and reflector on the rear;
- (c) A horn or other audible warning device;

- (d) A muffler and emissions system;
- (e) A footrest and hand hold for each passenger; and
- (f) Turn signals (if OHV is not equipped with turn signals, the operator must use hand signals).

Section 2.09 Motor vehicles that have been altered or modified to be used as OHVs are not permitted.

Section 3. Limitations.

This Ordinance does not authorize or designate the use of OHVs on lands, roads or trails that are on privately owned land, under the jurisdiction of municipalities or state or federal agencies, or on other lands or roads not under the jurisdiction of Logan County. Nothing in this Ordinance shall prohibit the use of OHVs on county roads for agricultural purposes.

Section 4. Enforcement.

This Ordinance may be enforced by the Logan County Sheriff, or any law enforcement or peace officer, or by every person commissioned by the Colorado Division of Parks and Wildlife.

Section 5. Violation.

It shall be unlawful for any person to violate any provision of this Ordinance. Any person who violates any provision of this Ordinance shall be guilty of a Class 2 petty offense and, upon conviction thereof, may be punished by a fine of not more than one thousand dollars (\$1,000) for each separate violation. Criminal prosecution may be brought against a violator in accordance with Sections 30-15-402, C.R.S., and 30-15-410, C.R.S. 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.

The penalty assessment procedure provided in C.R.S. Section 16-2-201, C.R.S. 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 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 (14) days of the issuance of the penalty assessment or, alternatively, appear before the Logan County Court to answer the charge at the date and time indicated in the summons and complaint. Any person who chooses to acknowledge his or her guilt may, within fourteen (14) days of the date of issuance of the penalty assessment, pay a fine of \$150 to the Logan 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 such 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.

Section 6. Disposition of Fines and Surcharges.

Unless otherwise provided by law, all fines and penalties for the violation of this Ordinance shall be paid into the treasury of Logan County. In addition to the fines and penalties prescribed in this Ordinance, any person convicted of a violation of this Ordinance shall be subject to the statutory surcharge of ten dollars (\$10.00) for the Victims and Witnesses Assistance and Law Enforcement Fund. This surcharge shall be paid to the clerk of the court by each person convicted of violating this Ordinance. The clerk shall transmit the moneys to the respective funds in accordance with C.R.S. § 30-15-402(2).

Section 7. Scope.

This Ordinance shall apply within the unincorporated territory of Logan County. This Ordinance shall in no way limit application and enforcement of any statutes of the State of Colorado or the United States of America, but shall be in addition thereto.

Section 8. Severability.

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

Section 9. Repeal.

All ordinances and/or resolutions or parts of ordinances and/or resolutions inconsistent with provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

Section 10. Safety Clause.

The Board hereby finds, determines and declares that this Ordinance is necessary for the preservation of the health, safety and welfare of the citizens of Logan County, Colorado.

EFFECTIVE DATE

This Ordinance shall take effect and be in force thirty days after its publication following adoption on second reading, as provided in C.R.S. § 30-15-405.

INTRODUCED, READ AND APPROVED ON FIRST READING on July __, 2019,
and ordered published in the Sterling Journal Advocate.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF LOGAN, COLORADO**

Pamela M. Bacon, Clerk to the Board
Logan County, Colorado

(Seal)

By: _____
Joseph A. McBride, Chairman (Aye) (Nay)

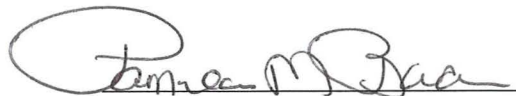
Byron H. Pelton, Commissioner (Aye) (Nay)

Jane E. Bauder, Commissioner (Aye) (Nay)

AMENDED AND ADOPTED ON SECOND AND FINAL READING on August
20, 2019, and ordered published by reference to title and amendment only in the Sterling
Journal Advocate.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF LOGAN, COLORADO**



Pamela M. Bacon, Clerk to the Board
Logan County, Colorado

(Seal)



By: 

Joseph A. McBride, Chairman (Aye) (Nay)



Byron H. Pelton, Commissioner (Aye) (Nay)



Jane E. Bauder, Commissioner (Aye) (Nay)