



**PROCEEDINGS OF THE BOARD OF COUNTY
COMMISSIONERS
COUNTY OF LAKE AND STATE OF COLORADO
ORDINANCE NO. 12-02**

**AN ORDINANCE APPROVING ALL COUNTY ROADS DESIGNATED FOR
MULTI-PURPOSE USE**

WHEREAS, C.R.S. Sections 33-14-110, 33-14-118, 33-14.5-107, 33-14.5-108 and 33-14.5-110 authorizes the Lake County Board of County Commissioners to adopt this ordinance regulating the means of conveyance for Off-Highway Vehicles (OHVs) and snowmobiles in a manner not inconsistent with other State laws, rules and regulations; and

WHEREAS, 30-11-101(2), C.R.S. authorizes the Board of County Commissioners to adopt this ordinance regarding health, safety, and welfare issues as otherwise prescribed by law; and

WHEREAS, 30-11-101(2), C.R.S. authorizes the Board of County Commissioners to designate roads for multi-purpose use and impose a fine and penalty for violations as a class 2 petty offense and assess a fine under the penalty assessment procedures in 16-2-201, C.R.S.; and

WHEREAS, a group of citizens have worked with the Road and Bridge Director and the Sheriff of Lake County to examine the use of all county roads regarding travel by Off-Highway Vehicles (OHVs) in addition to their current uses; and

WHEREAS, Lake County is a rural county with relatively low traffic volume and roads have been historically used for multiple purposes; and

WHEREAS, tourism is an important component of Lake County's economy and a portion of tourism is derived from persons who enjoy the outdoor activities via various means of conveyance; and

WHEREAS, a variety of new means of conveyance have been invented, produced, and adapted for various uses in the last three decades of the Twentieth Century including, but not limited to, "dirt bikes", "mountain bikes", "all-terrain vehicles", "utility terrain vehicles" and "snowmobiles"; and



WHEREAS, Lake County wishes to provide the maximum benefit of its county road system by allowing multiple uses, with minimum regulation necessary for the safety of all road users; and

WHEREAS, Resolution 10-13 was enacted to allow for use of all county roads designated for OHV use; and

WHEREAS, the Board of County Commissioners finds and determines that it would be in the public interest to adopt this ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LAKE COUNTY, COLORADO:

Section 1 Designation of Roads: All Lake County roads, except those which are part of the State highway system, are designated as multi-purpose roads for the appropriate use of all means of conveyance including, but not limited to: foot travel, horseback, bicycle, motorcycle, all-terrain vehicle, snowmobile, car or automobile, truck and other motor vehicles, subject to all of the following:

1. All operation of such conveyances on county roads shall be conducted in a safe manner and in compliance with all relevant federal, state and local laws, rules, regulations and orders.
2. All motorized vehicles shall be operated only by licensed operators, 16 years of age and older, unless C.R.S. 33-14-109 is applicable.
3. All motorized vehicles shall be covered by liability insurance for the minimum amounts specified by Colorado law and as required by C.R.S. 42-4-1409.
4. All operations of motorized OHVs are restricted to single-file travel on the right hand side of the improved surface of any county road.
5. All motorized vehicles shall be properly licensed and registered as required by the applicable Colorado laws, rules, regulations and orders.
6. All multi-use travel must adhere to posted signs, speed limits and use of hand signals if vehicle is not equipped with appropriate turn signals.
7. All use of county roads by motorized OHVs is from point A (Starting point) to point B (recreation destination within Lake County), only to access recreation.
8. Use of County roads by OHVs will be allowed during daytime hours, unless such vehicles are equipped with a headlight and tail light.

Section 2 Definitions:



Off highway Vehicle (OHV): An OHV is defined as any self-propelled vehicle which is designated to travel on wheels or tracks in contact with the ground, which is designated primarily for use off of public highways, and which is generally and commonly used to transport persons for recreational purposes.

Snowmobile: Snowmobile is defined as a self-propelled vehicle primary designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats.

Section 3 Applicability: This Ordinance shall apply to all unincorporated areas of Lake County, Colorado.

Section 4 Effect of Ordinance: Any person arrested for violation of this ordinance in the unincorporated areas of Lake County may be prosecuted before the Lake County Court pursuant to the stipulations set forth in Sections 5 and 6 of this Ordinance.

Section 5 Fine: For a first offense there will be a fine of \$100 imposed on any person or persons who violates any provisions of Section 1 of this Ordinance. For a second offense there will be a fine of \$500 imposed on any person or persons who violates any provisions of Section 1 of this Ordinance. For a third offense there will be a fine of \$1000 imposed on any person or persons who violates any provisions of Section 1 of this ordinance.

Section 6 Enforcement: Prosecution: Any person(s) who violates this ordinance may be subject to prosecution before the Lake County Court.

Citations: Law enforcement officers may issue citations to any person(s) suspected of having violated this Ordinance. In instances where a violation has been witnessed and reported, a law enforcement officer is authorized to issue a citation to the violator.

Citations shall include the following information:

- (1) the offense for which the person is being cited, per this Ordinance;
- (2) the specific location of the violation;
- (3) the date(s) and time(s) of the suspected offense(s) (if witnessed), or
- (4) the date discovered by the law enforcement officer



(5) the date, time, and location where the cited person is to appear before the Lake County Court; and

(6) the name and legible signature of the officer issuing the citation.

Section 7 Liability: The adoption of the Ordinance codified in this document shall not create any duty to any person, firm, corporation, or any other entity with regard to enforcement or non-enforcement of this ordinance. No person, firm, corporation, or other entity shall have any civil liability remedy against the Lake County Board of County Commissioners or Lake County Sheriff, their officers or agents for any damage(s) arising out of, or in any way connected with the adoption, enforcement or non-enforcement of this Ordinance. Nothing in this Ordinance shall be construed to create any liability or to wave any of the immunities, defenses, limitations on liability, or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S. or to wave any immunities, of defenses or limitations on an liability otherwise available to each entity, agency, governmental body, it's officers, employees and agents.

Section 8 Safety: The Lake County Board of County Commissioners has determined that adoption of this Ordinance is in the best interest, safety and welfare of the citizens of and visitors to Lake County.

Section 9 Severability: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Lake County Board of County Commissioners hereby declares that it would have passed this ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 10: Recording: That the Lake County Clerk is hereby ordered that this Ordinance is to be INTRODUCED, READ and PUBLISHED in full this 17th day of September, 2012.

This Ordinance was published in full in the Herald Democrat, a general circulation newspaper published in Lake County on September 20, 2012.

This Ordinance was ADOPTED, APPROVED, and ORDERED PUBLISHED by TITLE THIS 15th day of October, 2012.

BOARD OF COUNTY COMMISSIONERS



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Patricia Berger
Lake County Recorder



OF LAKE COUNTY COLORADO

Carl F. Schaefer
Carl F. Schaefer, Chair

Michael J. Bordogna
Michael J. Bordogna, Commissioner

Dolores M. Semsack
Dolores M. Semsack, Commissioner

CLERKS CERTIFICATE

I, Patricia A. Berger, Clerk and Recorder of Lake County, Colorado, do hereby attest and certify that the Ordinance set forth was introduced, read and ordered published at a regular meeting of the Lake County Board of County Commissioners on the 17th day of September, 2012. The Ordinance was adopted, approved and ordered published by title only at a regular meeting of the Lake County Board of County Commissioners held on the 15th day of October 2012. The publication set forth above, which appeared in The Herald Democrat, a general circulation newspaper published in Lake County, is true and correct and the proof of publication is on file in my office.

By *Patricia A. Berger*
Patricia A. Berger
Clerk and Recorder,
Lake County, Colorado;
ex-officio Clerk of said Board

CERTIFICATION

I, Patricia A. Berger, Clerk and Recorder, of Lake County, Colorado; do hereby attest and certify that: (i) the forgoing ORDINANCE NO. 12-02, " AN ORDINANCE APPROVING ALL COUNTY ROADS DESIGNATED FOR MULTI-PURPOSE USE", is a true, correct, and complete copy from the records in my office; (ii) said Ordinance was duly adopted by the Board of County Commissioners of the County of Lake; (iii) said Ordinance is in full force and effect; (iv) and may be inspected during regular business hours.



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Patricia Berger
Lake County Recorder

By *Patricia A. Berger*
Patricia A. Berger
Clerk and Recorder,
Lake County, Colorado;
ex-officio Clerk of said Board