

TOWN OF EMPIRE
Clear Creek County, Colorado
Ordinance No. 231

AN AMENDMENT TO ORDINANCE 231 OF THE BOARD OF TRUSTEES FOR THE TOWN OF EMPIRE, COLORADO REGULATING OFF-HIGHWAY VEHICLES.

WHEREAS, pursuant to C.R.S. § 33-14.5-110, the Town of Empire, Colorado, acting by its governing body, may regulate the operation of off-highway vehicles on public lands, waters, and property under its jurisdiction and on streets and highways within its boundaries; and

WHEREAS, pursuant to C.R.S. § 33-14.5-108, no off-highway vehicle may be operated on the public streets, roads, or highways of this state except, as applicable to the Town for the purpose of this Ordinance, when the Town has authorized the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on Town streets or roads; and

WHEREAS, the Town acknowledges that no street or road which is part of the state highway system may be so designated; and

WHEREAS, in February of 2011 the Town passed an ordinance allowing the use of off-highway within Town limits, and

WHEREAS, the Town has received numerous complaints about the use of off-highway vehicles within Town limits, and

WHEREAS, the Town of Empire wishes to amend Ordinance 231 to address the issues created by the ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EMPIRE, STATE OF COLORADO:

Section 1. Designation of Off-Highway Vehicle Routes. All municipal rights-of-way shall be designated as off-highway vehicle routes, except as excluded by this ordinance.

Section 2. Definitions. As used in this Ordinance, unless the context otherwise requires, the following definitions apply:

(1) "Off-highway vehicle" as defined by the Colorado Revised Statute Title 42. Vehicles and Traffic § 42-6-102, 11.5 (a) and any amendments thereto.

(2) "Off-highway vehicle route" means any road, trail, or way owned or managed by the state or any agency or political subdivision thereof or the United States for off-highway vehicle travel.

(3) "Owner" means any person, other than a lienholder, having a property interest in an

off-highway vehicle and entitled to the use and possession thereof.

Section 3. Compliance with Regulations. Any person operating an off-highway vehicle within the Town of Empire must comply with all rules and regulations adopted by the Colorado Parks and Outdoor Recreation Board pursuant to Article 14.5 of Title 33, C.R.S. and codified in 2 C.C.R. 405-1, Chap. 5, specifically but not limited to:

- (1) Rule #500 – Registration
- (2) Rule #501 – Display of Validation Decals
- (3) Rule #503 – Safety Equipment
- (4) Rule #504 – Operation of Off-Highway Vehicles

Section 4. Additional Rules for Operation of Off-Highway Vehicles. In addition to the regulations addressed in section 3 above and all other applicable local, state and federal laws, any person operating an off-highway vehicle in the Town of Empire must adhere to the rules below. In the event there is a conflict between the rules below and the Colorado Parks and Outdoor Recreation Board’s regulations, the rules below control.

- (1) All Off-highway vehicle operators must obtain a permit from the Town of Empire, each vehicle must have a separate permit.
 - a) Applicants must sign an affidavit agreeing to the rules.
 - b) Permits will be accompanied by a sticker, which must be displayed in a visible location on each OHV
 - c) Permits will be valid for one calendar year and the Town Board will determine fees by resolution at a regularly scheduled meeting.
- (2) All riders of an off-highway vehicle, under the age of sixteen, must wear Department of Transportation approved helmets.
- (3) All operators must adhere to the off-highway vehicle speed limit of 10 miles per hour within the Town of Empire.
- (4) The use of off-highway vehicles in the Town of Empire on the rights-of-way is prohibited between 9:00pm and 7:00am.
 - (5) Operators must have a valid driver’s license.
 - (6) Vehicle owners must have liability insurance coverage.
 - (7) Vehicles may only carry the number of people the machine is designed for.
 - (8) OHV’s are **NOT** permitted on North Main or South Main (also known as South Bard Creek Road), except when crossing perpendicular to the road.

(9) OHV's may only cross US 40 at intersections and not at the intersection of North Main or South Main (also known as South Bard Creek Road).

(10) OHV's are **NOT** permitted on county roads outside of town limits.

(11) All OHV's operated in accordance with this ordinance shall be used solely for the purpose of normal transportation having a specific destination using the most direct route.

Section 5. Penalties

(1). Violation of this ordinance shall be a non-criminalized traffic infraction and is punishable by a \$25.00 fine for the 1st offense, \$75.00 fine for the second offense, and \$125.00 fine for subsequent offenses, within a one-year period. Surcharges established by the model traffic code will also apply.

(2) Three infractions in one year will result in the revocation of the permit.

a) Persons with revoked permit will not be eligible for a new permit for one year.

(3) Fourth and subsequent violations will result in a summons into municipal court.

INTRODUCED, READ AND PASSED ON FIRST READING at a Regular Meeting of the Board of Trustees of the Town of Empire, Colorado, held on the 21st day of July, 2020

PUBLIC HEARING held on the ___ day of _____, 2020.

PASSED, ADOPTED AND APPROVED, on second reading and following public hearing, by the Board of Trustees of the Town of Empire, Colorado, on the _____ day of _____, 2020.

Mayor

ATTESTED AND CERTIFIED:

APPROVED AS TO FORM:

Town Clerk

Town Attorney