

**PROCEEDINGS OF THE BOARD OF COUNTY  
COMMISSIONERS**

**COUNTY OF LAKE AND STATE OF COLORADO**

**ORDINANCE NO. 23- 01**

**AN ORDINANCE ADDRESSING MULTI-PURPOSE USE ON  
COUNTY ROADS**

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 federal, state and local 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 the Lake County Land Development Code requires commercial outfitters and guides to hold a conditional use permit to operate on zoned parcels located within unincorporated Lake County; and

WHEREAS the City of Leadville Municipal Code requires commercial outfitters and guides to hold a business license on properties located within city limits; and

WHEREAS Lake County is seeing an increase in both public and commercial OHV (Off Highway Vehicles) use on county roads; and

WHEREAS, pursuant to a coordinated effort between the Lake County Departments of Community Planning & Development, Public Works, the Sheriff's Office, Tourism, and the Board of County Commissioners, elected officials and staff have worked in conjunction with the City of Leadville to identify general concerns and impact of the increased utilization of county roads by OHV users; and

WHEREAS the Lake County Special Use Permit can be used to regulate commercial use of OHVs on county roads, and the Permit and application process has been developed in coordination with the City of Leadville and in response to stakeholder input; and

WHEREAS the Board of County Commissioners wants to create a balanced commercial and public recreational use of county roads to preserve and maintain roadways and the safety, welfare and health of the community.

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

### 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 public highways, and which is generally and commonly used to transport persons for recreational purposes. OHV for this Ordinance does not include snow cats or groomers.

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

For purposes of this Ordinance all standards associated with OHV shall also apply to snowmobiles.

### Section 1: Designation of Roads – Public Use:

Lake County roads, except those that 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 the following:

1. All operation of such conveyances on county roads shall be conducted in a safe manner and in compliance with all applicable 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, except as otherwise allowed under C.R.S. 33-14-109.
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 applicable Colorado laws, rules, regulations, and orders.
6. All OHV use and travel must adhere to applicable traffic laws, including without limitation posted signs, speed limits and use of hand signals if the OHV is not equipped with operational turn signals.
7. All use of county roads by motorized OHV must be limited to direct travel from Point A (starting point) to Point B. The allowed purpose of travel shall not include access for shopping at retail stores, the post office, or OHV-restricted areas, and in general shall not be used for primary transportation.
9. Use of country roads by OHVs will be allowed only during daylight hours unless such vehicles are equipped with a functional headlight and taillight.
10. Users shall be considerate of the natural environment in Lake County, particularly regarding the fact alpine tundra is fragile and valued and shall comply with all posted notices for preservation of such areas. Exceptional care and management of these areas are provided by County stakeholders and land managers such as the Bureau of Land Management (BLM) and U.S. Forest Service (USFS). Violation of any applicable laws or regulations pertaining to such areas may be subject to additional penalties and/or law enforcement action
11. Users shall comply with all notices and directives posted by the Lake County Road and Bridge Department, which is designated as the road supervisor for determining safe conditions for OHV access and use. Users shall conduct no plowing, grooming, grading, moving of snow berms, or use of any blade or earth moving attachment, without a written agreement with the County.

## Section 2: Designation of Roads – Commercial Use:

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 the following:

1. Adherence to the same rules and regulations for public use listed above, with the exception of #8, as commercial routes are approved through permitting.

2. Proper permitting and a physical base of operation in either:
  - a. Unincorporated Lake County held through a conditional use permit in good standing; or
  - b. The City of Leadville with a business license in good standing.
3. An approved Lake County Special Use Permit specifying permitted routes, with additional requirements as needed on operational parameters including but not limited to number of units in a group, speed, frequency per day, size of vehicles, and/ or user days a month.
5. As determined by and regulated through a conditional use permit and/or special use permit, commercial use shall be responsible for contributing to an equitable share of the winter roadway maintenance associated with their operation.
6. Commercial operators shall not perform county road maintenance without written approval from Lake County Public Works.

Section 3: Applicability. This Ordinance shall apply to all county roads 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 provisions set forth in Sections 5 and 6 of this Ordinance. The adoption of this Ordinance shall by virtue rescind Lake County Ordinance 12-02 and Lake County Resolution 10-13.

Section 5: Penalties: For a first offense there will be a minimum fine of \$100.00 imposed on any person or persons who violates any provisions of Section 1 of this Ordinance. For a second offense there will be a minimum fine of \$500.00 imposed on any person or persons who violates any provisions of Section 1 of this Ordinance. For a third offense there will be a minimum fine of \$1000.00 imposed on any person or persons who violates any provisions of Section 1 of this ordinance. Such fines shall be assessed per user to include both guides and customers for commercial operators. 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:

- a. the offense for which the person is being cited, per this Ordinance;
- b. the specific location of the violation;
- c. the date(s) and time(s) of the suspected offense(s) (if witnessed), or
- d. the date discovered by the law enforcement- officer;

1. the date, time, and location where the cited person is to appear before the Lake County Court; and
2. 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 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 waive 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 waive any immunities, of defenses or limitations on a liability otherwise available to each entity, agency, governmental body, its 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 \_\_\_\_\_ day of \_\_\_\_\_, 2023\_\_.

This Ordinance was published in full in the Herald Democrat, a general circulation newspaper published in Lake County on \_\_\_\_\_ .2023

This Ordinance was ADOPTED, APPROVED, and ORDERED  
PUBLISHED by TITLE THIS \_\_\_\_\_ day of , 2023 .

LAKE COUNTY BOARD OF COUNTY COMMISSIONERS

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Sarah Mudge, Chair

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Kayla Marcella

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Jeff Fiedler