

RESOLUTION NO. 2011 - 43

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO AUTHORIZING THE USE OF UNLICENSED OFF HIGHWAY VEHICLES AND SNOWMOBILES ON DESIGNATED RIO BLANCO COUNTY ROADS**

**WHEREAS**, a committee has been formed in Rio Blanco County dedicated to “stimulate economic development and increase tourism by providing increased recreational opportunities through unique, satisfying and sustainable off-highway vehicle (OHV) experiences in Rio Blanco County and Northwest Colorado; and

**WHEREAS**, the Board of County Commissioners of Rio Blanco County, Colorado (BOCC) has determined that the use of OHV and snowmobiles within the unincorporated areas of Rio Blanco County on designated Rio Blanco County Roads (County Roads) subject to the conditions established herein for the protection of the public health, safety and welfare of the motoring public, is consistent with allowing multiple use of County Road for recreational and other purposes; and

**WHEREAS**, Rio Blanco County has been granted regulatory authority over the operation of OHV and snowmobiles on public lands, waters, property, streets and highways within its boundaries by Sections 33-114.5-110(1), 33-14-118 and 30-15-401(1)(b), C.R.S.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Rio Blanco County, Colorado as follows:

1. The following definitions apply in this Resolution:
  - a. off-highway vehicle (OHV) is hereby defined as any self propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. OHV does not include the following:
    - I. Vehicles designed and used primarily for travel on, over, or in the water
    - ii. Snow mobiles
    - iii. Military vehicles
    - iv. golf carts
    - v. vehicles designed in use to carry disabled persons
    - vi. vehicles designed and used specifically for agricultural, logging or mining purposes, or
    - vii. vehicles registered pursuant to Article 3 of Title 42, C.R.S.
  - b. County Road - Any road that is part of the Rio Blanco County road system.
  - c. Snowmobile - A self propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats. “Snowmobile” does not include machinery used strictly for the grooming of snow mobile trails or ski slopes.

2. This resolution shall apply to all unincorporated areas of Rio Blanco County, Colorado.

3. Subject to the regulations and restriction hereinafter set forth, Rio Blanco County hereby authorizes and allows OHVs and snowmobiles to operate on County Roads specifically designated for such traffic by appropriate signage placed on such County Roads by the Rio Blanco County Road & Bridge Department.

4. The following rules and regulations shall apply to the operation of OHV and snowmobiles in Rio Blanco County:

a. Any person operating an OHV or snowmobile in the unincorporated areas of Rio Blanco County shall comply with all rules and regulations applicable to such vehicles adopted by the State of Colorado and or the Federal Government, including but not limited to Article 14.5 of Title 33, C.R.S. as to OHV and Article 14 of Title 33, C.R.S. as to snowmobiles.

b. Any person age 16 or older operating an OHV and snowmobiles in Rio Blanco County must have in their possession a valid, current driver's license issued by the State of Colorado, or any other State or be a person over the age of 10 and operating under the supervision of a person with a valid current driver's license.

c. Persons under the age of 10 shall not operate OHVs or snowmobiles on any County Roads.

d. When operated on any County Road designated for OHV use, OHVs shall be considered to be "motor vehicles" as defined by the Colorado Motor Vehicle Financial Responsibility Law, Title 42 Article 7, C.R.S. and the operator shall be required to maintain at least the minimum liability insurance coverage required by such law.

e. On posted County Roads OHVs shall not exceed 35 miles per hour or the posted speed limit, whichever is less. On un-posted County Roads OHVs shall not exceed 25 miles per hour.

f. Operation of OHV in Rio Blanco County subject to the Rio Blanco County Model Traffic Code as amended.

g. All OHV and snowmobiles operating in Rio Blanco County must have a current Colorado Parks and Wildlife sticker.

5. Every parks and recreation officer, every peace officer of the State of Colorado and Rio Blanco County, every Federal enforcement officer and every person commissioned by the Division of Wildlife shall have the authority to enforce the provisions of this Resolution.

6. The following penalties shall apply to violations:

a. Violations of State or Federal law may be cited as provided in such laws. Violations of the Rio Blanco County Model Traffic Code may be cited according to the enforcement provisions contained in said Code. A violation of this Resolution not covered by State or Federal Law or the Rio Blanco County Model Traffic Code shall be a Class 2 petty offense and upon conviction shall be punishable as follows:

i. For the first violation, a fine of not less than \$50.00 and not more than \$150.00.

ii. For a second offense by the same person within a period of one year, a fine of not less than \$150.00 and not more than \$500.00.

iii. For a third or any subsequent offense by the same person within a period of one year, a fine of not less than \$500.00 and not more than \$1,000.00 and possible loss of right to operate OHVs and snowmobiles on Rio Blanco County Roads.

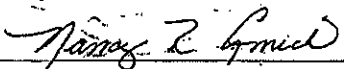
b. Violations of this Resolution may be enforced through the penalty assessment procedure pursuant to Section 16-2-201 C.R.S. as amended, requiring the violator to appear at the place, time and date specified therein or in lieu thereof to pay the specified minimum fine in person or by mail at the place and within the time specified in the penalty assessment notice.


7. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners of Rio Blanco County, Colorado, declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

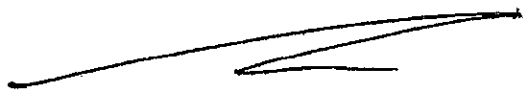
DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0 AGAINST, THIS 12th DAY OF December, 2011.

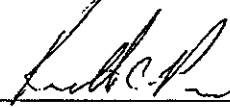
**BOARD OF COUNTY COMMISSIONERS OF  
RIO BLANCO COUNTY, COLORADO**

ATTEST:

  
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Nancy R. Amick, Clerk & Recorder

  
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Kai M. Turner, Chairman

  
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Shawn J. Bolton, Commissioner

  
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Kenneth C. Parsons, Commissioner