

BOARD OF COUNTY COMMISSIONERS OF
CONEJOS COUNTY, COLORADO

RESOLUTION 2023-44

RESOLUTION ALLOWING AND REGULATING THE USE OF OFF-HIGHWAY
VEHICLES ON PUBLIC ROADS IN UNINCORPORATED CONEJOS COUNTY,
COLORADO

WHEREAS, section 33-14.5-110 of the Colorado Revised Statutes allows the Board of County Commissioners the right to declare which County Roads may be used by Off-Highway Vehicles (hereinafter referred to as "OHVs"); and

WHEREAS, there is a demand by OHV users for Conejos County to allow the use of OHVs on roads within the County; and

WHEREAS, it is the desire of the Board of Commissioners to allow OHV use on Conejos County roads and right-of-ways subject to the rules and regulations in this resolution.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Conejos County, Colorado the following regulations on OHV use on Conejos County Roads:

Section 1. Purpose and Definitions.

1. C.R.S. § 33-14.5-110 allows the Board of County Commissioners to regulate the operation of off-highway vehicles on roads in the unincorporated Conejos County.
2. Off-Highway Vehicle "OHV" shall be defined to mean any self-propelled vehicle that is designed to travel on wheels designed primarily for use off of the public highways, and generally and commonly used to transport persons for recreational purposes and as further defined in C.R.S. § 33-14.5-101. Notwithstanding any definition of "OHV", snowmobiles are not allowed on County roads.
3. Agricultural purposes is defined to mean the use of land for the production of food and fiber, including the growing of crops and/or grazing of animals on natural or improved pastureland, as well as the clearing of vegetation exclusively for the growing of crops and/or grazing of animals.

Section 2. Regulation of OHVs

1. This Resolution does not regulate the use of OHVs for agricultural purposes.
2. All public roads in unincorporated Conejos County subject to the jurisdiction of the Board of County Commissioners of Conejos County shall be open to travel by OHVs and subject to this Resolution. The Board of County Commissioners retains the discretion to close a road to OHV use by posting that no OHV use is allowed on a certain County Road.
3. OHVs are allowed to be on County Roads from sunrise to 1 hour after sunset.

Section 3. Restrictions and Prohibited Acts.

1. Any person operating an OHV shall be in possession of a valid motor vehicle operator's license or must be accompanied by a person in possession of a valid motor vehicle operator's license.
2. Any person operating an OHV must meet the minimum age requirements imposed by the OHV manufacturer.
3. No OHV shall exceed the speed limit of 35 miles per hour.
4. No OHV shall be operated at any time, unless the operator of the OHV is insured to the minimum level required by the State of Colorado for automobiles.
5. Seat belt/restraint use is required if seatbelts are incorporated into the OHV by the OHV manufacturer.
6. Eye protection is required of all OHV operators and passengers, unless the OHV is enclosed or incorporates a windshield.
7. OHVs shall contain no more occupants than for which the OHV was designed and manufactured.

8. Helmets are required for OHV operators and passengers under the age of 16, unless a passenger is properly contained in a child seat or restraint appropriate to the child's age. This child helmet exception is applicable only to OHVs designed and manufactured to support a child seat or restraint.
9. OHVs shall have at least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the division while being operated after sunset.
10. OHVs shall have brakes that are in safe working conditions.
11. All resolutions and regulations pertaining to vehicles or motor vehicles, including without limitation the Model Traffic Code adopted by Ordinance 2021-1, shall be applicable to the operation of OHVs on County roads, except to those which, by their nature, can have no application. In the event of a conflict between such resolutions, ordinances, and regulations and this Resolution, this Resolution shall govern.

Section 4. Penalties.

1. This Resolution shall be enforced by any law enforcement officer or peace officer.
2. It shall be unlawful for any person to knowingly allow, authorize, suffer or permit an OHV owned or belonging to him or her or under his or her possession or authority, to be operated by any person in violation of this Resolution.
3. Subject to subsection 4 of this section, any person who violates any provision of this Resolution shall be guilty of a civil infraction, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation.
4. The penalty assessment procedure provided in § 16-2-201, C.R.S. shall be followed for any violation of this Resolution. The officer may either give the offender a penalty assessment notice and release him or her upon its terms or take him or her before a judge of the Conejos County Court. The choice of procedures shall be based

upon circumstances which reasonably persuade the officer that the alleged offender is likely or unlikely to comply with the terms of the penalty assessment notice, as well as the circumstances that warranted the stop and penalty assessment. The penalty assessment notice shall be a summons and complaint containing (i) identification of the alleged offender by name and address (ii) specification of the offense with which the offender is charged, and (iii) the applicable fine that may be paid to the Conejos County Treasurer in person or by mail within twenty(20) days of the date of issuance of the penalty assessment or else appear to answer the charge before the Conejos County Court on the date of its next regular session. Any person who chooses to acknowledge his or her guilt and is not otherwise required to appear in Conejos County Court may, within twenty (20)days of the date of issuance of the penalty assessment, pay the stated fine to the Conejos County Treasurer, either in person or by mail, based on the following fine schedule:

- a. 1 - 10 miles per hour ("mph") over the speed limit shall warrant a fine of \$50;
- b. 11 - 20 mph over the speed limit shall warrant a fine of \$100;
- c. 21 -30 mph over the speed limit shall warrant a fine of \$200;
- d. operating an OHV without proof of insurance shall warrant a fine of \$150;
- e. operating an OHV without a valid driver's license shall warrant a fine of \$150; and
- f. all other violations not specified hereby shall warrant a fine of \$75.
- g. In the event a penalty assessment is issued for driving 31 mph or more over the speed limit, the offender shall be issued a summons to appear in Conejos County Court and shall be subject to a fine of not less than \$300 and not more than \$1,000, as determined by the County Court judge.

5. Any uncontested payment that is provided to the Conejos County Treasurer shall be accompanied by a copy of the penalty assessment signed by said offender acknowledging his or her guilt. Payment of the fine shall relieve the person receiving the penalty assessment of any further obligation to appear in the Conejos County Court to answer the offense charged in the penalty assessment, unless otherwise provided by this Resolution.
6. In addition to any other fine in which a convicted offender may be required to pay pursuant to this Resolution, the following applies: pursuant to § 18-1.3-603, C.R.S., in the event a violation of this Resolution causes damage to a county road or other county property, the violator shall pay Conejos County restitution to fix the damage caused by the violation, as determined by the County Court judge.

Section 5. Resolution Effective Date.

1. Pursuant to C.R.S. § 30-15-405, this resolution shall take effect and shall be in force beginning on the 30th day after publication of the Notice of Adoption by the Conejos County Board of County Commissioners.

Section 6. Severability.

1. Should any section, subsection, clause, sentence, or phrase of this Resolution be adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair, or invalidate the other provisions of this Resolution which can be given effect without such invalid provision.

INTRODUCED, AND READ on December 7, 2023, and ordered published on the Conejos County's website.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CONEJOS,
COLORADO


Mitchell Jarvies

Mitchell Jarvies,
Chairman, Commissioner

By: *Nathan Ruybal*
Nathan Ruybal, Clerk and Recorder

