

201600426926
Filed for Record in
RIO GRANDE
CINDY HILL, RECORDER
05-26-2016 At 08:15 am.
RR RESOL NC .00
OR Book 581 Page 788 - 793

Instrument Book Page
201600426926 OR 581 788

AMENDED

RESOLUTION No. 2016 -15

Instrument Book Page
201600426745 OR 581 96

201600426745
Filed for Record in
RIO GRANDE
CINDY HILL, RECORDER
05-04-2016 At 01:29 pm.
RESOLU NC .00
OR Book 581 Page 96 - 101

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO GRANDE COUNTY, COLORADO
AUTHORIZING THE LIMITED USE OF UNLICENSED OFF HIGHWAY VEHICLES ON DESIGNATED RIO
GRANDE COUNTY ROADS.**

WHEREAS, Rio Grande County has a diverse geographical area with flat agricultural terrain from approximately two-thirds of the county lands to the east, and the balance being foothills and mountainous terrain on the west side of the county; and

WHEREAS, Rio Grande County is dedicated to “stimulate economic development and increase tourism by providing increased recreational opportunities through unique, satisfying and sustainable off-highway vehicle (OHV) experiences primarily on the west side of Rio Grande County and with the spirit of Title 33, Article 11 (Recreational Trails); and

WHEREAS, the Board of County Commissioners (BOCC) of Rio Grande County, Colorado has determined that the uses of OHV within the unincorporated areas of Rio Grande County on designated Rio Grande 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 certain County Roads for recreational and other purposes; and

WHEREAS, Rio Grande County has been granted regulatory authority over the operation of OHV on public lands, waters, property, streets and highways within its boundaries by 33-14.5-110, C.R.S.; and in conjunction with other local, state agencies by Section 33-11-111; and

WHEREAS, the BOCC had input from OHV users and user groups that there is a need for direct access to OHV trails on public lands from places of domicile on the west side of the County to access public trails as of now, realizing other communities may also want to participate at a later date; and

WHEREAS, the County has held public meetings in which there has been significant public request to allow OHV operation upon designated county roads and right-of-ways primarily on the west side of the county; and

WHEREAS, the underlying purpose of this resolution is to allow individuals to use certain designated county roads and rights-of-ways to travel from a residence or other place of domicile to designated off highway trails in accordance with CRS 35-14.5-108; and

WHEREAS, the County Commissioners will evaluate the effectiveness of this Resolution and may amended it at any time in the future if deemed necessary; and

WHEREAS, the County Commissioners desire to make this Resolution consistent with Colorado State Statutes governing the use and operation of OHVs as may be amended from time to time.

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

1. Definitions for this Resolution:
 - a. For the purpose of this Resolution, an Off-Highway Vehicle (OHV) shall be defined as any self-propelled vehicle which is designed to travel on wheels 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 disable persons
 - vi. Vehicles designed and used specifically for agricultural, logging or mining purposes,
 - b. County Road: Any road that is part of the Rio Grande County road system.
 - c. Operate: to ride in or on, and control the operation of an OHV.
 - d. Operator: every person who operates or is in actual physical control of an OHV.
 - e. Owner: a person, other than lienholder, having title or ownership of an OHV, and entitled to the use or possession thereof.
2. This resolution shall apply to all designated unincorporated areas of Rio Grande County, Colorado.
3. As outlined in C.R.S. 33-14.5-108, there are approved exemptions for OHV use on county roads including using an OHV for agricultural purposes. OHV use for agricultural purposes shall remain exempt from this resolution.
4. Subject to the regulations and restriction hereinafter set forth, Rio Grande County hereby authorizes and allows OHVs to operate on County Roads specifically approved and designated for such traffic by appropriate signage placed on such County Roads.
 - a. Not all County Roads are approved for OHV use at this time. A list of the county roads or parts of a county roadway designated by Rio Grande County for OHV use is on file for public review with the Rio Grande County Clerk and Recorder Office and the Rio Grande County Road and Bridge Department. This Resolution may be modified by the BOCC from time to time to add or remove approved roadways.
5. The following rules and regulations shall apply to the operation of OHV in Rio Grande County:

- a. Any person operating an OHV in the unincorporated areas of Rio Grande 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.
- b. 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.

Every person operating an off-highway vehicle shall have on their person and be able to show proof of liability insurance for the off-highway vehicle being operated.

- c. On County Roads designated for OHV use, speed shall not exceed 25 miles per hour or the posted speed limit, whichever is less.
- d. Every person operating an off-highway vehicle shall do so in compliance with the provisions of Article 14.5 of Title 33, C.R.S. and all other applicable laws of the State of Colorado and the Model Traffic Code for Rio Grande County, Colorado, as amended.
- e. The primary purpose shall be to access OHV trails on public lands in the area.
- f. There shall be no more than the approved number of occupants per vehicle design.
- g. OHV use should primarily be used during day light hours. Operators should use common sense and operate these vehicles in safe manner. Night use should be limited for safety and reduction of noise issues. Every person operating an off-highway vehicle shall do so in compliance with the provisions of Article 4 of Title 42, CRS 42-4-204.

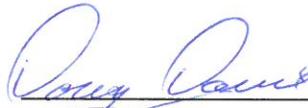
6. Permitting/Licensing

- a. All OHVs operating in Rio Grande County must have a current Colorado Parks and Wildlife sticker unless exempt under section 33-14.5-102 C.R.S.
- b. OHV operators on county designated roads must be 16 years of age or older and must have in their possession a valid, current driver's license issued by the State of Colorado, or any other State.
- c. Anyone with a revoked, suspended, or expired driver's license shall not be allowed to use OHV's as alternate means of transportation.

7. Every parks and recreation officer, every peace officer of the State of Colorado and Rio Grande County, every Federal enforcement officer and every person commissioned by the Division of Colorado Parks and Wildlife shall have the authority to enforce the provisions of this Resolution.
8. Any person who violates this OHV resolution and or State Statues shall be subject to penalties as prescribed in CRS 33-14.5-108 and CRS Section 16-2-201 as amended
9. Limitation of liability.
To the maximum extent permitted by law, nothing in this Resolution shall be construed as an assumption of any duty of care by the County with respect to, or the assumption of any liability by the County for, any injuries to persons or property which may result from the operation of an off-highway vehicle on the roads, roadways in the unincorporated areas of the County.

This Resolution duly moved, seconded, and passed this 27 day of April, 2016.

Board of County Commissioners



Doug Davie, Chairman



Pam Bricker



Karla L. Shriver

Attested:



Clerk & Recorder

Attachment A

County Roads Approved As of April 27, 2016.

County roads west of County Road 18 including County Road 18.

The suggested route to access Forest Trail 616 behind Alpine Village from County Road 15 is as follows:

- a. Turn north on Arapaho. Go north until Elk Ridge Trail; turn east on to Elk Ridge Trail going east until arrive at trail access.
- b. Turn on to Hubbards Trail heading west until Kit Carson ; turn north on Kit Carson until hit Elk Ridge Trail; turn left onto Elk Ridge Trail and go west until arrive at trail access.

