

**CITY OF CREEDE, COLORADO
ORDINANCE NO. 397**

AN ORDINANCE OF THE CITY OF CREEDE, COLORADO,
REPEALING RESOLUTION 2014-04 AND ADDING ARTICLE 3 TO
CHAPTER 8 OF THE CREEDE MUNICIPAL CODE REGULATING THE
OPERATION OF OFF-HIGHWAY VEHICLES (OHVs) WITHIN THE
TOWN OF CREEDE.

WHEREAS, a majority of participating registered voters of the City of Creede approved a ballot question in April 2016 to allow the of OHVs (As Defined In Colorado Revised Statute § 33-14.5-101) on a designated route within the City subject to such rules and regulations as may be adopted by ordinance;

WHEREAS, the Board of Trustees of the City of Creede desires to implement the vote of the registered voters of the City;

WHEREAS, the Board of Trustees of the City of Creede finds that the adoption of OHV Regulations will promote the health, safety and general welfare of the Creed community.

NOW THEREFORE, be it ordained by the Board of Trustees of the City of Creede, Colorado, as follows:

Section 1: Resolution 2014-04 DECLARING POLICIES FOR ATV/OHV PRIVATE EVENTS, which prohibited the use and operation of off-highway vehicles on the streets, highways, alleyways, and other public thoroughfares of the City of Creede except through using the Private Event Permit process, is hereby repealed.

Section 2: The Creede Municipal Code is hereby amended to enact Article 3 of Chapter 8, entitled "OHV Regulations," to read as follows:

**Article 3
OHV Regulations**

8-3-10 Off-Highway Vehicles.

- a) As used in this Section, "off-highway vehicle" shall have the meaning given in Colorado Revised Statute § 33-14.5-101, as amended from time to time.

- b) As used in this Section, “public road” means and shall include any road, street, alley, avenue, thoroughfare, public way, or other public property within the City of Creede.
- c) It shall be lawful to operate off-highway vehicles on the following public roads within the City of Creede: Loma Avenue in its entirety, Third Street in its entirety, and La Garita Street from Third Street to Seventh Street.
- d) It shall be unlawful to operate off-highway vehicles on public roads that are part of the state highway system as well as roads that are not designated in section c) of this Article 3.
- e) It shall be lawful to operate off-highway vehicles on certain public roads as designated in section c) of this Article 3 within the City of Creede, provided that:
 - 1) The operator of the off-highway vehicle has in his or her possession a valid motor vehicle driver's license or operator's license.
 - 2) The operator of the off-highway vehicle shall have in full force and effect a complying policy of insurance under the terms of Part 6, Article 4, Title 10, of the Colorado Revised Statutes, covering such off-highway vehicle.
- f) It shall be unlawful for any person to operate an off-highway vehicle on any public road in violation of the regulations of Title 42 of the Colorado Revised Statutes pertaining to the movement of traffic on roadways within the City of Creede
- g) It shall be unlawful for any person to operate an off-highway vehicle on any public road at a speed greater than fifteen miles per hour (15 m.p.h.).
- h) It shall be unlawful for any person to allow, authorize, suffer or permit an off highway-vehicle owned or belonging to him or her, or that is under his or her control, to be operated by any other person in violation of this Section.
- i) Any person convicted of a violation of this Section shall be subject to a fine not to exceed \$300.00, for each separate violation.

- j) This Section shall be enforced by any law enforcement or peace officer, including the Mineral County Sheriff or a person designated by the Sheriff or Creede City Manager as an Off-Highway Vehicle Enforcement Officer.
- k) Any fines collected by the City of Creede for violations of this Section shall be deposited to the General Fund.

Section 3. Codification Amendments. The codifier of the City's Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Creede Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 4. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 5. Effective Date. This Ordinance shall take effect on the thirty-first (31) day after publication of notice of adoption.

Section 6. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City of Creede, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 7. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 8. Publication. The Town Clerk is ordered to publish this Ordinance in a newspaper of general circulation in the City of Creede.

INTRODUCED AND ADOPTED by the Board of Trustees of the City of Creede, Colorado, on May 3, 2016.

CITY OF CREEDE, COLORADO



Jeffrey Larson, Mayor

ATTEST:



Randi Snead, City Clerk