

Town of Silverton



Post Office Box 250 Silverton, Colorado 81433-0250

TELEPHONE (970) 387-5522 FAX (970) 387-5583

TOWN OF SILVERTON, COLORADO

ORDINANCE NO. 2011-04 ALLOWING THE USE OF OFF-HIGHWAY VEHICLES ON CERTAIN TOWN STREETS AND RIGHT OF WAYS

WHEREAS, Colorado Revised Statutes § 29-20-102 confers upon the Town of Silverton ("Town") and the Town Board of Trustees as its governing body, broad authority to plan for and regulate the use of land within its jurisdiction; and

WHEREAS, C.R.S. § 33-14.5-108 generally prohibits the operation of off-highway vehicles ("OHVs") from operating on municipal streets and roads but subsection (1)(a) allows for an exception in such cases where the municipal government has designated such streets or roads as "open;" and

WHEREAS, pursuant to its passage of Town of Silverton Ordinances 2011-01 and 2011-02, the Board recognized the general prohibition against the use of OHVs on public streets and right-of-ways but exercised its authority under C.R.S. § 33-14.5-108(1)(a) to allow such uses in specific areas for a terminable period of time to establish an exploratory "pilot program;" and

WHEREAS, the Town Board appointed a review committee to survey the successes and/or failures of the pilot program, which was meant to facilitate the operation of a private OHV "staging area" in the summer of 2011 so as to promote the flow of visiting OHV users into the downtown area; and

WHEREAS, the Board has received recommendations from this review committee and is now desirous of allowing a more permanent means of OHV ingress and egress to a privately held parcel of land within the Town limits that might serve as the private staging area as that term is defined via C.R.S. § 33-14.5-101(7), but to the extent that such parcel straddles platted yet unimproved portions of certain Town streets and alleys;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF SILVERTON, COLORADO that Ordinances 2011-01 and 2011-02 are hereby abolished in their entirety and the Town Code of the Town of Silverton is hereby amended such that Article 2, Chapter 13, shall read as follows:

Off-Highway Vehicles

13-2-1 Use of Off-Highway Vehicles on Municipal Roads and Right-of-Ways Prohibited

Pursuant to Colorado Revised Statutes § 33-14.5-108, it is generally unlawful to operate off-highway-vehicles ("OHVs") on Town streets, roads, alleys and other public right-of-ways. Upon such authority, the Town of Silverton hereby declares it a municipal offense to ride, operate or cause to ride or operate an OHV on the Town streets or right-of-ways as such vehicles are defined by C.R.S. § 33-14.5-101(C). Any individual found to have violated this

provision shall be subject to penalty pursuant to the terms of Section 13-2-2 of this Article 2.

13-2-2 Penalties for Violations and Penalty Assessment

Any person found to have operated an OHV in violation of Section 13-2-1 of this Article 2 shall be issued a penalty assessment citation or a summons. The issuance of a summons shall carry with it a mandatory court appearance, which appearance date shall be indicated thereupon. Violators issued a penalty assessment shall be assessed a fine in the amount of \$75.00, payable to the Clerk of the Municipal Court and will be given the option to remit such amount to the Court within 20 days of the date of issuance of the citation. If such payment is not received within 20 days of the date of the citation, the citation becomes a summons to municipal court, whereby the violator shall be required to appear in Court on the summons date indicated on the citation. Should the defendant fail to appear on such date, the Court shall issue a bench warrant naming the defendant for his/her failure to appear. Should the defendant appear on such date and be found guilty on the offence, the Municipal Court shall fine the violator not more than \$75.00, and may impose whatever such reasonable court costs as the Town has established.

13-2-3

Pursuant to C.R.S. § 33-14.5-108(1)(a) allowing for municipal government exemptions to the general prohibitions against the operation of OHVs on town and city streets and right-of-ways, subject to reasonable regulation as the Town may from time to time adopt by administrative function, and notwithstanding the provisions of Section 13-2-2 of this Chapter, the operation of OHVs shall be lawful on the following Town streets and right-of-ways and the same shall not be considered to be in violation of the provisions of 13-2-1 of this Town Code:

The portion of the following public right-of-ways, described as follows:

In Exhibit A

- 21st Street to the southeast Silverton Town boundary
- Hazelton Street from 21st Street to the northeast Silverton Town boundary
- Alley from 21st Street between Kendall Street and Hazelton Street to the northeast Town boundary
- Alley from 21st Street between Hazelton Street and the southwest Town boundary

In Exhibit B

- The entire portion of County Road 110A - a thoroughfare commonly referred to as "the Truck Bypass Road" - that traverses lands within the municipal boundaries of the Town

13-2-4 Supremacy of State Law

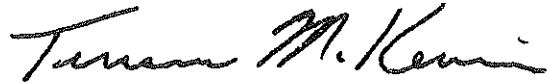
The Town recognizes that the State of Colorado mandates that operators of all motor vehicles on state roads and highways and upon the roads and highways of subdivisions thereof, including the Town of Silverton, comply with certain provisions relating to the lawful operation of all motor vehicles on public streets in accordance with the Colorado

Uniform Safety Code of 1935, C.R.S. § 42-4-101 et seq. As such, in no way through the provisions of this Article 2 does the Town attempt to preempt relevant provisions of state law including, but not limited to, such laws dictating that operators of all vehicles on public streets maintain minimum insurance coverage and at all times possess and carry a valid driver's license.

Passed and adopted this 10th day of October, 2011.



Brian Carlson, Clerk-Treasurer



Terrence M. Kerwin, Mayor

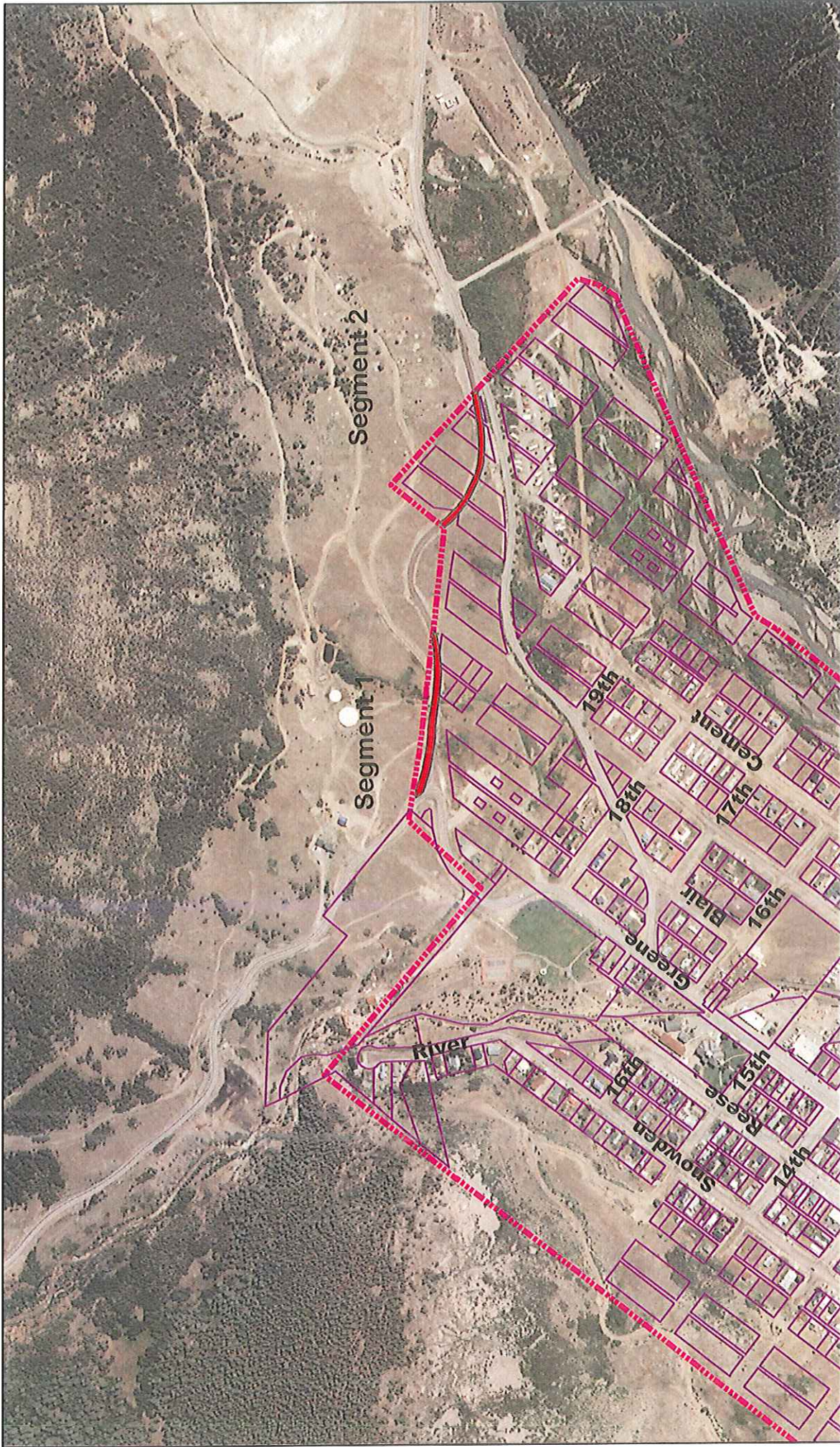


Exhibit B
OHV Use of Country Road 110A



Prepared by the Town of Silverton Planning/GIS, 2010.

