

Town of Silverton



Post Office Box 250 Silverton, Colorado 81433-0250

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

TOWN OF SILVERTON, COLORADO

EMERGENCY ORDINANCE NO. 2011-02

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 Ordinance 2007-01, the Board recognized the general prohibition against the use of OHVs on public streets and right-of-ways but reserved its authority under C.R.S. § 33-14.5-108(1)(a) to allow such uses at a later time; and

WHEREAS, the Town is now desirous of allowing a means of OHV ingress and egress to a privately held parcel of land within the Town limits that will serve as an OHV "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;

Whereas, The Silverton Board of Trustees has the authority, THE PROVISIONS OF TITLE 37, ARTICLE 45.1, COLORADO REVISED STATUTES to enact emergency ordinances for the preservation of the public peace, safety, or welfare upon the majority vote of the members of the Board of Trustees present at the meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF SILVERTON, COLORADO that Ordinance 2007-02 is hereby abolished in its entirety and the Town Code of the Town of Silverton is hereby amended to include a new Article 2 within Chapter 13, which article 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, as shown on Exhibit A and described as follows:

The entire portion of County Road 110A that traverses lands within the Municipal Boundaries of the Town of Silverton, shown on Exhibit A as Segment 1 and Segment 2.

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.

13-2-5

Sunset Provision

The exemptions established by Section 13-2-2 of this Chapter shall remain in full force and effect from the effective date of this Ordinance 2011-02 until one year from such date. At such time, all established exemptions shall expire and any so-exempted streets and alleys shall again become subject to the general prohibitions against OHV use on public streets and right-of-ways. The exemptions established by 13-2-2 are not meant to create a personal property interest to the benefit of any party or entity making use of such exemptions.

Passed and adopted this 27th day of June, 2011.



Brian Carlson, Clerk-Treasurer



Terrence M. Kerwin, Mayor



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



Exhibit A OHV Use of Country Road 110A