

STATE OF COLORADO)
) ss RESOLUTION NO. 2015-0 34
COUNTY OF ROUTT)

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ROUTT COUNTY, COLORADO AUTHORIZING THE USE OF OFF-HIGHWAY VEHICLES ON CERTAIN DESIGNATED COUNTY ROADS

WHEREAS, the Routt County Board of County Commissioners (“Board”) has determined that the use of Off-Highway Vehicles (OHVs) on certain road segments is consistent with allowing multiple use of County Roads for travel and recreation subject to the conditions established herein; and

WHEREAS, the United States Forest Service (USFS) issued a Decision Memo on June 12, 2015 allowing OHV use on National Forest System Road (NFSR) 110, commonly known as Black Mountain Road, from July 1 to October 1 annually. This change improves existing motorized travel by creating loop opportunities from Trail #1144 without building new trails. Approximately six miles of NFSR 110 is in Moffat County and eight miles are in Routt County; and

WHEREAS, the USFS would like to partner with Routt County to create additional loop routes for OHVs by opening Routt County Roads CR 1W, CR 82, and the portion of CR 80 within USFS lands to OHV travel; and

WHEREAS, the local OHV group has requested that the County and the USFS open CR 1W, CR 82, and the portion of CR 80 within USFS lands to OHV travel to create loop opportunities and eliminate the impractical need to shuttle between USFS trail segments; and

WHEREAS, the Multi-Modal Road Users Advisory Board has reviewed the request and supports the proposed resolution; and

WHEREAS, Moffat County has implemented Resolution 2010-20 allowing OHV use on all County Roads unless otherwise posted; and

WHEREAS, C.R.S. § 33-14.5-108(1)(f) authorizes the Board to establish OHV routes on designated County Roads not part of the state highway system.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Routt County, Colorado:

1. The definition of an OHV in this resolution shall be as provided in CRS 33-14.5-101(3):

Off Highway Vehicle (OHV) means any self-propelled vehicle which is designed to travel on wheels or tracks 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:

- a. Vehicles designed and used primarily for travel on, over, or in the water;
 - b. Snowmobiles;
 - c. Military vehicles;
 - d. Golf carts;
 - e. Vehicles designed and used to carry individuals with disabilities;
 - f. Vehicles designed and used specifically for agricultural, logging, or mining purposes; or
 - g. Vehicles registered pursuant to Article 3 of Title 42, Colorado Revised Statutes.
2. Designation of Routes: Subject to the regulations and restrictions hereafter set forth, Routt County hereby authorizes and allows OHVs to operate on the following designated portions of roads in unincorporated Routt County:
- a. CR 1W from CR 82 to the USFS boundary (south of the boundary the road becomes NFSR 110 and is regulated by the USFS).
 - b. CR 80 from the southern USFS boundary near mile marker 19 to the intersection with CR 82 near mile marker 32.
 - c. CR 82 from the intersection with CR 80 west to the Routt County and Moffat County line.
3. Signs: Roads authorized for OHV use shall be signed at the beginning and end of the authorized sections to notify motorists of the use allowance. The absence of such signs shall not prohibit OHV use on an authorized portion of a road designated herein.
4. Restrictions and Prohibited Acts: The following rules and regulations shall apply to the operation of OHVs in Routt County:
- a. Restrictions: OHVs shall only be operated on the County Roads designated for such use.
 - b. General: Any person operating an OHV on the County roads shall comply with this Resolution and any ordinances, rules, or regulations applicable to such

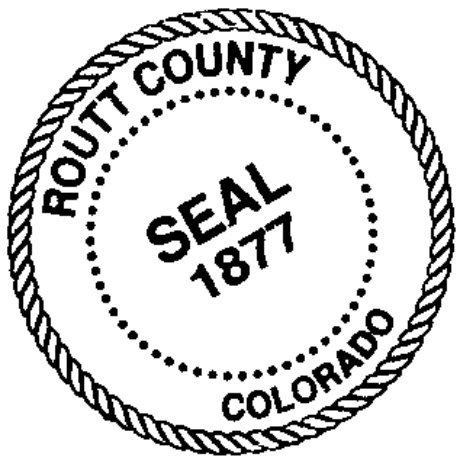
vehicles adopted by Routt County, the State of Colorado, or the federal government, including but not limited to C.R.S. § 33-14.5-101, *et seq.*, C.R.S. § 33-15-101, *et seq.*, and Title 42, Colorado Revised Statutes.

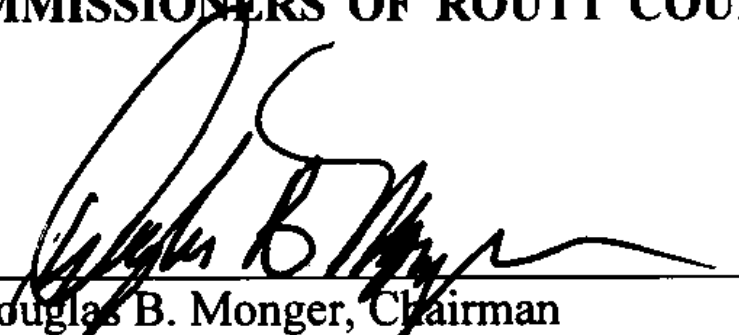
- c. Licensure: Any person operating an OHV on the County roads must be 16 years or older and have in their possession a valid, current driver's license.
 - d. Insurance: When operated on any County Road designated for OHV use, OHVs shall be considered to be "motor vehicles" as defined by the Colorado Motor Vehicle Financial Responsibility Law, Article 7 of Title 42, Colorado Revised Statutes, and the operator shall be required to maintain at least the minimum liability insurance coverage required by such law.
 - e. Rules of Operation: All ordinances and regulations pertaining to vehicles or motor vehicles, including without limitation the Model Traffic Code as adopted by Routt County, 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 ordinances and regulations and this Resolution, this Resolution shall govern.
 - f. Speeds: On County roads, OHVs shall not exceed 35 miles per hour or the posted speed limit, whichever is less.
 - g. Safety Equipment: OHVs operating on the designated Routt County Roads shall be equipped with the safety equipment required by C.R.S. § 33-14.5-109, or any successor provision, including:
 - i. At least one lighted head lamp and one lighted tail lamp each having the minimum candlepower prescribed by regulation of Colorado Parks and Wildlife (CPW) while being operated between the hours of sunset and sunrise; and
 - ii. Brakes, a muffler, and a spark arrester which conform to the standards prescribed by the CPW.
 - h. Registration: OHVs operating on County Roads shall be registered and have a valid decal affixed to the OHV per C.R.S. Sections 33-14.5-104 and 112.
 - i. Limitations: Nothing in this Resolution shall prohibit the use of OHVS for agricultural purposes on any County Road.
5. Additional Equipment: It is recommended that OHV operators wear helmets, wear eye protection, carry a fire extinguisher, and carry other appropriate safety and emergency equipment.

- 6. Enforcement: All law enforcement officers, including city, county, state, or federal officials, shall have the authority to enforce the provisions of this Resolution.
- 7. Penalties: Penalties for violations of this Resolution or any other ordinance, rule, or regulation applicable to OHVs adopted by Routt County, the State of Colorado, or the federal government, including but not limited to C.R.S. § 33-14.5-101, *et seq.*, C.R.S. § 33-15-101, *et seq.*, and Title 42, Colorado Revised Statutes, shall be as prescribed or set forth in the applicable ordinance, rule, or regulation then in effect.
- 8. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners of Routt County, Colorado, declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.
- 9. The Board of County Commissioners hereby finds, determines and declares that this resolution is in the best interests of the public health, welfare, peace, or safety.

ADOPTED this 23RD day of JUNE, 2015.

BY THE BOARD OF COUNTY COMMISSIONERS OF ROUTT COUNTY, COLORADO.




Douglas B. Monger, Chairman

Vote: Douglas B. Monger (Yes)(No)(Absent)(Abstain)
 Timothy V. Corrigan (Yes)(No)(Absent)(Abstain)
 Cari Hermacinski (Yes)(No)(Absent)(Abstain)

ATTEST: 
 By 
 Routt County Clerk and Recorder