

**TOWN OF LAKE CITY
BOARD OF TRUSTEES
ORDINANCE NO. 2024-01**

**AN ORDINANCE AMENDING FINES FOR OFF HIGHWAY VEHICLE
VIOLATIONS**

WHEREAS, the Board of Trustees of the Town of Lake City, Colorado (the "Board"), pursuant to Colorado Statute is vested with the authority of administering the affairs of the Town of Lake City, Colorado (the "Town"); and

WHEREAS, the Town codified its ordinances in the Town of Lake City Town Municipal Code (the "Code"); and

WHEREAS, the Town Code permits operation of Off Highway Vehicles ("OHVs") within the Town limits on public streets under certain circumstances and conditions as set forth in Section 20-76 of the Code; and

WHEREAS, the Town enforces its OHV regulations pursuant to an intergovernmental agreement (the "IGA") with the Hinsdale County Sheriff's Department (the "County"); and

WHEREAS, the Board desires to align its OHV regulations with those of the County to ensure uniform and efficient regulation throughout the Town and County; and

WHEREAS, the Board finds is in the best interest of the citizens of the Town to revise the OHV fines as follows.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES
OF THE TOWN OF LAKE CITY AS FOLLOWS:**

1. Section 20-76 of the Lake City Municipal Code shall be amended with the removal of the ~~striktthrough language~~ and the addition of the **bold underlined language** to read in its entirety as follows:

Sec. 20-76. General.

- (a) As used in this section, the term "off-highway vehicle" shall have the meaning given in C.R.S. § 33-14.5-101, as amended from time to time.

- (b) As used in this section, the term "public road" means and includes any road, street, alley, avenue, thoroughfare, public way, or other public property within the town.
- (c) It shall be lawful to operate off-highway vehicles on all public roads within the town, except public roads that are part of the state highway system, provided that:
 - (1) The operator of the off-highway vehicle has in his possession a valid motor vehicle driver's license or operator's license; and
 - (2) The operator of the off-highway vehicle shall have in full force and effect a complying policy of insurance under the terms of C.R.S. § 10-4-601 et seq., covering such off-highway vehicle.
 - (3) Safety belts, as defined by C.R.S. § 42-4-236(1)(b), as amended, are required if safety belts are installed on an off-highway vehicle. In the event an off-highway vehicle installs an attachment mechanism that would support a child restraint system, as defined by C.R.S. § 42-4-236(1)(a.5), as amended, the use of the child restraint system is required.
 - (4) Eye protection, in the form of goggles or eye glasses with lenses made of safety glass or plastic, is required for all off-highway operators and passengers, except if a person is wearing a helmet containing eye protection made of safety glass or plastic, or the off-highway vehicle has a windshield installed.
 - (5) Off-highway vehicles shall contain no more occupants than the number of occupants that the off-highway vehicle was designed to carry, except when an off-highway vehicle has a roll protection device that is designed to safely allow more occupants.
 - (6) Helmet use, as defined in C.R.S. § 42-4-1502, as amended, is required for off-highway vehicle operators and passengers under the age of 18 years old, unless a passenger is properly contained in a child restraint system and the off-highway vehicle is designed to support a child restraint system.
- (d) It shall be unlawful for any person to operate an off-highway vehicle on any public road in violation of the regulations of C.R.S. title 42 pertaining to the movement of traffic on roadways within the town.
- (e) It shall be unlawful for any person to operate an off-highway vehicle on any public road at a speed greater than 15 miles per hour.
- (f) It shall be unlawful for any person to allow, authorize, suffer or permit an off-highway vehicle owned or belonging to him, or that is under his control, to be operated by any other person in violation of this section.
- (g) Any person convicted of a violation of this section, **other than subsection (f) regarding speeding,** shall be subject to a fine not to exceed ~~\$300.00~~**\$100.00**, for each separate violation. **Any person convicted of operating an off-highway**

vehicle on any public road at a speed one to ten (1-10) miles per hour in excess of the posted speed limit shall be subject to a fine off up to \$125.00. Any person convicted of operating an off-highway vehicle on any public road at a speed eleven to twenty (11-20) miles per hour in excess of the posted speed limit shall be subject to a fine off up to \$150.00. Any person convicted of operating an off-highway vehicle on any public road at a speed twenty-one (21) miles per hour or greater in excess of the posted speed limit shall be subject to a summons to the Lake City Municipal Court and such fine as determined by the Lake City Municipal Court up to the maximum level permitted by Colorado State Statute.

- (h) This section shall be enforced by any law enforcement or peace officer, including the county sheriff or a person designated by the sheriff as the county off-highway vehicle enforcement officer.
- (i) Any fines collected by the town for violations of this section shall be deposited to the street and alley fund.

2. Validity. If any part of this ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have approved this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

3. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent collection of any fees assessed pursuant to the provisions of any ordinance hereby repealed prior to the taking effect of this ordinance.


INTRODUCED, PASSED AND ADOPTED A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO AND SIGNED THIS 11TH DAY OF January, 2024.

Votes Approving:	<u>6</u>
Votes Opposed:	<u>0</u>
Absent:	<u>1</u>
Abstained:	<u>0</u>

ATTEST:

BOARD OF TRUSTEES OF THE
TOWN OF LAKE CITY, COLORADO


Heather Kuellenberg
Town Clerk

By: 
Dave Roberts
Mayor

