

**ORDINANCE NO. 527
SERIES 2016**

**AN ORDINANCE REGULATING THE USE OF OFF HIGHWAY VEHICLES ON TOWN
STREETS, ALLEYS, AND OTHER TOWN PROPERTY**

WHEREAS, OHV (Off Highway Vehicles) have a somewhat diverse and inconsistent regulation; and,

WHEREAS, the existing Town ordinance does not adequately deal with said vehicles; and,

WHEREAS, the Colorado Revised Statutes provide for regulation of OHVs by Political Subdivisions at 33-14.5-110 C.R.S; and,

WHEREAS in the interest of public safety and/or consistent law enforcement which benefits the public.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES THAT Chapter 12.08 Prohibitions is hereby repealed in its entirety and replaced with Chapter 12.08 Off Highway Vehicles. Section 12.08.010 Prohibition shall read as follows:

Section 12.08.010 Off Highway Vehicles Prohibited

No off highway vehicle (OHV) may be operated on the public streets, roads, highways or property of the Town of Dolores except in the following cases:

- a. during emergency conditions declared by the proper state or local authority;
- b. when using an off highway vehicle for agricultural purposes;
- c. when a public utility as defined in section 4-1-103(1), C.R.S. or a cooperative electric association as defined in section 40-9.5-102, C.R.S. or any agent thereof designated specifically for the purpose of meter reading or repair, is using an off highway vehicle for business purposes.

Section 12.08.20 Penalty

Violation of this section shall be punishable by a fine of up to \$499. The operator/owner of the OHV shall be responsible for any actual damages caused to property of the Town of Dolores and ordered to pay for these damages as part of any sentence as a result of a violation of this chapter.

Repealer. All orders, bylaws, ordinances, and resolutions of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Recording and Authentication. Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 12th day of December, 2016, at the hour of 6:30 p.m. in the Town Board Chambers in Town Hall, Dolores Colorado, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 21st DAY OF November, 2016.

ATTEST:

TOWN OF DOLORES

SANTIAGO LOPEZ, Mayor

LANA HANCOCK, Town Clerk

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 12th DAY OF December, 2016.

ATTEST:

TOWN OF DOLORES

SANTIAGO LOPEZ, Mayor

LANA HANCOCK, Town Clerk

APPROVED AS TO FORM:

MICHAEL F. GREEN, Town Attorney