

Town of Marble
Ordinance Number 3
Series of 2014

AN ORDINANCE REGULATING THE USE OF OFF-HIGHWAY VEHICLES AND
SNOWMOBILES

WHEREAS:

- A. The Town of Marble (the "Town") is a statutory town organized pursuant to Colorado Law; C.R.S. §31-1-101 *et seq.*;
- B. C.R.S. § 33-14.5-108(1) provides that no off-highway vehicle (OHV) may be operated on the public streets, roads, or highways of this state except in certain circumstances, including when a town has permitted the operation of OHVs on town streets, provided that no street which is part of the state highway system may be so designated;
- C. The Town's Board of Trustees ("Board") is authorized to "regulate the operation of off-highway vehicles on public lands, waters, and property under its jurisdiction and on streets and highways within its boundaries by resolution or ordinance of the governing body and by giving appropriate notice thereof if such regulation is not inconsistent with the provisions of this article and the rules and regulations promulgated pursuant thereto." C.R.S. § 33-14.5-110(1);
- D. The Colorado Parks and Wildlife Commission has promulgated regulations regarding OHV operation, which provide, *inter alia*, that "No person ten years of age or older may operate an off-highway vehicle on such public street, road, or highway of this state or on such city street or county road unless: (1) The person has in his possession a valid driver's license issued by the State of Colorado or another state; or (2) The person is accompanied by and under the immediate supervision of a person who has in his possession a valid driver's license issued by the State of Colorado or another state. The phrase "under immediate supervision" shall mean that, at a minimum, the unlicensed operator is within direct visual contact of the licensed supervisor." 2 CCR 405-1:504.B.1,2;
- E. C.R.S. § 33-14-110(3)(f) authorizes the Board to permit the operation of snowmobiles on town streets, except for streets that are part of the state highway system;
- F. C.R.S. § 33-14-118 authorizes the Board to regulate the operation of snowmobiles on property under its jurisdiction and on streets and highways within its boundaries provided that such regulations are consistent with the provisions of Article 14 of Title 33 of the Colorado Revised Statutes, and the rules and regulations promulgated pursuant thereto;
- G. The Town has enacted Ordinance Number 5, Series of 2010, adopting portions of the Model Traffic Code for Colorado, subject to certain specific modifications expressly set forth in said Ordinance (the "Marble Traffic Code");
- H. The Town previously enacted Ordinance No. 2, Series of 2000, related to the operation of OHVs and snowmobiles inside the Town;

I. The Board has determined that it is desirable to allow the operation of OHVs on the streets and highways within its boundaries, subject to certain rules and regulations to protect the health, safety, and welfare of its constituents;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO THAT:

1. This Ordinance supersedes and replaces Ordinance No. 2, Series of 2000.
2. For the purpose of this ordinance, OHV shall have the same meaning as in C.R.S. § 33-14.5-101(3), which the Town interprets to include dune buggies.
3. All public streets and highways within the boundaries of the Town, and which are not part of the state highway system, are designated to be open to OHV and snowmobile use.
4. Subject to the following paragraph, every person operating an OHV or snowmobile upon a roadway where OHV or snowmobile travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in the Marble Traffic Code, except those provisions of the Marble Traffic Code which, by their very nature, can have no application.
5. Where the provisions of the Marble Traffic Code are inconsistent with the provisions of Articles 14 and 14.5 of Title 33 of the Colorado Revised Statutes, and the rules and regulations promulgated pursuant thereto, the provisions of Articles 14 and 14.5 of Title 33 of the Colorado Revised Statutes, and the rules and regulations promulgated pursuant thereto shall control.
6. In accordance with 2 CCR 405-1:504.B:
 - i. No person under ten years of age may operate an OHV on public streets and highways within the boundaries of the Town.
 - ii. No person ten years of age or older may operate an OHV on public streets and highways within the boundaries of the Town unless: (1) The person has in his possession a valid driver's license issued to such person by the State of Colorado or another state; or (2) The person is accompanied by and under the immediate supervision of another person who has in his possession a valid driver's license issued to such other person by the State of Colorado or another state. The phrase "under immediate supervision" shall mean that, at a minimum, the unlicensed operator is within direct visual contact of the licensed supervisor.
 - iii. In accordance with C.R.S. § 33-15-102(1), any person who violates the provisions of this paragraph is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars.
7. In accordance with C.R.S. § 33-14-109(1):

i. No person under the age of ten years may operate a snowmobile on Town streets unless he is accompanied by or under the immediate supervision of a person sixteen years of age or over or by a person over fourteen years of age who holds a snowmobile safety certificate issued by the division for the successful completion of a snowmobile safety education and training course conducted by the Division of Parks and Wildlife.

ii. Except when accompanied or supervised in the manner provided in the preceding sub-paragraph, no person ten years of age or over who has not reached his sixteenth birthday shall operate a snowmobile on Town streets unless he has received a snowmobile safety certificate for the successful completion of a snowmobile safety education and training course conducted by the Division of Parks and Wildlife.

iii. Any person who violates this paragraph is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars.

8. No person shall operate an OHV or snowmobile on Town streets unless such person and OHV / snowmobile are covered by a valid insurance policy that provides coverage at least to the extent of the coverage minimums required for motor vehicles under Colorado law (currently codified at C.R.S. § 10-4-620). It is recognized that the coverage minimums are currently as follows:

Bodily injury or death to one person in any one accident: \$25,000.00

Bodily injury or death to all persons in any one accident: \$50,000.00

Property damage in any one accident: \$15,000.00

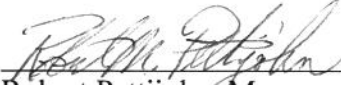
Such coverage minimums are subject to change from time to time.

9. Any person operating an OHV or snowmobile on Town streets shall carry proof of insurance in compliance with the preceding paragraph at all times while operating such OHV or snowmobile on Town streets.

10. Every person, while operating on Town streets an OHV or snowmobile that is required to be registered under state law, shall have on his person or in the OHV / snowmobile the registration therefor and shall, upon demand of any peace officer produce for inspection the registration for such OHV / snowmobile.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of February, 2014 by a vote of 5 in favor and 0 opposed.

TOWN OF MARBLE:



Robert Pettijohn, Mayor

ATTEST:



Ron Leach, Clerk