

TOWN OF LAKE CITY, COLORADO
ORDINANCE NO. 2015-05

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO,
REPEALING ORDINANCE 2008-03 AND ADDING SECTION 14.4
TO THE LAKE CITY MUNICIPAL CODE REGULATING THE
OPERATION OF OFF-HIGHWAY VEHICLES WITHIN THE
TOWN OF LAKE CITY.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Lake City, Colorado, as follows:

Section 1:

Ordinance 2008-03, which prohibited the use and operation of off-highway vehicles on the streets, highways, alleyways, and other public thoroughfares of the Town of Lake City, is hereby repealed.

Section 2:

Section 14.4 is hereby added to the Lake City Municipal Code, as follows.

14.4 Off-Highway Vehicles.

- (1) As used in this Section, "off-highway vehicle" shall have the meaning given in Colorado Revised Statute § 33-14.5-101, as amended from time to time.
- (2) As used in this Section, "public road" means and shall include any road, street, alley, avenue, thoroughfare, public way, or other public property within the Town of Lake City.
- (3) As used in this Section, "exception period" shall mean a specific period of time designated by a duly adopted resolution of the Board of Trustees of the Town of Lake City during which the operation of off-highway vehicles are permitted on public roads designated as off-highway vehicle routes in accordance with this Section.

- (4) It shall be unlawful for any person to operate an off-highway vehicle on any public road except during an exception period.
- (5) It shall be unlawful to operate an off-highway vehicle on any public road during an exception period unless:
 - a. The operator of the off-highway vehicle has in his or her possession a valid motor vehicle driver's license or operator's license.
 - b. The operator of the off-highway vehicle shall have in full force and effect a complying policy of insurance under the terms of Part 6, Article 4, Title 10, of the Colorado Revised Statutes, covering such off-highway vehicle.
 - c. Such public road has been designated as an off-highway vehicle route by a duly adopted resolution of the Board of Trustees of the Town of Lake City.
- (6) It shall be unlawful for any person to operate an off-highway vehicle on any public road during an exception period in violation of the regulations of Title 42 of the Colorado Revised Statutes pertaining to the movement of traffic on roadways within the Town of Lake City.
- (7) It shall be unlawful for any person to operate an off-highway vehicle on any public road during an exception period at a speed greater than fifteen miles per hour (15 m.p.h.).
- (8) It shall be unlawful for any person to allow, authorize, suffer or permit an off highway-vehicle owned or belonging to him or her, or that is under his or her control, to be operated by any other person in violation of this Section.
- (9) This Section shall be enforced by any law enforcement or peace officer, including the person designated by the Hinsdale Board of

County Commissioners as the County Off-Highway Vehicle Enforcement Officer.

- (10) Any fines collected by the Town of Lake City for violations of this Section shall be deposited to the Street and Alley fund.

Section 3:

This ordinance shall become effective on the thirty-first day following publication, pursuant to COLO. REV. STAT. § 31-16-105.

Section 4:

The repeal and amendment of various provisions of the Town of Lake City Municipal Code Colorado by this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right, or duty established or accruing before the effective date of this ordinance.

Section 5:

If any provision of this ordinance or the application of it to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications. The provisions of this ordinance are expressly declared to be severable.

INTRODUCED AND ADOPTED by the Board of Trustees of the Town of Lake City, Colorado, this ____ day of March, 2015.

TOWN OF LAKE CITY, COLORADO

Bruce Vierheller, Mayor

I, Deborah Bendinelli, certify and attest that Ordinance 2015-__ was introduced and adopted by the Board of Trustees for the Town of Lake City at the regular meeting on the ____ day of March, 2015.

ATTEST:

Deborah Bendinelli, Town Clerk

**TOWN OF LAKE CITY, COLORADO
ORDINANCE NO. 2015-06**

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO,
AMENDING ORDINANCE 2004-06 AND ESTABLISHING A
MAXIMUM LAWFUL SPEED ON PUBLIC ROADS WITHIN THE
TOWN OTHER THAN COLORADO HIGHWAY 149.

WHEREAS, the Board of Trustees of the Town of Lake City, by Ordinance 2004-06 adopted the 2003 Edition of the Model Traffic Code promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700., Denver, Colorado 80222.

WHEREAS, the Board of Trustees of the Town of Lake City finds that protection of the health and safety of persons within the Town will be enhanced this ordinance.

NOW THEREFORE, be it ordained by the Board of Trustees of the Town of Lake City, Colorado, as follows:

Section 1: Section 3, Additions or Modifications, is amended by the addition of the following subsection c.

c. Section 1101(2) of the Model Traffic Code is modified to read as follows, "The lawful speed within the Town of Lake City, except as otherwise posted on Colorado Highway 149, shall be fifteen miles per hour." Subparts (a) through (h), of Section 1101(2), are deleted.

Section 2:

This ordinance shall become effective on the thirty-first day following publication, pursuant to COLO. REV. STAT. § 31-16-105.

Section 3:

The amendment of various provisions of the Town of Lake City Municipal Code Colorado by this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right, or duty established or accruing before the effective date of this ordinance.

Section 4:

If any provision of this ordinance or the application of it to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications. The provisions of this ordinance are expressly declared to be severable.

INTRODUCED AND ADOPTED by the Board of Trustees of the Town of Lake City, Colorado, this 16th day of March, 2015.

TOWN OF LAKE CITY, COLORADO

Bruce Vierheller, Mayor

I, Deborah Bendinelli, certify and attest that Ordinance 2015-06 was introduced and adopted by the Board of Trustees for the Town of Lake City at the regular meeting on the 16th day of March, 2015.

ATTEST:

Deborah Bendinelli, Town Clerk

**TOWN OF LAKE CITY, COLORADO
RESOLUTION NO. 2015-04**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO, AUTHORIZING SUBMISSION TO THE REGISTERED ELECTORS OF THE TOWN OF LAKE CITY A BALLOT QUESTION CONCERNING OPERATION OF OFF-HIGHWAY VEHICLES ON PUBLIC ROADS WITHIN THE TOWN.

WHEREAS, off-highway vehicles are defined under the provisions of C.R.S. §§ 33-14.5-101 *et seq.*, and other provisions of such statutes the operation of such vehicles is generally prohibited on public roads within Colorado counties and municipalities unless expressly permitted by resolution or ordinance adopted by the local governments having jurisdiction over such streets and roadways.

WHEREAS, the Town of Lake City, Colorado has historically prohibited the operation of off-highway vehicles on public roads within the Town, except pursuant to the adoption of Ordinance 2008-3, by which limited use was authorized only upon the issuance of special use permit pursuant to formal resolution adopted by the Board of Trustees.

WHEREAS, Ordinance 2015-05 repeals Ordinance 2008-3 and adds Section 14.4 to the Lake City Municipal Code regulating the operation of off-highway vehicles within the Town of Lake City, which Section prohibits the use of off-highway vehicles on any public road except during an "exception period" defined as a specific period of time designated by a duly adopted resolution of the Board of Trustees of the Town of Lake City during which off-highway vehicles are permitted on public roads designated as off-highway vehicle routes in accordance with Section 14.4 of the Lake City Municipal Code.

WHEREAS, a number of Town businesses and residents have requested that the issue of allowing future use and operation of off-highway vehicles within the Town be submitted to the electorate at the next regular Town election.

WHEREAS, the Board of Trustees believes that the request of the citizens and businesses has merit and that the subject issue concerning off-highway vehicles should be presented for determination by the electorate as it was previously in 2004 and 2008.

NOW, THEREFORE, be it resolved by the Board of Trustees of the Town of Lake City, Colorado that the following ballot question shall be submitted to the electorate at the Town's election in April 2016:

Shall the Town of Lake City allow the operation of off-highway vehicles on public roads within the Town subject to restrictions by ordinance duly adopted by the Board of Trustees and otherwise imposed by law?

The Town Clerk shall do all things necessary and proper for publication and submission of such ballot question in the manner provided by law.

ADOPTED by the Board of Trustees of the Town of Lake City, Colorado, this 16th day of March, 2015.

TOWN OF LAKE CITY, COLORADO

Bruce Vierheller, Mayor

I, Deborah Bendinelli, certify and attest that Resolution 2015-04 was approved and adopted by the Board of Trustees for the Town of Lake City at the regular meeting on the 16th day of March, 2015.

Deborah Bendinelli, Town Clerk