

ORDINANCE 2006-01

AN ORDINANCE OF SAN JUAN COUNTY, COLORADO REGULATING THE OPERATION OF OFF HIGHWAY VEHICLES ON THE PUBLIC ROADS OF SAN JUAN COUNTY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, COLORADO as follows:

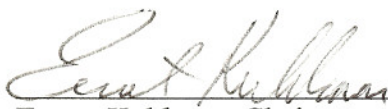
1. The term off highway vehicles shall be defined as provided in Colorado Revised Statute 33-14.5-101. Public road shall include any road or highway open to travel by the public pursuant to law whether or not formally designated a county road.
2. No off highway vehicle shall be operated at any time on any public road within San Juan County unless such public road is then open to such use by official designation as an off highway vehicle route by duly adopted resolution of the Board of County Commissioners of San Juan County.
3. No off highway vehicle shall be operated at any time on any public road within San Juan County unless the operator of the off highway vehicle has in his or her possession a valid motor vehicle driver's license or operator's license.
4. No off highway vehicle shall be operated at any time on any public road within San Juan County unless the operator of the off highway vehicle is insured to the minimum level required by the State of Colorado for automobiles.
5. No person shall allow, authorize, suffer or permit an off highway vehicle owned or belonging to him or her, or which is under his or her control, to be operated by any other person in violation of this Ordinance.
6. This Ordinance shall be enforced by any law enforcement or peace officer and by any person or persons designated by the Board of County Commissioners as County Enforcement Officer.
7. There is hereby created the position of County Enforcement Officer for San Juan County whose duties and responsibilities shall include enforcement of this and all other County Ordinances, together with such other duties as the Board of County Commissioners may assign from time to time. The County Enforcement Officer shall be at least eighteen years of age and a resident of the State of Colorado and need not be either a resident of San Juan County or a peace officer certified pursuant to Colorado Revised Statutes 24-33-301 et seq. The Board of County Commissioners may appoint one or more specific persons as County Enforcement Officer by resolution or other official action of the Board. Any person designated as County Enforcement Officer shall serve at the pleasure of the Board of County Commissioners.
8. Any person who violates any provision of this Ordinance shall be guilty of a class 2 petty offense and upon conviction thereof shall be punished by a fine of not more than one thousand dollars for each separate violation.

9. The penalty assessment procedure provided in Colorado Revised Statute 16-2-201 shall be followed for any violation of this Ordinance. Any person who violates any provision of this Ordinance shall be given a penalty assessment by the apprehending peace officer or by the County Enforcement Officer. The penalty assessment shall be a summons and complaint which (i) identifies the alleged offender by name, address and social security number, (ii) specifies the offense with which the person is charged, (iii) states both the applicable maximum \$1,000 fine (if imposed by the Court) and the optional \$150 fine which may be paid to the County Treasurer, and (iv) states the requirement that the alleged offender either pay the \$150 fine to the County Treasurer in person or by mail within fourteen days of the issuance of the penalty assessment or else appear to answer the charge before the County Court at 9:00 a.m. on the date of its next regular session at the San Juan County Courthouse. Any person who chooses to acknowledge his or her guilt may, within fourteen days of the date of issuance of the penalty assessment, pay a fine of \$150 to the San Juan County Treasurer either in person or by mail at her address as shown on the penalty assessment. Any such payment shall be accompanied by a copy of the penalty assessment signed by said person acknowledging his or her guilt. Payment of the foregoing fine shall relieve the person receiving the penalty assessment of any further obligation to appear in the County Court to answer the offense charged in the penalty assessment.

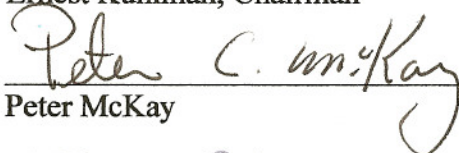
10. All fines, penalties or forfeitures for the violation of this Ordinance, but not any surcharge imposed by the Court upon conviction pursuant to Colorado Revised Statute 30-15-402, shall be paid to the County Treasurer of San Juan County, Colorado.

11. After adoption by the Board of County Commissioners, the full text of this Ordinance shall be published one time in the Silverton Standard newspaper prior to becoming effective. This Ordinance shall become effective thirty days after such publication or on June 1, 2006, whichever occurs later.

READ, PASSED AND ADOPTED on second reading this 14th day of June, 2006 by the Board of County Commissioners of San Juan County, Colorado.



Ernest Kuhlman, Chairman



Peter McKay



Terry Rhoades