

TOWN OF EMPIRE
Clear Creek County, Colorado
Ordinance 231

**NOTICE OF PUBLIC
HEARING**

Pursuant to Section 31-16-203
Colorado Revised Statutes

The Board of Trustees of the Town of Empire, Colorado, introduced and passed on first reading on December 14, 2010 at their regular scheduled meeting, and hereby gives notice that a public hearing shall be held at the Empire Town Hall, 30 E. Park Ave., Empire, Colorado, at 6:30 p.m., or as soon thereafter as the matter may be heard, on January 26, 2011, concerning the town's adoption of Ordinance 231 by Title "AN ORDINANCE REGULATING THE OPERATION OF OFF-HIGHWAY VEHICLES ON THE PUBLIC ROADS WITHIN THE TOWN LIMITS OF EMPIRE, COLORADO".

Copies of Ordinance 231 are on file with the Empire Town Clerk and are open to the public

business hours, Monday- Friday,
8:30 a.m. - noon.

Dated this 5th day of January
2011.

TOWN OF EMPIRE,
COLORADO
Jennifer Cade, Town Clerk

Published in the Clear Creek
Courant January 12, 2011

NOTICE

Ordinance 231 was adopted on second reading by the Town of Empire Board of Trustees on February 8, 2011, at their regular scheduled meeting at 30 E. Park Ave. Empire, CO. The title of the Ordinance reads as follows:

**AN ORDINANCE OF THE
BOARD OF TRUSTEES FOR
THE TOWN OF EMPIRE,
COLORADO REGULATING
OFF-HIGHWAY VEHICLES.**

Jennifer Cade
Town Clerk of Empire

Published in the Clear Creek
Courant February 16, 2011



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Water & Sewer
Charges
and
Backflow Program

COPY

**TOWN OF EMPIRE
Clear Creek County, Colorado
Ordinance No. 231**

**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF EMPIRE,
COLORADO REGULATING OFF-HIGHWAY VEHICLES.**

WHEREAS, pursuant to C.R.S. § 33-14.5-110, the Town of Empire, Colorado, acting by its governing body, may regulate the operation of off-highway vehicles on public lands, waters, and property under its jurisdiction and on streets and highways within its boundaries; and

WHEREAS, pursuant to C.R.S. § 33-14.5-108, no off-highway vehicle may be operated on the public streets, roads, or highways of this state except, as applicable to the Town for the purpose of this Ordinance, when the Town has authorized the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on Town streets or roads; and

WHEREAS, the Town acknowledges that no street or road which is part of the state highway system may be so designated; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EMPIRE, STATE OF COLORADO:

Section 1. Designation of Off-Highway Vehicle Routes. All municipal rights-of-way shall be designated as off-highway vehicle routes.

Section 2. Definitions. As used in this Ordinance, unless the context otherwise requires, the following definitions apply:

(1) "Off-highway vehicle" means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "Off-highway vehicle" does not include the following:

- (a) Vehicles designed and used primarily for travel on, over, or in the water;
- (b) Snowmobiles;
- (c) Military vehicles;
- (d) Golf carts;
- (e) Vehicles designed and used to carry disabled persons;
- (f) Vehicles designed and used specifically for agricultural, logging, or mining purposes; or

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(g) Vehicles registered pursuant to article 3 of title 42, C.R.S. (general vehicle registration, taxation and license plate statute).

(2) "Off-highway vehicle route" means any road, trail, or way owned or managed by the state or any agency or political subdivision thereof or the United States for off-highway vehicle travel.

(3) "Owner" means any person, other than a lienholder, having a property interest in an off-highway vehicle and entitled to the use and possession thereof.

Section 3. Compliance with Regulations. Any person operating an off-highway vehicle within the Town of Empire must comply with all rules and regulations adopted by the Colorado Parks and Outdoor Recreation Board pursuant to Article 14.5 of Title 33, C.R.S. and codified in 2 C.C.R. 405-1, Chap. 5, specifically but not limited to:

- (1) Rule #500 – Registration
- (2) Rule #501 – Display of Validation Decals
- (3) Rule #503 – Safety Equipment
- (4) Rule #504 – Operation of Off-Highway Vehicles

Section 4. Additional Rules for Operation of Off-Highway Vehicles. In addition to the regulations addressed in section 3 above and all other applicable local, state and federal laws, any person operating an off-highway vehicle in the Town of Empire must adhere to the rules below. In the event there is a conflict between the rules below and the Colorado Parks and Outdoor Recreation Board's regulations, the rules below control.

- (1) All riders of an off-highway vehicles under the age of sixteen operating in the Town of Empire, must wear Department of Transportation approved helmets.
- (2) All operators must adhere to the off-highway vehicle speed limit of 10 miles per hour within the Town of Empire.
- (3) The use of off-highway vehicles in the Town of Empire on the rights-of-way is prohibited between 9:00pm and 7:00am.
- (4) Operators must have a current driver's license.
- (5) Vehicle owners must have liability insurance coverage.
- (6) Vehicles may only carry the number of people the machine is designed for.

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Section 5. Penalty. Violation of this ordinance shall be a non-criminalized traffic infraction and is punishable by a \$50.00 fine for the 1st offense, \$75.00 fine for the second offense, and \$125.00 fine for subsequent offenses.

COPY

INTRODUCED ON FIRST READING, AMENDED, AND SCHEDULED FOR PUBLIC HEARING THIS 14 DAY OF December, 2010.

Wendy Koch
Mayor

SEAL

ATTEST:

April Cade
Town Clerk

APPROVED AS TO FORM:

Yan Ray
Town Attorney

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED THIS 8th DAY OF February, 2011.

Wendy Koch
Mayor

SEAL

ATTEST:

April Cade
Town Clerk

APPROVED AS TO FORM:

Yan Ray
Town Attorney

COPY

OHV Regulations - Parks and Outdoor Recreation Board

CHAPTER 5 – OFF-HIGHWAY VEHICLE REGULATIONS

ARTICLE I - Pursuant to the authority vested in the Parks and Outdoor Recreation Board by Article 14.5 of Title 33, C.R.S., the following regulations concerning required equipment, off-highway use permits, and the registration of off-highway vehicles are hereby adopted:

#500 – REGISTRATION INFORMATION REQUIRED ON THE APPLICATION:

a. Information to be furnished by the applicant:

1. Vehicle make
2. Vehicle model
3. Vehicle identification number
4. Model year
5. Cubic centimeters displacement
6. Date purchased
7. Proof of ownership or valid transfer registration certificate
8. Name and address of applicant
9. Date of birth
10. How the machine is used

b. Additional information set forth on the registration certificate:

1. Registration number
2. Expiration date of registration
3. Notice to owner of procedure to follow when owner changes address.
4. Notice to owner of procedure to follow when the machine is transferred, destroyed, abandoned or permanently removed from the state.
5. Notice to owner that the operator must carry the certificate of registration while operating the off-highway vehicle.

c. Pending registration of an off-highway vehicle, a temporary registration or possession of a dated bill of sale on the person permits the operator of the newly purchased off-highway vehicle to operate in the State of Colorado for a period not to exceed thirty (30) days from the date of purchase.

#501 – DISPLAY OF VALIDATION DECALS

a. Validation decals shall be permanently affixed in a location on the upper forward half of the off-highway vehicle to assure good visibility of the decals.

b. Dealers and manufacturers may display validation decals on a detachable plate.

c. Prior to issuing validation decals, the distinctive registration number assigned by the Division shall be permanently marked upon the validation decal.

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#502 – DISPLAY OF OFF-HIGHWAY USE PERMITS

a. When owners or operators of vehicles identified in C.R.S. 33-14.5-112 are required to obtain and display off-highway use permits, such permits shall be displayed as follows:

1. Off-highway use permits shall be permanently affixed to the extreme lower right-hand corner of the windshield of the vehicle in a position where the permit may be observed and identified.
2. Any vehicle without a windshield shall be treated as a special case and the operator of such vehicle shall have on his person or in the vehicle the off-highway use permit and shall, upon demand of any peace officer authorized to enforce this law, produce the off-highway use permit for inspection.

#503 – SAFETY EQUIPMENT

a. Except as provided in section 33-14.5-109 C.R.S., no person shall operate an off-highway vehicle upon public land in this state unless the off-highway vehicle is equipped with a muffler in constant operation and properly maintained. A muffler is a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and is effective in reducing noise.

b. Except as provided in section 33-14.5-109 C.R.S., no person shall operate an off-highway vehicle upon public land in this state unless the off-highway vehicle is equipped with a spark arrestor in good working order which has been approved by the U.S. Forest Service as evidenced by the bona fide permanent marking of "qualified" or "approved" on the spark arrestor. A spark arrestor is a device which traps or pulverizes exhaust particles as they are expelled from an internal combustion engine exhaust system and is effective in reducing exhaust sparks and protecting against exhaust spark fires.

c. No off-highway vehicle shall be operated upon public lands in this state between the hours of sunset and sunrise unless it is equipped with at least one headlamp having minimum candlepower of sufficient intensity to reveal persons or objects at a distance of at least 100 feet ahead under normal atmospheric conditions. ~~Such headlamp shall be aimed so that glare rays are not projected into the~~ eyes of operators in oncoming vehicles when operated on a straight level surface.

d. No off-highway vehicle shall be operated upon public land in this state between the hours of sunset and sunrise unless it is equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions.

e. Except as provided in section 33-14.5-109 C.R.S., no person shall operate any off-highway vehicle upon public land in this state unless the off-highway vehicle is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration of 14 feet per second on level ground at a speed of 20 miles per hour. The braking system must be adequate to control the movement of, and to stop and to hold the off-highway vehicle stationary on any grade upon which operated.

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#504 – OPERATION OF OFF-HIGHWAY VEHICLES

a. Where the State, the United States, or any agency thereof, has designated any public street, road, or highway of this state open to off-highway vehicles or where local political subdivisions have authorized by ordinance or resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on city streets or county roads pursuant to the authority granted in C.R.S. 33-14.5-108(1), or upon public land in this state, no person shall operate an off-highway vehicle while carrying any person or riding in any position that will interfere with the operation or control of an off-highway vehicle or the view of the operator.

b. Where the State, the United States, or any agency thereof, has designated any public street, road, or highway of this state open to off-highway vehicles or where local political subdivisions have authorized by ordinance or resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on city streets or county roads pursuant to the authority granted in C.R.S. 33-14.5-108(1), no person under the age of ten years may operate an off-highway vehicle on such public street, road, or highway of this state or on such city street or county road. 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.

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**PROOF OF PUBLICATION
CLEAR CREEK
STATE OF COLORADO
COUNTY OF CLEAR CREEK SS.**

I, Tom Fildey, do solemnly swear that I am the Production Manager of the **Clear Creek Courant** that the same is a weekly newspaper printed and published in the County of Clear Creek, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said county of Clear Creek for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado. That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the **period of ONE consecutive insertion(s)**; and that the first publication of said notice was in the issue of newspaper, dated **16th day of FEBRUARY 2011**, and the last on the **16th day of FEBRUARY, 2011**

NOTICE

Ordinance 231 was adopted on second reading by the Town of Empire Board of Trustees on February 8, 2011, at their regular scheduled meeting at 30 E. Park Ave. Empire, CO. The title of the Ordinance reads as follows:

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF EMPIRE, COLORADO REGULATING OFF-HIGHWAY VEHICLES.

Jennifer Cade
Town Clerk of Empire

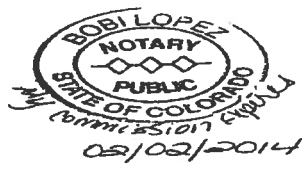
Published in the Clear Creek Courant February 16, 2011

[Handwritten signature]

Publisher, Subscribed and sworn before me,
this ^{16th} day of, **FEBRUARY, 2011.**

[Handwritten signature: Bobbi Lopez]

Notary Public.



COPY

TOWN OF EMPIRE
Clear Creek County, Colorado
Ordinance 231

**NOTICE OF PUBLIC
HEARING**

Pursuant to Section 31-16-203
Colorado Revised Statutes

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, meeting, and hereby gives notice
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, concerning the town's adoption
, of Ordinance 231 by Title "AN
, ORDINANCE REGULATING
, THE OPERATION OF OFF-
, HIGHWAY VEHICLES ON THE
, PUBLIC ROADS WITHIN THE
, TOWN LIMITS OF EMPIRE,
, COLORADO".

Copies of Ordinance 231 are
on file with the Empire Town

and are open to the public
for inspection during regular
business hours, Monday-Friday,
8:30 a.m. - noon.

Dated this 5th day of January
2011.

TOWN OF EMPIRE,
COLORADO
Jennifer Cade, Town Clerk

Published in the Clear Creek
Courant January 12, 2011

NOTICE

Ordinance 231 was adopted
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Jennifer Cade
Town Clerk of Empire

Published in the Clear Creek
Courant February 16, 2011

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Clear Creek County, Colorado
Ordinance No. 231**

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WHEREAS, pursuant to C.R.S. § 33-14.5-110, the Town of Empire, Colorado, acting by its governing body, may regulate the operation of off-highway vehicles on public lands, waters, and property under its jurisdiction and on streets and highways within its boundaries; and

WHEREAS, pursuant to C.R.S. § 33-14.5-108, no off-highway vehicle may be operated on the public streets, roads, or highways of this state except, as applicable to the Town for the purpose of this Ordinance, when the Town has authorized the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on Town streets or roads; and

WHEREAS, the Town acknowledges that no street or road which is part of the state highway system may be so designated; and

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(g) Vehicles registered pursuant to article 3 of title 42, C.R.S. (general vehicle registration, taxation and license plate statute).

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- (1) Rule #500 – Registration
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- (3) Rule #503 – Safety Equipment
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INTRODUCED ON FIRST READING, AMENDED, AND SCHEDULED FOR PUBLIC HEARING THIS 14 DAY OF December, 2010.

Wendy Koch
Mayor

SEAL

ATTEST:

Jim Cade
Town Clerk

APPROVED AS TO FORM:

Yan Rock
Town Attorney

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED THIS 8th DAY OF February, 2011.

Wendy Koch
Mayor

SEAL

ATTEST:

Jim Cade
Town Clerk

APPROVED AS TO FORM:

Yan Rock
Town Attorney

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OHV Regulations - Parks and Outdoor Recreation Board

CHAPTER 5 – OFF-HIGHWAY VEHICLE REGULATIONS

ARTICLE I - Pursuant to the authority vested in the Parks and Outdoor Recreation Board by Article 14.5 of Title 33, C.R.S., the following regulations concerning required equipment, off-highway use permits, and the registration of off-highway vehicles are hereby adopted:

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4. Model year
5. Cubic centimeters displacement
6. Date purchased
7. Proof of ownership or valid transfer registration certificate
8. Name and address of applicant
9. Date of birth
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b. Additional information set forth on the registration certificate:

1. Registration number
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3. Notice to owner of procedure to follow when owner changes address.
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1. Off-highway use permits shall be permanently affixed to the extreme lower right-hand corner of the windshield of the vehicle in a position where the permit may be observed and identified.
2. Any vehicle without a windshield shall be treated as a special case and the operator of such vehicle shall have on his person or in the vehicle the off-highway use permit and shall, upon demand of any peace officer authorized to enforce this law, produce the off-highway use permit for inspection.

#503 – SAFETY EQUIPMENT

a. Except as provided in section 33-14.5-109 C.R.S., no person shall operate an off-highway vehicle upon public land in this state unless the off-highway vehicle is equipped with a muffler in constant operation and properly maintained. A muffler is a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and is effective in reducing noise.

b. Except as provided in section 33-14.5-109 C.R.S., no person shall operate an off-highway vehicle upon public land in this state unless the off-highway vehicle is equipped with a spark arrestor in good working order which has been approved by the U.S. Forest Service as evidenced by the bona fide permanent marking of "qualified" or "approved" on the spark arrestor. A spark arrestor is a device which traps or pulverizes exhaust particles as they are expelled from an internal combustion engine exhaust system and is effective in reducing exhaust sparks and protecting against exhaust spark fires.

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d. No off-highway vehicle shall be operated upon public land in this state between the hours of sunset and sunrise unless it is equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions.

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#504 – OPERATION OF OFF-HIGHWAY VEHICLES

a. Where the State, the United States, or any agency thereof, has designated any public street, road, or highway of this state open to off-highway vehicles or where local political subdivisions have authorized by ordinance or resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on city streets or county roads pursuant to the authority granted in C.R.S. 33-14.5-108(1), or upon public land in this state, no person shall operate an off-highway vehicle while carrying any person or riding in any position that will interfere with the operation or control of an off-highway vehicle or the view of the operator.

b. Where the State, the United States, or any agency thereof, has designated any public street, road, or highway of this state open to off-highway vehicles or where local political subdivisions have authorized by ordinance or resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on city streets or county roads pursuant to the authority granted in C.R.S. 33-14.5-108(1), no person under the age of ten years may operate an off-highway vehicle on such public street, road, or highway of this state or on such city street or county road. 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.
-

Copy

**PROOF OF PUBLICATION
CLEAR CREEK
STATE OF COLORADO
COUNTY OF CLEAR CREEK SS.**

I, Tom Fildey, do solemnly swear that I am the Production Manager of the **Clear Creek Courant** that the same is a weekly newspaper printed and published in the County of Clear Creek, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said county of Clear Creek for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado. That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the **period of ONE consecutive insertion(s)**; and that the first publication of said notice was in the issue of newspaper, dated **16th day of FEBRUARY 2011**, and the last on the **16th day of FEBRUARY, 2011**

NOTICE

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AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF EMPIRE, COLORADO REGULATING OFF-HIGHWAY VEHICLES.

Jennifer Cade
Town Clerk of Empire

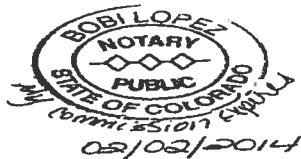
Published in the Clear Creek
Courant February 16, 2011

[Handwritten signature]

Publisher, Subscribed and sworn before me,
this ^{16th} day of, **FEBRUARY, 2011.**

[Handwritten signature: Bobi Lopez]

Notary Public.



Copy

TOWN OF EMPIRE
Clear Creek County, Colorado
Ordinance 231

**NOTICE OF PUBLIC
HEARING**

Pursuant to Section 31-16-203
Colorado Revised Statutes

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Copies of Ordinance 231 are on file with the Empire, Town Clerk.

for inspection during regular business hours, Monday-Friday, 8:30 a.m. - noon.

Dated this 5th day of January 2011.

TOWN OF EMPIRE,
COLORADO
Jennifer Cade, Town Clerk

Published in the Clear Creek
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