

RESOLUTION NO. 2
(Series 2007)

**A RESOLUTION OF THE BOARD OF TRUSTEES OF
THE TOWN OF LAKE CITY, COLORADO,
ESTABLISHING A POLICY FOR ENFORCING C.R.S
§33-14.5-108 WITHIN TOWN LIMITS.**

WHEREAS, C.R.S. §33-14.5-108 effectively prohibits the use or operation of “off highway vehicles” (OHVs) on municipal roads, streets and alleyways unless the governing municipality provides otherwise; and

WHEREAS, the aforementioned statute has been judicially determined by Judge J. Steven Patrick, Chief Judge of the Seventh Judicial District, to be unenforceable as against OHVs that are properly registered in States other than Colorado; and

WHEREAS, other communities within the Seventh Judicial District have varying policies on the enforcement of the applicable statute; and

WHEREAS, the Hinsdale County Sheriff, as chief law enforcement officer in Lake City, has requested directions from the Lake City Board of Trustees on how strictly to apply the applicable statute against OHV owners/operators.

NOW, THEREFORE, the following parameters regarding enforcement of C.R.S. §33-14.5-108 are hereby resolved to be the policy of the Town of Lake City unless or until modified by subsequent resolution or ordinance of the Board of Trustees, or by election upon initiative of Town residents:

1. If an OHV displays a proper license plate from another state, then the owner or operator of such OHV shall be deemed to have a *prima facie* exemption from the applicable statute. However, such owner or driver shall not be deemed exempt from any other applicable traffic laws of the State of Colorado and Town of Lake City.
2. For OHVs that do not display out of state license plates, the Sheriff’s department of Hinsdale County is expected to further determine the state of its origin by examination of the operator’s registration. If no registration can be provided, the Sheriff’s department is expected to escort the OHV operator back to the general staging area provided for OHV’s in the Town of Lake City or to the operator’s place of residence.

3. For a first offense of the applicable statute, the Sheriff's department may warn or "educate" the pertinent OHV operator about the application of the Colorado state statute and the special exemption for out of state operators allowed by the ruling of District Judge Patrick. Subsequent violations observed for the same OHV operator should result in the issuance of a customary citation into the appropriate County or municipal Court.

4. At all times, the Sheriff's department is urged to point out to offenders of the applicable statute that Hinsdale County and Lake City provide a local staging area and all-terrain vehicle parking lot for convenient use by OHV operators, and that other areas of the Town and County are forbidden for OHV travel out of deference to the preference of a majority of area residents. The Sheriff's department should always warn that any use of State Highway 149 by OHVs is strictly prohibited under State law, and that Lake City has no authority to relax or influence the application of State law on highways.

INTRODUCED, READ AND RESOLVED THIS ____ DAY OF SEPTEMBER, 2007.

TOWN OF LAKE CITY, COLORADO

By: _____
Mayor

ATTEST:

Town Clerk