

ORDINANCE NO. 13

BOARD OF COUNTY COMMISSIONERS

OF THE

COUNTY OF SUMMIT

STATE OF COLORADO

AN ORDINANCE ADOPTING REGULATIONS REGARDING THE USE AND OPERATION OF SNOWMOBILES WITHIN THE UNINCORPORATED AREAS OF SUMMIT COUNTY, COLORADO

WHEREAS, pursuant to C.R.S. §33-14-118(1), the Board of County Commissioners of Summit County, Colorado may adopt, by ordinance, such regulations as deemed necessary regarding the operation of snowmobiles on public lands, waters, and property under its jurisdiction and on streets and highways within its boundaries; and

WHEREAS, pursuant to C.R.S. §30-15-401(1)(h), the Board of County Commissioners of Summit County, Colorado has the authority to adopt ordinances to control and regulate the movement and parking of vehicles and motor vehicles on public property; and

WHEREAS, the use and operation of snowmobiles has progressively increased within the unincorporated area of Summit County; and

WHEREAS, the Office of the Sheriff of Summit County and the Board of County Commissioners of Summit County have received considerable comments from their constituents regarding the threat to the public health, welfare, and safety caused by unregulated snowmobile operation; and

WHEREAS, the Board of County Commissioners of Summit County desires to clarify the privileges and restraints which should apply to the operation of a snowmobile within the unincorporated area of Summit County; and

WHEREAS, the Board of County Commissioners believes that it is in the best interests of the public health, safety and welfare to implement regulations controlling the manner in which such snowmobiles are operated; and

WHEREAS, in promulgating such regulations regarding the use and operation of snowmobiles within the unincorporated area of Summit County, it is the intent of the Board of County Commissioners to complement and remain consistent with the provisions of Title 33, Article 14, Part 1, C.R.S., regarding the State of Colorado's regulation of the use and operation of snowmobiles.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO THAT: the operation of snowmobiles within the incorporated area of Summit County, Colorado, *excluding* that area of Summit County commencing at mile marker 112 on Colorado State Highway 9, immediately preceding the point where such state highway intersects with County Road 2400, and extending from that point to the most direct Northern most, Eastern most and Western most boundaries of Summit County, shall be subject to the following regulations:

I. Definitions:

For the purposes of this Ordinance, the following terms shall have the meaning indicated herein, unless the context clearly requires that another meaning be intended:

- (1) **Commercial Area** means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to motels, banks, office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.
- (2) **"Driveway"** means any thoroughfare for vehicles which provides access from any roadway, road, street, highway or freeway to any dwelling unit or parking area serving structures, uses, or facilities contained in any commercial or residential developments.
- (3) **"Operate"** means to ride in or on and control the operation of a snowmobile.
- (4) **"Operator"** means every person who operates or is in actual physical control of a snowmobile.
- (5) **"Owner"** means a person, other than a lienholder, having title to a snowmobile and entitled to the use or possession thereof.
- (6) **"Person"** means any individual, association, partnership, or public or private corporation, any municipal corporation, county, city, city and county, or other political subdivision of the state, or any other public or private organization of any character.
- (7) **"Possession"** means physical custody of a snowmobile by any owner of a snowmobile or by any owner of a motor vehicle or trailer on or in which a snowmobile is placed for the purpose of transport
- (8) **Residential area** means the territory contiguous to and including a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet or more is mainly occupied by dwellings or be dwellings and buildings in use for business.
- (9) **"Roadway"** means that portion of a street, road, freeway or highway

improved, designed, graded or ordinarily used or maintained for vehicular travel.

- (10) **"Sidewalk"** means any public pathway or walkway primarily intended for the use of pedestrians rather than for vehicular use. Regarding any road, street, highway or freeway located in any residential area, which lacks any improved or graded pedestrian walkway, this term shall include the first five (5) feet from the most proximal edge of any roadway contained therein. Provided, however, that this term shall not include any portion of the Summit County Recreational Pathway.
- (11) **"Snowmobile"** means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats. "Snowmobile" does not include machinery used strictly for the grooming of snowmobile trails or ski slopes.
- (12) **"Staging area"** means any parking lot, trailhead, or other location to or from which any snowmobile is transported by truck, trailer, or other motor vehicle where it is placed into operation or removed from operation. "Staging area" does not include any location to which a snowmobile is transported primarily for the purpose of service, maintenance, repair, storage, or sale.
- (13) **"Street", "road", "freeway", or "highway"** means the entire right-of-way between boundary lines of any of such public ways when any part thereof is open to the use of the public as a matter of right for the purpose of motor vehicle travel.
- (14) **"Immediate supervision"** means the direct supervision, within direct sight and not to exceed 200 feet in distance from the supervised party, by an adult the age of sixteen or over, or of the age of fourteen or over if such supervising person is in possession of a valid snowmobile safety certificate, as issued by the Colorado Department of Parks and Outdoor Recreation, or such similar safety certificate as issued by a comparable agency in another state or country.

II. Unlawful Operation

(A) It shall be unlawful for any person to operate a snowmobile in any of the following manners:

- (1) At a rate of speed greater than the posted speed limit for motor vehicles, if said speed limit is posted as 45 miles per hour or below; provided, however, that at no time, regardless of the posted speed limit, may a snowmobile be operated at a speed in excess of 45 miles per hour on any street or highway within the unincorporated area of Summit County. Furthermore, no snowmobile may operate at a speed in excess of 15 miles per hour in any residential or commercial area, or within 100 feet of any residence or commercial establishment, located in the unincorporated areas of Summit County;

45 mph max

- (2) In a careless or imprudent manner, without due regard for width, grade, corners, curves, or traffic of trails, and all other attendant circumstances;
- (3) Without a headlight and a taillight, which shall be lighted at all times, day and night, while operating a snowmobile on any street, road, freeway, or highway within the unincorporated area of Summit County;
- (4) On private property, without the express consent of the property owner or person with a possessory interest in the property;
- (5) Without the physical possession of either a current and valid motor vehicle license, or a current and valid snowmobile safety certificate, as issued by the Colorado Department of Parks and Outdoor Recreation, or such similar safety certificate as issued by a comparable agency in another state or country. Provided, however, that this provision shall not apply to a minor who is operating a snowmobile under the immediate supervision of a qualified operator who possesses the necessary identification;
- (6) No person under the age of ten years may operate a snowmobile at any time unless such person is under constant immediate supervision, as defined above. No person over the age of ten years but under the age of sixteen, who does not possess a valid snowmobile safety certificate may operate a snowmobile at any time unless such person is under constant immediate supervision, as defined above. Provided, however, that any person under the age of sixteen years may operate a snowmobile upon lands owned or leased by his legal parent or guardian;
- (7) Failure to provide immediate supervision, as defined above, shall be considered an unlawful operation of a snowmobile, and shall render both the party supervising such operation, and the minor operating unlawfully, in violation of these provisions;
- (8) Operating on any sidewalk, or any area posted as prohibited for snowmobile operation in any unincorporated area of Summit County;
- (9) No person riding upon any snowmobile shall attach the same or himself to any vehicle upon any street or roadway at any time;
- (10) Failing to yield the right of way to all other street traffic, including motor vehicles backing out of parking spaces;
- (11) Failure to yield the right of way to any pedestrian, or negligently or carelessly endangering the safety of a pedestrian in any manner;
- (12) Recklessly endangering the safety of any pedestrian in any manner; or
- (13) Operating any snowmobile not equipped with brakes in good working order

(B) The operation of a snowmobile, by any person, in any one or more of the manners listed above, except as specifically addressed in subsections (C) and (D) below, shall be deemed an unlawful operation, and a violation of this Ordinance, constituting a class two petty offense, and, upon conviction thereof, shall be subject to a fine of seventy five dollars (\$75). Any second violation of any unlawful operation provision listed above, within five years after the date of a previous violation, shall be deemed a class two petty offense, and, upon conviction thereof, such person shall be subject to a fine of one hundred and fifty dollars (\$150). Any violation subsequent to the second violation of any provision listed above, within five years after the date of a previous violation, shall be deemed a class two petty offense, and, upon conviction thereof, such person shall be subject to a fine of two hundred and fifty dollars (\$250).

fines

(C) The operation of a snowmobile, by any person, in violation of subsection 11 above, shall be deemed an unlawful operation, class two petty offense, and, upon conviction thereof, shall be subject to a fine of two hundred dollars (\$200). Any second or subsequent violation of subsection 11 shall be deemed an unlawful operation, class two petty offense, and, upon conviction thereof, shall be subject to a fine of four hundred dollars (\$400)

(D) The operation of a snowmobile, by any person, in violation of subsection 12 above, shall be deemed an unlawful operation, class two petty offense, and, upon conviction thereof, shall be subject to a fine of three hundred dollars (\$300). Any second or subsequent violation of subsection 12 shall be deemed an unlawful operation, class two petty offense, and, upon conviction thereof, shall be subject to a fine of five hundred dollars (\$500).

(E) Operation of a snowmobile upon any portion of any Summit County Recreational Pathway shall be controlled by restrictions and limitations for such operation set forth in the Summit County Recreational Pathway Resolution, Resolution Number 88-27, or any other subsequent resolution so regulating the use of the Summit County Recreational Pathways.

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III. Unlawful Use of Roadways for the Operation of a Snowmobile

(A) It shall be unlawful for any person to use any roadway within the unincorporated area of Summit County for the operation of a snowmobile at any time for any purpose, subject to the following express and limited exceptions:

- (1) To cross a street or highway, only in the manner expressly provided for in Part V herein;
- (2) To traverse a bridge or culvert on such street or highway;
- (3) During special snowmobile events lawfully conducted pursuant to the authority granted to Summit County under Colorado law;
- (4) During emergency conditions appropriately declared by the proper state or local authority;
- (5) On the roadway of streets and highways which are not maintained for winter motor vehicle traffic; and
- (6) On any snowmobile route as properly designated and established by the Summit County Government subsequent to the implementation of this Ordinance.

(B) Any person violating any of the terms and conditions of this section is guilty of a class 2 petty offense, and, upon conviction thereof, shall be subject to a fine of seventy five dollars (\$75). . Any second violation of any terms and conditions of this section, within five years after the date of a previous violation, shall be deemed a class two petty offense, and, upon conviction thereof, such person shall be subject to a fine of one hundred and fifty dollars (\$150). Any violation subsequent to the second violation of any provision listed above, within five years after the date of a previous violation, shall be deemed a class two petty offense, and, upon conviction thereof, such person shall be subject to a fine of two hundred and fifty dollars (\$250).

IV. Unlawful Use of Streets, Roads, Freeways or Highways for the Operation of a Snowmobile

(A) No snowmobile may be operated on any portion of an interstate highway or freeway

except during emergency conditions declared by the proper state authority.

(B) It shall be unlawful for any person to use any street, road, freeway or highway within the unincorporated area of Summit County for the operation of a snowmobile at any time, subject to the following express and limited exceptions:

- (1) A snowmobile may only be operated on any road, street, freeway and highway, as such terms are expressly defined in this Ordinance, as far as practicable from the roadway thereof. The meaning of roads, streets, freeways and highways, as expressly defined for the purposes of this ordinance, do not include and are to be distinguished with particularity from the meaning of a roadway, as such term is defined for the purposes of this Ordinance.
- (2) For the purposes of this section, "as far as practicable" is specifically defined as the maximum distance of separation between the path of travel of a snowmobile and the most proximal edge of a roadway, which can reasonably assure the safe, prudent, controlled and lawful operation of a snowmobile. At no time whatsoever shall any person operate a snowmobile less than two feet away from the most proximal edge of any roadway.
- (3) All persons operating snowmobiles on the roads, streets, freeways, and highways in the unincorporated area of Summit County shall travel in single file and shall not pass any other snowmobiles.
- (4) All persons operating snowmobiles on the roads, streets, freeways, and highways in the unincorporated area of Summit County shall do so only for the purposes of direct, point to point destination travel. Absolutely no recreational operation of a snowmobile on the roads, streets, freeways, and highways in the unincorporated area of Summit County is permitted.

(C) It is hereby declared that the operation of a snowmobile on any portion of certain roads, streets, freeways, and highways is not practicable, and therefore is prohibited, subject to the express and limited exceptions as set forth in Section III(A).

- (1) For purposes of this subsection (D), the entire portion of the following roads are hereby declared to subject to these restrictions:
 - (a) Swan Mountain Road, from the eastern point of the Blue River Bridge to the point at which such road intersects with the entrance to the Snake River Sewer Plant; and
 - (b) That portion of County Road 7 which traverses the Dillon Reservoir Dam;

Any and all snowmobile operation on such portions of these roads is strictly prohibited.

- (2) The Board of County Commissioners of Summit County, Colorado reserves the right to, from time to time as deemed necessary, declare sections or entire portions of additional roads, streets, freeways and highways not practicable for operation of snowmobiles, and prohibit all operation of snowmobiles in such areas accordingly.

(D) When operating on the right-of-way of a road, street, or highway as authorized by this section during hours of darkness, a snowmobile shall be operated only in conformity with the

flow of motor vehicle traffic as such flow is designated on the nearest lane of the adjacent roadway.

(E) Any person violating any of the terms and conditions of this section is guilty of a class 2 petty offense, and, upon conviction thereof, shall be subject to a fine of seventy five dollars (\$75). Any second violation of any terms and conditions of this section, within five years after the date of a previous violation, shall be deemed a class two petty offense, and, upon conviction thereof, such person shall be subject to a fine of one hundred and fifty dollars (\$150). Any violation subsequent to the second violation of any provision listed above, within five years after the date of a previous violation, shall be deemed a class two petty offense, and, upon conviction thereof, such person shall be subject to a fine of two hundred and fifty dollars (\$250).

V. Crossing

(A) The crossing of a road, street, freeway or highway by a snowmobile operator, when not expressly prohibited by this Ordinance, shall be made only in accordance with the following provisions:

(1) The crossing shall be made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

(2) The snowmobile shall be brought to a complete stop before crossing the shoulder or, if none, the roadway, before proceeding.

(3) The operator shall yield the right-of-way to all motor vehicle traffic on such road or highway.

(4) The crossing of a divided highway, when permitted under this article, shall be made only at an intersection of such highway with another road or highway.

(B) The crossing of any residential or commercial driveway, as defined above in Part I, when not expressly prohibited by this Ordinance, shall be made only in accordance with the following provisions:

(1) The crossing shall be made at an angle of approximately ninety degrees to the direction of the driveway, perpendicularly, and at a place where no obstruction prevents a quick and safe crossing.

(2) The operator shall yield the right-of-way to all pedestrians, all animals, all motor vehicle traffic, and all obstructions on such driveway.

(3) The crossing must be in a straight line path for the entire length of the driveway.

(4) The operator must cross all driveways in a safe, reasonable and prudent manner, at an appropriate speed given the location of the crossing and the apparent use of property in such an area. Provided, however, that at no time may a driveway be crossed at speeds in excess of ten (10) miles per hour.

(C) Any person violating any of the terms and conditions of this section is guilty of a class 2 petty offense, and, upon conviction thereof, shall be subject to a fine of seventy five dollars

(§75). . Any second violation of any terms and conditions of this section, within five years after the date of a previous violation, shall be deemed a class two petty offense, and, upon conviction thereof, such person shall be subject to a fine of one hundred and fifty dollars (\$150). Any violation subsequent to the second violation of any provision listed above, within five years after the date of a previous violation, shall be deemed a class two petty offense, and, upon conviction thereof, such person shall be subject to a fine of two hundred and fifty dollars (\$250).

VI. Criminal operation of a snowmobile

(A) It shall be deemed a criminal offense to operate a snowmobile in violation of either of the following provisions:

- (1) No person shall operate a snowmobile in such a manner as to indicate either a **wanton or a willful disregard** for the safety of persons or property.
- (2) No person shall operate a snowmobile while under the influence of **alcohol, a controlled substance**, as defined in C.R.S. §12-22-303(7), or any other **drug**, or any combination thereof, which renders him incapable of the safe operation of a snowmobile.

(B) Any person who violates any of the terms and conditions of this section is guilty of a criminal misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

VII. Registration

(A) Except as specifically excluded below, no person shall operate, nor have in his possession at any staging area, any snowmobile within the state unless such snowmobile has been **registered and numbered** in accordance with the provisions of Colorado law.

(B) This requirement shall not apply to the following persons:

- (1) Snowmobiles owned by any agency of the United States, another state, or a political subdivision of either, when such ownership is clearly displayed on the machine;
- (2) Snowmobiles owned by a resident of another state or country if such snowmobiles are covered by a valid license of such other state or country and such snowmobiles have not been within this state for more than thirty consecutive days;
- (3) Snowmobiles used strictly on private property for private, noncommercial purposes;
- (4) Snowmobiles used only in sanctioned snowmobile races, including any racing snowmobile brought into the state which is exempt from registration in the state where the owner of said snowmobile resides.

(C) Any person who possesses a snowmobile within the unincorporated area of Summit County in violation of this section is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of thirty five dollars (\$35).

VIII. Notice of accidents

(A) The operator of a snowmobile involved in an accident, or some person acting for the operator, or the owner of the snowmobile who has knowledge of such accident, which occurs in the unincorporated area of Summit County, which results in:

- (1) Property damage of fifteen hundred dollars (\$1,500) or more, or
- (2) any injuries resulting in hospitalization or death;

shall immediately notify an officer of the Summit County Sheriff's Office.

Failure to provide such notice shall be deemed a class two petty offense, and upon conviction thereof, shall be punished by a fine of two hundred dollars (\$200).

(B) The operator of a snowmobile involved in an accident, or some person acting for the operator, or the owner of the snowmobile who has knowledge of such accident, which occurs in the unincorporated area of Summit County, which results in:

- (1) Property damage of any amount or type, up to fifteen hundred dollars (\$1,500), or
- (2) any injuries to any person or animal;

shall notify an officer of the Summit County Sheriff's Office, within twenty four (24) hours of such accident. Failure to provide such notice shall be deemed a class two petty offense, and upon conviction thereof, shall be punished by a fine of one hundred dollars (\$100).

IX. Incorporation and Severability

(A) This Ordinance hereby incorporates all terms and provisions of Colorado law, according to Title 33, Article 14, Part 1, C.R.S. regulating the use and operation of snowmobiles, not specifically referenced to herein.

(B) If any provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate this ordinance in its entirety, and to this end the provisions of this ordinance are declared to be severable.

(C) This Ordinance shall take effect immediately upon adoption, and is necessary for the immediate preservation of the public health and safety due to the inherent dangers of unregulated snowmobile use.

INTRODUCED, READ, ORDERED PUBLISHED IN FULL AND SET FOR PUBLIC
HEARING THIS 14TH DAY OF FEBRUARY, 2000.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

By: /s/ Gary M. Lindstrom
Gary M. Lindstrom, Chairman

READ, PASSED AND ADOPTED AFTER PUBLIC HEARING AND ORDERED
PUBLISHED IN FULL THIS 13TH DAY OF MARCH, 2000.

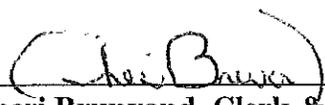
COUNTY OF SUMMIT
STATE OF COLORADO
By and Through its
BOARD OF COUNTY COMMISSIONERS

Approved as
to form
D.L.
Legal



Gary M. Lindstrom, Chairman

ATTEST:



Cheri Brunvand, Clerk & Recorder