

**BOARD OF COUNTY COMMISSIONERS OF
HINSDALE COUNTY, COLORADO**

ORDINANCE NO. 1, SERIES 2025

**AMENDED ORDINANCE REGULATING THE USE OF OFF-HIGHWAY VEHICLES ON
PUBLIC ROADS IN UNINCORPORATED HINSDALE COUNTY, COLORADO**

WHEREAS, pursuant to § 33-14.5-110, C.R.S., the Board of County Commissioners of Hinsdale County, Colorado (“Board”) has the authority to regulate the operation of off-highway vehicles (“OHVs”) on public lands, waters, and property under its jurisdiction and on streets and highways within its boundaries; and

WHEREAS, on March 3, 2023, the Board adopted Ordinance No. 1, Series 2023, “Amended Ordinance Regulating the Use of Off-Highway Vehicles On Public Roads In Unincorporated Hinsdale County, Colorado” (“2023 OHV Ordinance”) that served to repeal and replace Ordinance No. 1, Series 2021, “Amended Ordinance Regulating the Use of Off-Highway Vehicles on Public Roads in Hinsdale County, Colorado”; and

WHEREAS, this Ordinance No. 1, Series 2025, “Amended Ordinance Regulating the Use of Off-Highway Vehicles on Public Roads in Unincorporated Hinsdale County, Colorado” shall repeal and replace the 2023 OHV Ordinance and any and all previous iterations thereof; and

WHEREAS, the adoption of this Ordinance is in the best interests of the health, safety and welfare of Hinsdale County, Colorado.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY, COLORADO, THAT ORDINANCE NO. 1, SERIES 2023 IS HEREBY REPEALED AND REPLACED BY THIS ORDINANCE NO. 1, SERIES 2025, AS FOLLOWS:

1. The term “off-highway vehicle” (“OHV”) shall be defined as follows (see, § 33-14.5-101(3), C.R.S.): any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, designed primarily for use off of the public highways, and generally and commonly used to transport persons for recreational purposes. Except as described in Subsection (1)(g) of this Section below, “off-highway vehicle” includes surplus military vehicles as defined in C.R.S. § 42-6-102. “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) Golf carts; (d) Vehicles designed and used to carry individuals with disabilities; (e) Vehicles designed and used specifically for agricultural, logging, or mining purposes; (f) Vehicles registered pursuant to Article 3 of Title 42, C.R.S.; or (g) A surplus military vehicle, as defined in C.R.S. § 42-6-102(20.5), that is owned or leased by a municipality, county, or fire protection district, as defined in C.R.S. § 32-1-103(7), for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

2. All public roads in unincorporated Hinsdale County subject to the jurisdiction of the Board of County Commissioners of Hinsdale County shall be open to travel by OHVs from 6:00 a.m. until 11:00 p.m. from June 1st through September 30th of each year. There shall be no restricted hours of operation for OHVs during the remainder of the year when said county roads are open to motor vehicle travel. OHVs, including but not limited to their drivers and passengers, traveling on county roads are subject to this Ordinance. All OHVs must remain on said public roads in which OHV travel is permissible at all times and shall not travel on any other land areas that are not maintained as a public road. Any

person who violates this Section (2) commits a civil infraction and, upon conviction, shall be punished by a fine of fifty dollars (\$50).

3. No off-highway vehicle shall be operated at any time 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. Any person who violates this Section (3) commits a civil infraction and, upon conviction, shall be punished by a fine of one hundred dollars (\$100).

4. No off-highway vehicle shall be operated at any time, unless the operator of the off-highway vehicle is insured to the minimum level required by the State of Colorado for automobiles. Any person who violates this Section (4) commits a civil infraction and, upon conviction, shall be punished by a fine of one hundred dollars (\$100).

5. Seat belt use is required if seat belts are incorporated into the OHV by the OHV manufacturer. In the event an OHV is manufactured to incorporate child car seats, child car seats and restraints shall be used in accordance with Colorado state laws for motor vehicles. Any person who violates this Section (5) commits a civil infraction and, upon conviction, shall be punished by a fine of three hundred dollars (\$300).

6. Eye protection is required of all OHV operators and passengers. Any person who violates this Section (6) commits a civil infraction and, upon conviction, shall be punished by a fine of three hundred dollars (\$300).

7. OHVs shall contain no more occupants than for which the OHV was designed and manufactured but excepting therefrom any OHV that has a roll over protection device that was designed and incorporated into the OHV to safely allow for more occupants than which the OHV was designed. Any person who violates this Section (7) commits a civil infraction and, upon conviction, shall be punished by a fine of three hundred dollars (\$300).

8. A person shall not drive or ride as a passenger in an OHV, unless:

a. Each person under eighteen (18) years of age is wearing a protective helmet of a type and design manufactured for use by operators of motorcycles;

b. The protective helmet conforms to the following design and specifications:

(i) It is designed to reduce injuries to the user resulting from head impacts and to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact;

(ii) It consists of lining, padding, and a chin strap; and

(iii) It meets or exceeds the standards established in the United States Department of Transportation Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. § 571.218, for motorcycle helmets.

c. The protective helmet is secured properly on the person's head with a chin strap while the OHV is in motion.

Any person who violates this Section (8) commits a civil infraction and, upon conviction, shall be punished by a fine of three hundred dollars (\$300).

9. OHV operators and passengers are subject to all traffic laws applicable to motor vehicles, including but not limited to, any state, federal, or county law applicable to motor vehicle operation. In the event of any conflict between said laws and this OHV Ordinance, the provisions of this OHV Ordinance shall control to the extent permitted under Colorado or federal law. Any person who violates this Section (9) shall be subject to the applicable penalty as provided by the fine schedule in Section (13) below, or as otherwise provided by state, federal or local law.

10. It shall be unlawful for any person to knowingly allow, authorize, suffer, or permit an OHV owned or belonging to him or her or under his or her possession or authority, to be operated by any person who is under the age of 16. Any person who violates this Section (10) commits a civil infraction and, upon conviction, shall be punished by a fine of one hundred dollars (\$100).

11. No OHV shall be operated upon a county road unless it is equipped with brakes and a muffler and spark arrester which conform to the standards prescribed by regulation of the Colorado division of parks & wildlife, which shall be applicable in all cases except for OHVs being operated in organized competitive events held on private lands with the permission of the landowner, lessee, or custodian of the land, on public lands and waters under the jurisdiction of the Colorado division of parks & wildlife with its permission, or on other public lands with the consent of the public agency owning the land. Any person who violates this Section (11) commits a civil infraction and, upon conviction, shall be punished by a fine of one hundred fifty dollars (\$150).

12. This Ordinance shall be enforced by any law enforcement officer or peace officer, including the person designated by the Board as the Off-Highway Vehicle Enforcement Officer, if any.

13. The penalty assessment procedures provided in §§ 16-2-201 or 16-2.3-102, C.R.S., as is applicable, shall be followed for any violation of this Ordinance, including any additional fines or surcharges required thereunder. The arresting officer may either: (a) give the offender a penalty assessment notice and release him or her upon its terms; or (b) if permissible under Colorado law, take him or her before a judge of the Hinsdale County Court. The choice of procedures shall be based upon circumstances which reasonably persuade the officer that the alleged offender is likely or unlikely to comply with the terms of the penalty assessment notice, as well as the circumstances that warranted the stop and penalty assessment, along with requisite underlying statutory authority to bring the offender before the Hinsdale County Court. The penalty assessment notice shall be a summons and complaint containing (i) identification of the alleged offender by name, address and social security number, (ii) specification of the offense with which the offender is charged, and (iii) the applicable fine that may be paid to the Hinsdale County Treasurer in person or by mail within twenty (20) days of the date of issuance of the penalty assessment or else appear to answer the charge before the Hinsdale County Court on the date of its next regular session. Any person who chooses to acknowledge his or her guilt and is not otherwise required to appear in Hinsdale County Court may, within twenty (20) days of the date of issuance of the penalty assessment, pay the stated fine, including any court surcharges that may apply, to the Hinsdale County Treasurer, either in person or by mail, based on the following fine schedule:

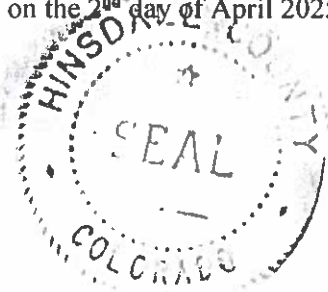
- a. 1 – 10 miles per hour (“mph”) over the speed limit shall warrant a fine of \$125;
- b. 11 – 20 mph over the speed limit shall warrant a fine of \$150;
- c. 21 or more mph over the speed limit shall warrant a summons to appear in court plus a careless or reckless driving charge at the discretion of the officer. In the event a penalty assessment is issued for driving 21 mph or more over the speed limit, upon conviction, the offender shall be subject to a fine of not less than \$300 and not more than \$1,000, as determined by the County Court judge; and

d. All other violations of this Ordinance shall constitute civil infractions and upon conviction shall be punishable by a fine as stated in this Ordinance above, or in the event no fine is stated above for said violation, said fine shall be one hundred dollars (\$100), unless otherwise provided by applicable law.

Any uncontested payment that is provided to the Hinsdale County Treasurer shall be accompanied by a copy of the penalty assessment signed by said offender acknowledging his or her guilt. Payment of the fine shall relieve the person receiving the penalty assessment of any further obligation to appear in the Hinsdale County Court to answer the offense charged in the penalty assessment, unless otherwise provided by this Ordinance.

14. In addition to any other fine in which a convicted offender may be required to pay pursuant to this Ordinance, the following applies: pursuant to § 18-1.3-603, C.R.S., in the event a violation of this Ordinance causes damage to a county road or other county property, the violator shall pay Hinsdale County restitution to fix the damage caused by the violation, as determined by the County Court judge.

INTRODUCED, READ, AND ORDERED PUBLISHED IN FULL in the *Lake City Silver World* on the 2nd day of April 2025.



BOARD OF COUNTY COMMISSIONERS
OF HINSDALE COUNTY, COLORADO

By: 
Kristie Borchers, Board Chair

ATTEST:


Joan Roberts, Clerk

REVISED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL in the *Lake City Silver World*, on the 22nd day of April 2025.



BOARD OF COUNTY COMMISSIONERS
OF HINSDALE COUNTY, COLORADO

By: 
Greg Levine, Board Vice Chair

ATTEST:


Joan Roberts, Clerk