

ORDINANCE NO. 54

Series 2003

AN ORDINANCE ADOPTING CHAPTER 4 OF TITLE 7 OF THE BRECKENRIDGE TOWN CODE CONCERNING SNOWMOBILES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Title 7 of the Breckenridge Town Code is hereby amended by the addition of a new Chapter 4, to be entitled "Snowmobiles", which shall read in its entirety as follows:

CHAPTER 4
SNOWMOBILES

SECTION:

- 7-4-1: INTENT
- 7-4-2: TOWN COUNCIL FINDING
- 7-4-3: APPLICABILITY
- 7-4-4: DEFINITIONS
- 7-4-5: RESTRICTIONS ON YOUNG OPERATORS
- 7-4-6: SNOWMOBILE OPERATIONS ON ROADWAYS OF STREETS AND HIGHWAYS
- 7-4-7: SNOWMOBILE OPERATION ON RIGHT-OF-WAY OF STREETS, ROADS, OR HIGHWAYS
- 7-4-8: CROSSING ROADS, HIGHWAYS AND RAILROAD TRACKS
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- 7-4-10: NOTICE OF ACCIDENT
- 7-4-11: CARELESS OPERATION OF A SNOWMOBILE
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- 7-4-14: UNLAWFUL OPERATION ON SNOWMOBILE ON RECREATIONAL PATHWAY
- 7-4-15: NOTICE OF TOWN SNOWMOBILE REGULATIONS

7-4-1: INTENT: Section 33-14-118, C.R.S., authorizes Colorado municipalities to regulate the operation of snowmobiles on public lands, waters and property under its jurisdiction and on streets and highways within its boundaries by the adoption of an appropriate ordinance if such regulations are not inconsistent with the provisions of Article 14 of Title 33, C.R.S. The intent of this Chapter is to adopt snowmobile regulations within the Town of Breckenridge consistent with the authority provided by Section 33-14-118, C.R.S.

7-4-2: TOWN COUNCIL FINDING: The Town Council of the Town of Breckenridge finds, determines and declares that the provisions of this Chapter are consistent with the provisions of Article 14 of Title 33, C.R.S.

7-4-3: APPLICABILITY: The provisions of this Chapter shall apply to all public lands, waters and property under the jurisdiction of the Town of Breckenridge, as well as all streets and highways located within the corporate limits of the Town of Breckenridge.

7-4-4: DEFINITIONS: As used in this Chapter, unless the context clearly requires otherwise, the following words shall have the following meanings:

DIVISION:	The Division of Wildlife of the State of Colorado.
OPERATE:	To ride in or on and control the operation of a snowmobile.
OPERATOR:	Every person who operates or is in actual physical control of a snowmobile.
OWNER:	A person, other than a lienholder, having title to a snowmobile and entitled to the use or possession thereof.

PERSON:	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.
POSSESSION:	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.
RECREATIONAL TRAIL:	A trail which is used for recreational purposes, such as hiking, snowshoeing, cross-country-skiing and/or bicycling, along routes of scenic, natural, historic, geologic or water-oriented interest. The term "recreational trail" includes, but is not limited to, the trail commonly known and described as the "Summit County Bike Path" within the corporate limits of the Town.
ROADWAY:	That portion of a highway improved, designed, or ordinarily used for vehicular travel.
SNOWMOBILE:	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 cross-country skiing trails or ski slopes.
STREET, ROAD, or HIGHWAY	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.

7-4-5: RESTRICTIONS ON YOUNG OPERATORS:

A. No person under the age of ten years may operate a snowmobile on any property to which this Chapter is applicable as provided in section 7-4-3 unless he is accompanied by or under the immediate supervision of a person sixteen years of age or over or by a person over fourteen years of age who holds a snowmobile safety certificate issued by the division for the successful completion of a snowmobile safety education and training course conducted by the division.

B. Except when accompanied or supervised in the manner provided in subsection A of this section, no person ten years of age or over who has not reached his sixteenth birthday shall operate a snowmobile on any property to which this chapter is applicable as provided in section 7-4-3 unless he has received a snowmobile safety certificate for the successful completion of a snowmobile safety education and training course conducted by the division.

C. It is an infraction for any person to violate any provision of this section. Any person found to be in violation of, or against whom a default judgment has been entered, for any violation of this section shall be punished by a fine of twenty-five dollars.

7-4-6: SNOWMOBILE OPERATIONS ON ROADWAYS OF STREETS AND HIGHWAYS:

A. A snowmobile may be operated on the roadway of a street or highway within the Town only as provided in this section.

B. A snowmobile may be operated on any street or highway within the Town under the following restrictions:

1. To cross a street or highway in the manner provided in section 7-4-8.

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 the Town by Article 14 of Title 33, C.R.S.
4. During emergency conditions declared by proper state or Town authority.
5. On the roadway of streets and highways which are not maintained for winter motor vehicle traffic.
6. When the Town has authorized by ordinance or resolution the establishment of snowmobile routes to permit the operation of snowmobiles on Town streets. No street or road which is part of the state highway system may be so designated. Nothing in this Chapter shall constitute the establishment by the Town of snowmobile routes within the Town.
7. When crossing railroad tracks.

C. It is an infraction for any person to violate any provision of this section. Any person found to be in violation of, or against whom a default judgment has been entered, for any violation of this section shall be punished by a fine of twenty-five dollars.

7-4-7: SNOWMOBILE OPERATION ON RIGHT-OF-WAY OF STREETS, ROADS, OR HIGHWAYS:

- A. A snowmobile may be operated on the right-of-way of a Town road, street, and highway as far as practicable from the roadway thereof.
- B. 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 traffic on the nearest lane of the adjacent roadway.
- C. It is an infraction for any person to violate any provision of this section. Any person found to be in violation of, or against whom a default judgment has been entered, for any violation of this section shall be punished by a fine of twenty-five dollars.

7-4-8: CROSSING ROADS, HIGHWAYS, AND RAILROAD TRACKS:

- A. The crossing of a road or highway by a snowmobile operator, when not prohibited by this chapter, 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 which constitutes an immediate hazard to such crossing.
 4. The crossing of a divided highway, when permitted under this chapter, shall be made only at an intersection of such highway with another road or highway.

B. It is an infraction for any person to violate any provision of this section. Any person found to be in violation of, or against whom a default judgment has been entered, for any violation of this section shall be punished by a fine of twenty-five dollars.

7-4-9: REQUIRED EQUIPMENT:

- A. No snowmobile shall be operated upon a public street or highway unless it is equipped with the following:
 1. While being operated between the hours of sunset and sunrise, at least one lighted head lamp and one lighted tail lamp, each of a minimum candlepower as prescribed by regulation of the division.
 2. Brakes and a muffler which conform to the standards prescribed by regulation of the division, which shall be applicable in all cases, except for snowmobiles being operated in

organized races or similar competitive events held on public lands with the consent of the public agency owning the land.

3. No person shall sell or offer for sale within the Town any snowmobile that is not equipped pursuant to the provisions of this section.

4. It is an infraction for any person to violate any provision of this section. Any person found to be in violation of, or against whom a default judgment has been entered, for any violation of this section shall be punished by a fine of twenty-five dollars.

7-4-10: NOTICE OF ACCIDENT:

A. The operator of a snowmobile involved in an accident resulting in property damage of fifteen hundred dollars or more or injuries resulting in hospitalization or death, or some person acting for the operator, or the owner of the snowmobile having knowledge of the accident, shall immediately notify an officer of the Town's police department by the quickest means available.

B. The Police Chief shall forward a copy of an accident report received pursuant to this section to the division.

C. It is an infraction for any person to violate paragraph A of this section. Any person found to be in violation of, or against whom a default judgment has been entered, for any violation of paragraph A of this section shall be punished by a fine of twenty-five dollars.

7-4-11: CARELESS OPERATION OF A SNOWMOBILE:

A. No person shall operate a snowmobile in a careless or imprudent manner without due regard for width, grade, corners, curves, or traffic of trails, the requirements of paragraph B of section 7-4-6, and all other attendant circumstances.

B. It is an infraction for any person to violate this section. Any person found to be in violation of, or against whom a default judgment has been entered, for any violation of this section shall be punished by a fine of fifty dollars.

7-4-12: RECKLESS OPERATION OF A SNOWMOBILE:

A. 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.

B. It is a misdemeanor offense for any person to violate paragraph A of this Section. A person convicted of having violated paragraph A of this shall be punished as set forth in title 1, chapter 4 of this code; provided, however, that the minimum fine for a violation of paragraph A of this section shall be one hundred dollars.

7-4-13: RESPONSIBILITY OF OWNER:

No owner shall permit a snowmobile, while under his control, to be operated in violation of the provisions of this chapter.

7-4-14: UNLAWFUL OPERATION OF SNOWMOBILE ON RECREATIONAL PATHWAY:

A. Where signs are erected giving notice thereof, no person shall operate a snowmobile on a recreational pathway. A sign which indicates that motorized vehicles are prohibited on the recreational trail shall be sufficient notice for the purposes of this section.

B. It is a misdemeanor offense for any person to violate paragraph A of this Section. A person convicted of having violated paragraph A of this shall be punished as set forth in title 1, chapter 4 of this code; provided, however, that the minimum fine for a violation of paragraph A of this section shall be one hundred dollars.

7-4-15: NOTICE OF TOWN SNOWMOBILE REGULATIONS:

The Director of Public Works, after consulting with the Police Chief, shall cause to be given appropriate notice of the provisions of this chapter.

Section 2. Paragraph C of Section 10-1-17 of the Breckenridge Town Code is hereby repealed.

Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

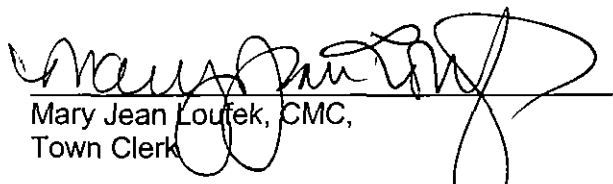
Section 4. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

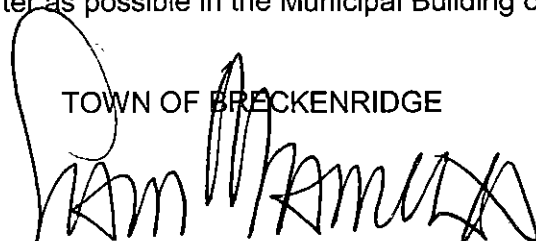
Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Sections 31-15-702, 33-14-118, C.R.S., and the powers possessed by home rule municipalities in Colorado.

Section 6. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 23rd day of September, 2003. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 14th day of October, 2003, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:


Mary Jean Loufek, CMC,
Town Clerk


TOWN OF BRECKENRIDGE

Sam Mamula, Mayor

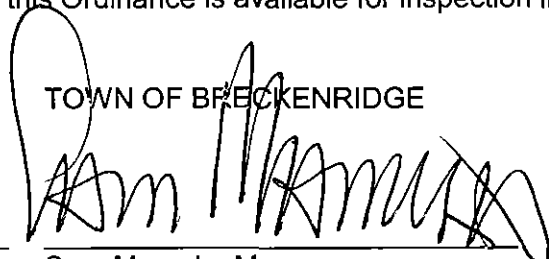
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on October 3, 2003.

The public hearing on this ordinance was held on October 14, 2003.

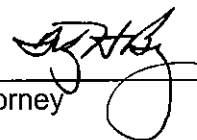
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 14th day of October, 2003. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:


Mary Jean Loufek, CMC,
Town Clerk

TOWN OF BRECKENRIDGE

Sam Mamula, Mayor

APPROVED IN FORM


Town Attorney

10/14/03
Date

This ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on October 24, 2003.