

**CITY OF LEADVILLE, COLORADO  
ORDINANCE NO. 1  
SERIES OF 2023**

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON  
THE ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY NEW  
BUSINESS LICENSES FOR THE RENTAL, LEASING, OR GUIDING  
OF OFF-HIGHWAY VEHICLES IN THE CITY OF LEADVILLE**

**WHEREAS**, the City Council of the City of Leadville (“City Council”) possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

**WHEREAS**, the City Council is authorized pursuant to C.R.S. § 31-15-501 to license and regulate any lawful occupation, business place, amusement, or place of amusement and to fix the amount, terms, and manner of issuing and revoking licenses issued therefor; and

**WHEREAS**, 5.04.010 of Title 5 of the Leadville Municipal Code (“Code”) requires that “every person, firm, partnership, corporation or other business entity must obtain a business license from the city before operating, conducting or carrying on any for-profit retail trade, profession or business within the city”; and

**WHEREAS**, the City Council is further authorized pursuant to C.R.S. § 33-14.5-110 to regulate the operation of off-highway vehicles (“OHV”) on public lands, water, and property under its jurisdiction and on streets and highways within its boundaries by appropriate ordinance if such regulations are not inconsistent with state law; and

**WHEREAS**, the Comprehensive Plan recognizes the importance of tourism’s contribution to the economy by bringing outside money into Leadville and Lake County and by showcasing Leadville and Lake County to other areas; and

**WHEREAS**, the Comprehensive Plan also supports efforts to connect the City to neighborhoods and destinations in the unincorporated County while balancing safety and emergency services; and

**WHEREAS**, Lake County previously adopted ordinance No. 12-02 approving all County Roads designated for multi-purpose use which includes the regulation of OHVs; and

**WHEREAS**, Lake County is undertaking a comprehensive review of both current and future uses of OHVs; and

**WHEREAS**, the City Council desires to develop fair, clear OHV licensing regulations in accordance with the goals and strategies set forth in the City's Comprehensive Plan at or around the same time as Lake County is developing its OHV regulations; and

**WHEREAS**, the City recognizes the importance of establishing the appropriate balance between the varying goals in the City's Comprehensive Plan of attracting new businesses, supporting existing businesses, encouraging tourism, and promoting businesses that serve both local residents and visitors and that augment the inventory of businesses within the City serving the day-to-day needs of residents; and

**WHEREAS**, pursuant to the authority stated herein, the City Council finds that a temporary moratorium until and including Thursday, January 18, 2024 on the issuance of new business licenses for the guiding, rental, or leasing of OHVs, as defined in this Ordinance, is reasonable and necessary to allow the City time to properly investigate, develop, and, if appropriate, adopt and implement new or revised regulations concerning OHVs necessary to best preserve the health, peace, and safety of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF LEADVILLE, COLORADO, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are hereby adopted as findings of the City Council and are incorporated herein by this reference.

**Section 2. Moratorium.** No applications for new business licenses for the guiding, rental, or leasing of OHVs under Title 5 of the Code shall be accepted, reviewed, considered, or approved until such time as this Ordinance is terminated or repealed, unless otherwise expressly provided by this Ordinance. For the purpose of this Ordinance, "guiding" shall mean the provision of guided OHV tours. The provisions of this Ordinance are temporary in nature and intended to be replaced or repealed by a subsequent legislative enactment. The temporary moratorium established by this Ordinance shall automatically terminate and this Ordinance shall automatically be repealed as of **11:59 P.M. on Thursday, January 18, 2024**, unless terminated earlier by City Council or extended in its duration by the enactment of another ordinance. Nothing contained in this Ordinance shall be construed to limit or preclude the City Council from termination, repeal, amendment, or modification of this Ordinance prior to the date and time of expiration and repeal.

**Section 3. Definition.** "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:

1. Vehicles designed and used primarily for travel on, over, or in the water;
2. Snowmobiles;
3. Military vehicles;
4. Golf carts;
5. Vehicles designed and used to carry disabled persons;
6. Vehicles designed and used specifically for agricultural, logging, or mining purposes; or
7. Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

**Section 4. Preservation of Status Quo and Violation.** Any person or entity that has received a business license from the City prior to the effective date of this Ordinance may continue to rely on such licenses throughout the duration of this Ordinance. Any person who violates this Ordinance may be subject to the general penalty provisions of the Leadville Municipal Code and enforcement action in Leadville Municipal Court.

**Section 5. Remaining provisions.** Except as specified in this Ordinance, all other provisions of the Leadville Municipal Code shall continue in full force and effect. This Ordinance makes no amendments to the Leadville Municipal Code and temporarily suspends the provisions specified herein only.

**Section 6. Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 7. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

**Section 8. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Leadville, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 9. Effective Date.** This Ordinance shall become effective thirty (30) days after publication following final passage.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED** in full on first reading this 3rd day of January, 2023 by a vote of 5 in favor and 1 against.  
*1 absent*

CITY OF LEADVILLE, COLORADO:

  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

  
\_\_\_\_\_  
Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on this 12<sup>th</sup> day of January, 2023.

**PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED,**  
with any amendments, this 7<sup>th</sup> day of Feb., 2023.



ATTEST:

  
\_\_\_\_\_  
Deputy City Clerk

CITY OF LEADVILLE, COLORADO:

  
\_\_\_\_\_  
Greg Labbe, Mayor

PUBLISHED by title only in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this 16<sup>th</sup> day of February, 2023.