



**BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO**

**RESOLUTION NO: 26-6**

**A RESOLUTION AUTHORIZING ATV, OHV AND UTV USE ON CERTAIN COUNTY  
ROADS IN SOMERSET, COLORADO**

WHEREAS, Col. Rev. Stat. § 33-14.5-108(1)(f) prohibits the use of all-terrain vehicles (“ATVs”), off-highway vehicles (“OHVs”) and utility terrain vehicles (“UTVs”) on County roads unless expressly authorized by the County; and

WHEREAS, pursuant to Col. Rev. Stat. §§ 18-9-117(1)(f) and 33-14.5-110, the Board has the authority to adopt rules and regulations for use of ATVs, OHVs and UTVs as to place, time and manner of use; and

WHEREAS, Somerset, Colorado is a United States census-designated place within Gunnison County, Colorado, with its own United States Post Office, and whose population according to the 2020 census was 55 persons; and

WHEREAS, the original plat and built environment in Somerset has resulted in road infrastructure that does not meet current code and presents unique barriers for traditional vehicular use and transportation; and

WHEREAS, the Board finds that use of ATVs, OHVs and UTVs on certain County roads within Somerset, pursuant to the restrictions set forth by applicable law and the provisions of this Resolution, for residential purposes, are in the best interests of the public; and

WHEREAS, the public is reminded to comply with all applicable Federal, state and local laws regarding the registration, licensing, insurance and use of ATVs, OHVs and UTVs in Colorado and particularly in Gunnison County; and

WHEREAS, the public is reminded and encouraged to operate ATVs, OHVs and UTVs in a legal, safe, courteous, and responsible manner, particularly given Somerset’s proximity to a heavily traveled State Highway;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado, that:

1. The use of ATVs, OHVs and UTVs is and shall be authorized on those County Roads within the Somerset townsite, as specifically set forth and enumerated as follows:

- a. First Street;
- b. Second Street;
- c. Third Street;
- d. Fourth Street;



- e. Fifth Street;
- f. Sixth Street;
- g. Seventh Street;
- h. Eighth Street;
- i. Pike Avenue;
- j. King Avenue; and
- k. River Road.

2. Nothing in this Resolution shall be construed to allow the use of ATVs, OHVs and UTVs on any Federal or State highway, including but not limited to Colorado Highway 133, any Federal or State highway, or any private road, easement, right of way, trail, path, alley or sidewalk without the consent of the landowner.

3. Nothing in this Resolution shall be construed to allow the use of ATVs, OHVs and UTVs on any other County Road in Gunnison County, except where this Board has so expressly authorized by duly adopted ordinance or resolution.

4. Any person who uses an ATV, OHV or UTV on a County Road subject to this Resolution shall be deemed to have consented to the fact that such County Road is a public road or highway under the control of Gunnison County.

5. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board.

6. Nothing in the resolution shall be construed to afford any person or entity any cause of action against Gunnison County, or any of their respective officials, officers, employees, agents or attorneys, nor create any intended or incident third-party beneficiaries.

7. All orders, instructions, motions and resolutions, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency. This paragraph shall not be construed to revive or revise any ordinance, motion, order, or resolution, or part thereof, heretofore repealed. To the extent any ambiguity exists between any ordinance, resolution, motion, order, statement or instruction by the Board, whether existing before or after passage of this Resolution, this Resolution shall control. No statement or writing by any Board member, whether in a meeting of the Board or not, shall purport to amend, alter, supplement or override the express terms of this Resolution, and no such statement or writing may be relied upon by any person in relation to this Resolution.

8. This Resolution shall be in full force and take effect immediately upon its passage and approval, and shall remain in effect unless and until repealed or amended by subsequent Resolution.



INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett Daniels, and adopted this 3<sup>rd</sup> day of March, 2026.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

By [Signature]  
Laura Puckett Daniels, Chairperson

By [Signature]  
Elizabeth Smith, Commissioner

By [Signature] **OPPOSED**  
Jonathan Houck, Commissioner

ATTEST:

[Signature]  
Deputy County Clerk

