

ORDINANCE NO. 927

AN ORDINANCE AUTHORIZING THE OPERATION OF CLASS IV ALL-TERRAIN VEHICLES ON STREETS LOCATED WITHIN THE CITY OF OAKRIDGE, OREGON, BUT SUBJECT TO THE PROVISION OF ORS 821.200(1), AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

WHEREAS, the City Council of the City of Oakridge desires to adopt an ordinance authorizing the operation of all-terrain vehicles on City streets as located within the city limits of the City of Oakridge; and

WHEREAS, the City Council has determined that it is necessary to impose certain restrictions on the operation of all-terrain vehicles on such streets for the purpose of protecting the interest and safety of the general public, now therefore,

THE COUNCIL OF THE CITY OF OAKRIDGE ORDAINS AS FOLLOWS:

Section 1. – Purpose:

The purpose of this Ordinance is to authorize the operation of All-terrain vehicles on City streets within the City of Oakridge subject to the terms, provisions, rights and responsibilities as set forth in this Ordinance.

Section 2. – Definitions:

For the purpose of this Ordinance, the following definitions are hereby established:

- (a) All-Terrain Vehicle(s) (ATV(s)), means Class I All-Terrain Vehicles, Class II All-Terrain Vehicles, Class III All-Terrain Vehicles, and/or Class IV All -Terrain Vehicles
- (b) ATV Operator Permit, means the ATV Safety Education Card issued upon completion of an Oregon Parks and Recreation Departments approved ATV Safety Education course and passage of the minimum standards test of ATV Safety Education competency as established by the Oregon Parks and Recreation Department as set forth in OAR 736-004-0015(10).
- (c) Class I All-Terrain Vehicles, as defined by ORS 801.190. is a motorized, off-highway recreational vehicle that (a) is 50 inches or less in width, (b) has a dry weight of 1,200 pounds or less, (c) travels on three or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less, (d) uses handlebars for steering, (e) has a seat designed to be straddled for the operator, and (f) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain. Class I All-Terrain Vehicles may also be known as quads, three-wheelers, or four wheelers.
- (d) Class II All-Terrain Vehicles, as defined by ORS 801.193 is any motor vehicle that (a) weighs more than or is wider than a Class I All- Terrain Vehicle, (b) is designed for or

capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, (c) is not a Class IV All-Terrain Vehicle, and (d) is street-legal, is registered under ORS 803.420, and has a roof or roll bar. Class II All – Terrain Vehicles may also be known as four-by-fours, pickups, jeeps, sand rails, dune buggies, and SUV's.

- (e) Class III All-Terrain Vehicle and Class IV All-Terrain Vehicle(s), as defined by ORS 801.194
 - (1) Class III All-Terrain Vehicle means a motorcycle that travels on two tires and that is actually being operated off highway.
 - (2) Class IV is any motorized vehicle that (a) travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less, (b) is designed for or capable of cross-country travel on or immediately over, land, water, snow, ice, marsh, swampland or other natural terrain, (c) Has nonstraddle seating (d) Has a steering wheel for steering control, (e) Has a dry weight of 1,800 pounds or less; and (f) Is 65 inches wide or less at its widest point, or current manufacturing standards of width and weight from the factory. Class IV All-Terrain Vehicles may also be known as side-by-sides.
- (f) Driver License, has the meaning given that term under ORS 801.245.
- (g) Motorcycle Helmet, has the meaning given that term under ORS 801.366. ORS 801.366 defines a Motorcycle Helmet as a protective covering for the head consisting of a hard, outer shell, padding adjacent to and inside the outer shell and a chin-strap type retention system with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation.
- (h) Traffic Law(s), means any and all Oregon statutes and regulations relating in any way to the operation or use of motorized vehicles, including, without limitation, the Oregon Vehicle Code (ORS Chapters 801 to 826) and any regulations or administrative rules promulgated thereunder.
- (i) Street(s) means all roads, streets, and alleys, other than Highway 58 as located within the boundaries of the City of Oakridge that are open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.
- (j) Hours of Operations, "daylight hours" means one hour before sunrise to one hour after sunset.

Section 3. – Operation of All-Terrain Vehicles on Streets Authorized.

Subject to the provisions of this Ordinance, Class IV ATV's may be operated on Streets subject to the conditions and restriction set forth under ORS 821.200. All-Terrain Vehicles are prohibited from operating under this Ordinance on Highway 58 as located within the City, except that a person may, while operating a Class IV ATV, cross the above highway to the extent permitted under applicable Oregon law, including, without limitation, ORS 821.200(1).

Section 4. Regulations for Operation of All-Terrain Vehicles.

All-Terrain Vehicles operating under this Ordinance must be operated in compliance with all applicable federal, state, and local laws, regulations, and ordinances, including, without limitation, all applicable Traffic Law requirements (including, without limitation, ORS 811.255) and all posted speed limits.

Section 5. Licensed Driver 16 Years or Older Required.

A person operating a Class IV ATV under this Ordinance must be 16 years of age or older and hold a valid Driver License.

Section 6. – All Terrain Vehicle Operator Permit Required.

A person operating a Class IV All-Terrain Vehicle under this Ordinance must hold a valid Class IV ATV Operator Permit issued under ORS 390.577.

Section 7. – Safety Equipment Requirements.

All-Terrain Vehicles operated under this Ordinance must be equipped with the safety equipment required under all applicable Traffic Laws, including, without limitation, ORS 821.030, ORS 821.040, ORS 821.220, ORS 821.230, and OAR 735-116-000.

Section 8. – Helmet Requirements.

A person who is under 18 years of age must wear a Motorcycle Helmet with a fastened chin strap while riding as a passenger on an ATV operated under this Ordinance.

Section 9. – Safety Belt Requirements.

A person must be properly secured with a safety belt or safety harness while operating or riding as a passenger on an ATV operated under this Ordinance if such ATV as required to be equipped with safety belts or safety harnesses at the time the ATV was manufactured, or safety belts or safety harness have been installed on the ATV.

Section 10. – Speed Limits.

All-Terrain Vehicles operated under this Ordinance must be operated in compliance with all posted speed limits and may not be operated (a) at a rate of speed greater than reasonable and proper under the existing conditions, or (b) in a negligent manner so as to endanger or cause injury, death, and/or damage to the operator or person or property of another.

Section 11. – Prohibition on Operating All-Terrain While Driving Privileges Suspended.

A person may not operate an ATV under this Ordinance while the person's driving privileges (i.e., Driver License) are suspended or revoked.

Section 12. – Financial Requirements.

All-Terrain Vehicles operated under this Ordinance must meet the financial responsibility requirements under ORS 806. For purposes of this Section 12, "financial responsibility requirements" means the ability to respond in damages for liability, on account of accidents arising out of the ownership, operation, maintenance, and/or use of an ATV, in a manner provided under ORS 806. The exemption in 806.020 does not apply to this ordinance.

Section 13. –Hours of Operation Rules.

All-Terrain Vehicles may be operated during daylight hours with headlights and taillights. All Terrain Vehicles may be operated during hours of darkness and when limited visibility conditions exist if it is equipped with lighting equipment required for a motor vehicle under ORS 816.320 (For example; high and low beam headlights, taillights, turn signals, and break lights).

Section 14. – Posting.

The City of Oakridge will post signs giving notice that the operation of ATVs is permitted upon Streets under the provisions of this Ordinance. The City of Oakridge will post such signs at locations necessary to inform the public that ATVs are permitted upon Streets, which sign locations will be determined by the City of Oakridge in its sole discretion.

Section 15. – Liability.

The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. The City of Oakridge, by passing this Ordinance, assumes no responsibility of the operation of such ATVs and will be held harmless in any action arising from the operation of such ATVs on or off any public way within the City limits, including, without limitation, Streets.

Section 16. – Penalties.

Any violation of this Ordinance that constitutes a violation of a Traffic Law, the penalty shall be the same as provided for by Oregon statute. Any other violation of this ordinance shall be commenced by the issuance of a citation and shall be prosecuted in the Oakridge Municipal Court as a Class A Violation pursuant to the provision of ORS 153 as now in effect or as may be amended from time to time.

Section 17. – Reference Statutes and Rules.

All reference to particular laws, statutes, or rules include that law, statute, or rule as now in effect or as may be amended from time to time.

Section 18. – Invalidity.

If any section, subsection or part of this Ordinance is for any reason held invalid, unenforceable or unconstitutional, such holding will not affect the validity, enforceability or constitutionality of the remaining portions of this Ordinance.

Section 19. – Snowmobiles.

Nothing contained in this Ordinance applies to the operation of snowmobiles as that term is defined by ORS 801.490.

Section 20. – Modifications.

The Chief of Police of the City of Oakridge has the authority to modify the provisions of this Ordinance as a result of the occurrence of special events. Such modifications shall be temporary in nature and shall not violate Traffic Laws.

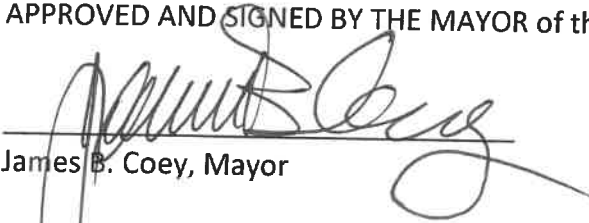
Section 21. – Effective Date.

This Ordinance shall take effect on the thirtieth (30th) day after its adoption as set forth below.


READ BY TITLE ONLY, PASSED AND ADOPTED by a vote of the Oakridge City Council this 15th day of February 2018

PASSED BY THE COUNCIL of the City of Oakridge this 15th day of February, 2018

APPROVED AND SIGNED BY THE MAYOR of the City of Oakridge this 15th day of February 2018


James B. Coey, Mayor

Attest:


Susan M. LaDuke, City Recorder

Ayes: 5

Nays: 0