

CITY OF UNION
STATE OF OREGON

In the Matter of Ordinance
Permitting Use of Some All-
Terrain Vehicles on Roads within
Union City limits

ORDINANCE NO. 2020-560

WHEREAS the Oregon Legislature passed Chapter 372 of the 1999 Oregon Laws, revising the statutes for the licensing and the use of all-terrain vehicles and other off-road vehicles;

WHEREAS ORS 821.190 makes it unlawful to operate on a highway Class I, III and IV all-terrain vehicles and Class II all-terrain vehicles that are not properly equipped for operation on a highway;

WHEREAS an exemption to ORS 821.190 and the restrictions on the use of off-road vehicles is provided under ORS 821.020 for when any local two-lane gravel road that is open to the public and is designated by the road authority as open to off-road vehicles;

WHEREAS citizens of City of Union have requested the City Council to adopt provisions allowing some all-terrain vehicles on certain roads under the jurisdiction of City of Union for recreational purposes;

WHEREAS the City Council is open to allowing certain all-terrain vehicles on designated City streets if the vehicle is properly licensed and permitted, insured and equipped with certain safety requirements.

NOW, THEREFORE the City Council of City of Union revokes Union City Code Chapter 70 in its entirety and ordains the adoption of the following in its place:

1. Subject to the provisions of this Ordinance and Oregon law, Class I, II and IV all-terrain vehicles may be operated on designated City streets subject to the conditions and restrictions set forth under ORS 821.200. This ordinance does not apply to or restrict vehicles under ORS 821.191 used for agricultural purposes.
2. Public Roads within the City limits and not accepted as and designated as City streets and any road under the jurisdiction of another governmental entity or agency are excluded from and not covered by this Ordinance. All-Terrain Vehicles are prohibited from operating under this

Ordinance on Oregon State Highway 203 and Highway 237 as located within the city limits of Union, except that a person may, while operating an ATV, cross the above highway to the extent permitted under applicable Oregon law, including, without limitation, ORS 821.200(1). Designation of closed roadways will be at the sole discretion of the Union City Council.

3. Operator Requirement

- A. The operator of the allowed all-terrain vehicle must be 16 years of age or older and hold a valid state issued Driver's License. Licensed drivers must comply with all license restrictions. A person may not operate an ATV under this Ordinance while the person's driving privileges (i.e. Driver's License) are suspended or revoked.
- B. The operator must have received and passed a safety certification and have an Oregon ATV Safety Education Card.
- C. A person operating a Class I All-Terrain Vehicle under this Ordinance must hold a valid Class I ATV Operator Permit issued under ORS 390.570. 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.

4. Vehicle Requirements

- A. 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 735-116-0000.
- B. The all-terrain vehicle must be equipped with rearview mirrors, brakes, display headlights and taillights, horns, minimum of 150 cc engine capability, and pennant to attract attention.
- C. Mufflers in Oregon must be maintained at 99 decibels (db) and be in compliance with ORS 467.030 and OAR 340-035-0030.
- D. All-Terrain Vehicles operated under this Ordinance must meet the financial responsibility requirements under ORS 806.060. For purposes of this ordinance, "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 and ATV, in a manner provided under ORS 806.060.

5. Vehicle Operation

- A. 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 limitations, ORS 811.255) and all posted speed limits. It is the responsibility of the operator to be aware of which City streets are open to use by all-terrain vehicles.
- B. Any operator or passenger must wear a Motorcycle Helmet with a fastened chin strap while operating or riding as a passenger on an ATV without seatbelts and roll bars or cages when operated under this Ordinance.
All operators and passengers under the age of 18 must wear a Motorcycle Helmet with a fastened chin strap while operating or riding as a passenger on any ATV, whether equipped with seatbelts or roll bars or cages, operated under this Ordinance.

C. 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 was required to be equipped with safety belts or safety harnesses at the time the ATV was manufactured or safety belts or safety harnesses have been installed on the ATV.

D. 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 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.

E. All-Terrain Vehicles operated under this Ordinance shall be equipped with headlights and taillights, which must be illuminated at all times when the ATV is operated under this Ordinance.

All-Terrain Vehicles may only be operated during daylight hours unless equipped with lighted turn signals. For purposes of this section, daylight hours mean one-half hour after sunrise to one-half hour before sunset.

6. Liability. The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. City of Union, in adopting this Ordinance, assumes no responsibility for 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 City of Union, including, without limitation, roadways.

7. Enforcement and Penalties.

A. Enforcement of this Ordinance may be through City of Union Ordinance 10.99 or by civil action as provided in ORS 30.310, 30.315 or ORS Chapter 203, or by any means allowed under Oregon law.

B. Any violation of this Ordinance that constitutes a violation of a Traffic Law, then the penalty for the same shall be as provided for by Oregon statute.

C. The failure or omission to comply with any section of this Ordinance shall be deemed a violation and may be so prosecuted, subject to the fines provided in this Ordinance and Ordinance 10.99.

8. Definitions. For the purpose of this Ordinance, the following definitions are established:

(a) All-Terrain Vehicle (s) ("ATV"), means Class I All-Terrain Vehicles, Class II, All-Terrain Vehicles, and/or Class IV All-Terrain Vehicles as such Classes are defined under ORS Chapter 801.

(b) ATV Operator Permit, means the ATV Safety Education Card issued upon completion of on Oregon Parks and Recreation Department 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) Driver License, has the meaning given that term under ORS 801.245.

(d) 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 out shell, adding 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.

(e) 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.

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

10. Referenced Statutes and Rules. All references 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.

11. Severability. 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.

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

13. Responsibility. It is the responsibility of the ATV operator to be aware of the roadways **designated as "closed"** as may be so designated in the future.

14. Effective Date. This Ordinance shall take effect on the _____

FIRST READING: _____

SECOND READING: _____

DATED this _____

CITY OF UNION CITY COUNCIL