

BE IT REMEMBERED, that at a regular term of the Board of Commissioners of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, when were present:

The Honorable Donna Beverage, Chair

Paul Anderes, Commissioner

R. Matthew Scarfo, Commissioner

WHEN, on Wednesday the 26th day of June, 2019, among others the following proceedings were had to wit:

IN THE MATTER OF ADOPTING AN)
ORDINANCE AUTHORIZING THE) Ordinance 2019-01
OPERATION OF ALL-TERRAIN VEHICLES) Page 1 of 4
ON COUNTY ROADWAYS)

WHEREAS, the Board of Commissioners for Union County desires to adopt an ordinance authorizing the operation of all-terrain vehicles on certain roadways; and

WHEREAS, the Union County Board of Commissioners has determined that it is necessary to impose certain restrictions on the operation of all-terrain vehicles on such County Roads for the purpose of protecting the interests and safety of the general public.

NOW THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

ARTICLE 1 TITLE AND SCOPE

Section 1.01 Title

This ordinance shall be known as **UNION COUNTY ATV ORDINANCE.**

Section 1.02 Purpose

The purpose of this Ordinance is to authorize the operation of all-terrain vehicles on roadways within Union County subject to the terms, provisions, rights and responsibilities as set forth in this Ordinance.

DEFINITIONS

Section 1.04 Definitions

For the purposes of this chapter, the following definitions apply:

All-Terrain Vehicle(s) (ATVs): Class I ATVs, Class II ATVs, Class III ATVs, and/or Class IV ATVs.

ATV Operator Permit: the ATV Safety Education Card issued upon completion of an 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).

ATV Permit: An ATV permit issued by the Oregon State Parks Department or an ATV/OHV operating permit issued in another state if the issuing state also honors an Oregon ATV operating permit.

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Class I ATVs: as defined in ORS 801.190 is a motorized, off-highway recreational vehicle 50 inches or less in width with a dry weight of 1200 pounds or less that travels on three or more low pressure tires, has a saddle or seat for the operator and is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain. Most riders refer to a Class I All-Terrain Vehicle as an ATV or quad.

Class II ATVs: 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 SUVs.

Class III ATVs: as defined in ORS 801.194(1) Most riders refer to a Class III All-Terrain Vehicle as a dirt bike.

Class IV ATVs: as defined in ORS 801.194(2) is 65 inches wide or less at its widest point, has a dry weight of 1,800 pounds or less, has non-straddle seating, has a steering wheel for steering control, travels on four or more pneumatic tires that are six inches or more in width and has wheels with a rim diameter 14" or less.

Driver License: has the meaning given that term under ORS 801.245.

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.

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.

GENERAL PROHIBITIONS

Section 1.05. General Prohibitions

- A. **Operation of All-Terrain Vehicles on Authorized County Roadways.** Subject to the provisions of this Ordinance, ATVs may be operated on Roadways subject to the conditions and restrictions set forth under ORS 821.200. ATVs are prohibited from operating under this Ordinance on, U.S. Highway 30, Oregon State Highway 82, Oregon State Highway 203, Oregon State Highway 237, Oregon State Highway 204, and Oregon State Highway 244, as located within Union County, except that a person may, while operating an ATV, cross the above highways to the extent permitted under applicable Oregon law, including, without limitation, ORS 821.200(1).
- B. **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 limitations, ORS 811.255) and all posted speed limits.

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- C. **Licensed Driver 16 Years of Age or Older Required.** A person operating an ATV under this Ordinance must be 16 years of age or older and hold a valid Driver's License. Licensed drivers must comply with all license restrictions.
- D. **All-Terrain Vehicle Operator Permit Required.** 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 390.575
- E. **All-Terrain Vehicle Permit.** All-Terrain Vehicles operating under this ordinance must display a valid ATV permit.
- F. **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 735-116-0000.
- G. **Helmet Requirements.**
- a. A person who is under 18 years of age must wear a Motorcycle Helmet with a fastened chin strap while operating, or riding as a passenger on a Class II or Class IV ATV operated under this Ordinance.
 - b. Any person operating a Class I or Class III ATV under this Ordinance must wear a Motorcycle Helmet with a fastened chin strap.
- H. **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 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.
- I. **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 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.
- J. **Prohibition on Operating All-Terrain Vehicles while Driving Privileges are Suspended.** 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.
- K. **Financial Requirements.** All-Terrain Vehicles operated under this Ordinance must meet the financial responsibility requirements under ORS 806.060. 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 and ATV, in a manner provided under ORS 806.060.
- L. **Visibility.** During any time when limited visibility conditions exist, ATVs operated under this Ordinance must be equipped with and display a headlight and taillight.
- M. **Noise.** Mufflers in Oregon must be maintained at 99 decibels (db) and be in compliance of ORS 467.030 and OAR 340-035-0030.

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

Section 1.06. Designation of Roadways. Designation of closed roadways will be at the sole discretion of the Union County Board of Commissioners. Roadways designated as "Closed" are shown in Attachment A. This listing can be amended at any time with majority vote of the Board of Commissioners.

Section 1.07. Liability. The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. Union County, passing this Ordinance, assumes no responsibility for the operation of such ATVs. ATV operators agree and acknowledge to hold Union County harmless from any action, damage, or loss arising from the operation of such ATVs on or off any public way within Union County, including, without limitation, roadways.

Section 1.08. Penalties. 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. Any other violation of this Ordinance shall be commenced by the issuance of a citation and shall be prosecuted in the Union County Justice Court as a Class B Violation pursuant to the provisions of ORS 153.008, ORS 153.012 and ORS 153.018 as now in effect or as may be amended from time to time.

Section 1.09. 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.

Section 1.10. 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 1.11. Modification. The Union County Sheriff and the Union County Public Works Director have 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.

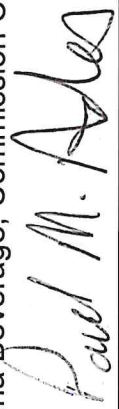
Section 1.12. Responsibility. It is the responsibility of the user to be aware of the roadways designated as "closed" listed in Attachment A.

First Reading: June 26, 2019

Second Reading July 17, 2019

ADOPTED by the County Board of Commissioners this 7th day of August, 2019.


Donna Beverage, Commission Chair


Paul Anderes, Commissioner


R. Matthew Scarfo, Commissioner

ATTACHMENT A to Ordinance 2019 -01

The following County Roadways are **Closed** to ATV use:

(State Laws still apply – ORS821.191 Exception for Agricultural use allowance.
Union County exception for transportation between jobs for Commercial use, such as
snow removal, weed spraying, etc.)

- Hunter Road #14
- McAlister Road #14A
- Gekeler Lane #116 from the intersection of Pierce Road to McAlister Road.
- Buchanan Lane #117
- Palmer Junction Road #42, #140
- Bowman #83
- Moses Creek #042F
- Morgan Lake Road above the intersection of Glass Hill Road

***NOTE THAT THE CROSSING OF THE CLOSED ROADWAYS LISTED
IS ALLOWED***

DO SO WITH CAUTION!