

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF LAKE

IN THE MATTER OF ADOPTING AN) ORDINANCE NO.104
ORDINANCE AUTHORIZING THE)
OPERATION OF ALL-TERRAIN VEHICLES)
ON DESIGNATED COUNTY ROADWAYS)

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

WHEREAS, the Lake County Board of Commissioners 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 interests and safety of the general public, now, therefore,

THE LAKE COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. – Purpose: The purpose of this Ordinance is to authorize the operation of all-terrain vehicles on designated roadways within Lake County 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) (ATVs), means Class I All-Terrain Vehicles, Class II, 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 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) 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 Vehicle(s), 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, is, 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.
- (e) Class IV All-Terrain Vehicle(s), as defined by ORS 801.194(2) 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, sand, snow, ice, marsh, swampland, or other natural terrain, (c) has non-straddle seating, (d) has a steering wheel for steering control, € has a dry weight of 1,800 pounds or less, and (f) is 65 inches wide or less at its widest point. 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 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.
- (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.

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

Roadways. Subject to the provisions of this Ordinance, ATV's may be operated on Streets subject to the conditions and restrictions set forth under ORS 821.200. All-Terrain Vehicles are prohibited from operating under this Ordinance on U.S. Highway 395, U.S. Highway 20, Oregon State Highway 31 and Oregon State Highway 140 as located within Lake 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).

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 limitations, ORS 811.255) and all posted speed limits.

Section 5. – 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.

Section 6. – 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 390.577.

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 735-116-0000.

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 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.

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 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 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.

Section 12. – 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.

Section 13. – Visibility. During any time when limited visibility conditions exist, ATVs operated under this Ordinance must be equipped with and display headlights and taillights.

Section 14. – Designation of Roadways. Designation of closed roadways will be at the sole discretion of the Lake 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 15. – Liability. The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. Lake County, passing 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 Lake County, including, without limitation, roadways.

Section 16. – 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 Lake County Circuit 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 17. – 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 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. – Modification. The Lake County Sheriff and Lake County Road Official 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 21. – Responsibility. It is the responsibility of the user to be aware of the roadways designated as “closed” listed in Attachment A.

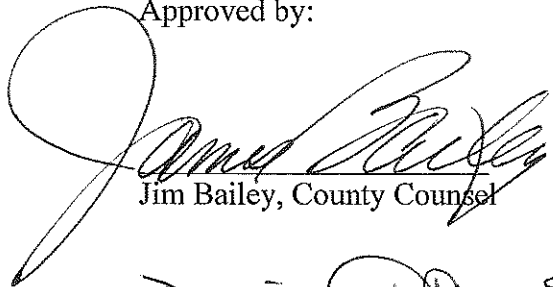
Section 22. – Noise. Mufflers in Oregon must be maintained at 99 decibels (db) and be in compliance of ORS 467.030 and OAR 340-035-0030.

Section 23. – Effective Date. This Ordinance shall take effect on the ninetieth (90th) day following its adoption as set forth below.

DATED this 15 day of Oct, 2014.

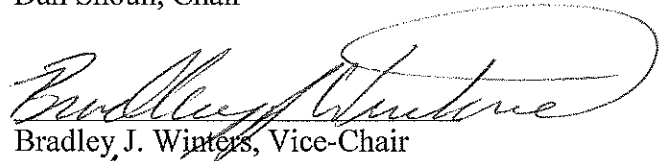
Approved by:

BOARD OF COMMISSIONERS
LAKE COUNTY, OREGON


Jim Bailey, County Counsel


Dan Shoun, Chair


Recording Secretary


Bradley J. Winters, Vice-Chair


Ken Kestner, Commissioner

ATTACHMENT A

The following County Roadways are **Closed** to ATV use:
(State Laws still apply – ORS 821.191 Exception for Agricultural use allowance)

South Lake County –

- County Road 1-13 (Tunnel Hill Road) and 1-11 (Westside Road) are off limits to ATV use beginning at the intersection of Highway 140 to Oregon/California state line.
- County Road 1-11 (Westside Road) beginning at the intersection of 1-10 (Stock Drive Lane) is open to ATV use. 1-11 (Westside Road) becomes off limits at the intersection of 1-11 (Westside Road) and 1-13 (Tunnel Hill Road).

North Lake County –

Silver Lake Area:

- County Road 4-10 (Buck Creek/Bear Flat Road) is entirely off limits to ATV use.

Fort Rock/Christmas Valley Area:

- County Road 5-10 (Fort Rock Road) is off limits to ATV's beginning at the intersection of Highway 31 to Buick's Corner/11 Mile Corner.
- County Road 5-14 (Christmas Valley Highway/Wagon Tire Road) is entirely off limits to ATV use beginning at the intersection of Highway 31 and Arrow Gap Road to the intersection of County Road 5-14 (Christmas Valley Highway) and Highway 395.
- Millican Road (5-12C) 5-12D portion remains open for use.
- Fossil Lake Road
- Old Lake Road
- Oil Dry Road
- Fredericks Butte Road

NOTE THAT THE CROSSING OF THE CLOSED ROADWAYS LISTED IS ALLOWED

DO SO WITH CAUTION!