

ORDINANCE NO. 2021-1

AN ORDINANCE REGARDING THE USE AND OPERATION OF SPECIFIC VEHICLES KNOWN AS ALL-TERRAIN VEHICLES ON CITY STREETS WITHIN THE CITY LIMITS OF THE CITY OF SUMPTER, BAKER COUNTY, OREGON; AND SETTING FORTH REGULATIONS AND PENALTIES

The City of Sumpter, Baker County, Oregon, ordains as follows;

SECTION 1: PURPOSE. The purpose of this ordinance is to regulate the operation of All-Terrain Vehicles (ATVs) within the boundaries of the City of Sumpter, Baker County, Oregon, not inconsistent with ORS 821.010 to ORS 821.335, and the provisions of the Ordinance shall be constructed to affect this purpose. In that regard, all provisions of 821.010 to ORS 821.335, and any other applicable provisions of state or federal laws or regulations where more restrictive than the provisions hereof, shall control.

SECTION 2: DEFINITIONS.

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

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).) As per current Oregon State guidelines.

All-Terrain Vehicle(s) (ATVs): Class I ATVs, Class II ATVs, Class III ATVs and/or Class IV ATVs. As defined by Oregon State standards, as from time to time amended.

Driver License: has the meaning given that term under ORS 801.245, as per current Oregon State guidelines.

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 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 vehicle, including, without limitation, the Oregon Vehicle Code (ORS Chapter 801 to 826) and any regulations or administrative rules promulgated thereunder, as defined by Oregon State standards, as from time to time amended.

SECTION 3: MINIMUM AGE OF DRIVER. No person under the age of 16 years of age shall drive or operate an ATV in the City limits of Sumpter unless accompanied by an adult (age 18) and said person shall have a valid All-Terrain Operators permit and shall be operating a machine that is legal for the child's age. All children under the age of eighteen years riding on an ATV shall be required to wear a helmet.

SECTION 4: OFFENSES BY PERSONS OWNING ALL-TERRAIN VEHICLES

- A) Except as otherwise provided herein, Oregon motor vehicle laws shall apply to ATV's and it shall be unlawful to operate an ATV in violation of the provisions of ORS Chapters 801, 803, 806, 807, 809, 811, 813 and 821, as from time to time amended.
- B) It shall be unlawful for any person to knowingly permit, allow or encourage the operation or driving of an ATV by a person under the age of sixteen years of age without an adult present.
- C) Except in the case of an emergency, it shall be unlawful for any person to ride an ATV during the quiet hours of 10:00pm-7:00am.

- D) It shall be unlawful for any person to operate or drive an ATV if the person does not:
1. Hold a Driver's License or All-Terrain Vehicle Permit in accordance with current state law, or
 2. Operators of Class I or Class III ATVs under the age of 16 must hold a valid driver's license or Class I or Class III ATV operator permit and be accompanied by someone over 18 or holds a valid driver's license or valid Class I or Class III ATV operator permit, except as provided in paragraph E.

SECTION 5: EQUIPMENT.

No ATV shall be operated or driven in the City of Sumpter unless it is equipped with the following;

1. A muffler in good working order and in constant operation to prevent excessive or unusual noise (that exceeds all applicable noise emission standards established by the DEQ as stated in ORS 821.220) and annoying smoke, and no person shall use a muffler cutout, by-pass or similar device. Mufflers shall be equipped with USFS approved spark arrestors.
2. At least one working brake which may be operated by hand or foot.
3. A visible tail lamp, which when lighted shall emit a red light plainly visible at a distance of two hundred fifty feet to the rear and visible headlight. Both lights shall be lit at all times.

SECTION 6: REGULATIONS FOR OPERATION OF ALL-TERRAIN VEHICLES.

- A) 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.
- B) No ATV shall be operated or driven at a speed in excess of twenty miles per hour in the City of Sumpter except the section of Mill Street (also known as State Highway 410), which is a designated ATV Highway Access Route, which must be in compliance with all posted speed limits.
- C) It shall be unlawful to drive, operate, or park an ATV on any sidewalk in the City of Sumpter, other than for removing snow from sidewalks.
- D) No sled, toboggan, trailer or any of the device shall be towed by an ATV except by means of a rigid tow bar connecting the same to such device.
- E) No person shall be towed by an ATV.
- F) It shall be unlawful to drive or operate an ATV while under the influence of intoxicating liquor or a controlled substance.
- G) No person shall operate an ATV carelessly or heedlessly or without due caution and circumspection and at a speed or in a manner as to endanger or be likely to endanger any person or property.
- H) Any person operating an ATV upon city streets shall use the proper hand signals for turning, slowing, or stopping.
- I) No person shall operate or drive, nor permit or allow the operation or driving of an ATV on the city street or alleys of the City of Sumpter unless the operator and the ATV are covered by Liability insurance.

SECTION 7: PENALTIES. Any person convicted of a violation of this Ordinance shall be punished by a fine not to exceed One Hundred Dollars and/or revocation or suspension of driver's license.

SECTION 8: INTERPRETATIONS, SEVERABILITY AND CORRECTIONS. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words, "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law; and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time such actions were filed will remain valid and in full force and effect for purposes of those actions.

READ before the City Council for the first time this 25th day of May, 2021 by title only with the unanimous consent of all Council members present.

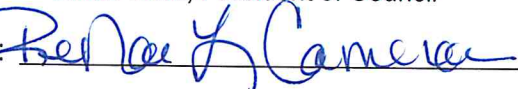
Read for the second time by title only this 25th day of May, 2021

Passed and Approved by the City Council of the City of Sumpter, Baker County,

Oregon this 25th Day of May, 2021

Signed 

Linda Wise, President of Council

Attest: 

City Recorder, ReNae Cameron

Posted for over 30
days as well.
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