

KLAMATH COUNTY BOARD OF COMMISSIONERS

KLAMATH COUNTY, OREGON

**IN THE MATTER OF ADOPTING ORDINANCE)
NO. 91.00 AUTHORIZING THE OPERATION) ORDINANCE NO. 91.00
OF ALL-TERRAIN VEHICLES ON DESIGNATED)
COUNTY ROADWAYS)**

WHEREAS, the Klamath County Board of Commissioners desires to adopt an ordinance authorizing the operation of All-Terrain Vehicles (ATV's) on certain county roadways; and

WHEREAS, the Klamath County Board of Commissioners has determined that it is necessary to impose certain restrictions on the operation of ATV's on such roadways for the purpose of protecting the interests and safety of the general public.

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

The purpose of this Ordinance is to authorize the operation of ATV's on designated roadways within Klamath County subject to the terms, provisions, rights and responsibilities as set forth in this Ordinance.

SECTION 1: Definitions.

- I. **All-Terrain Vehicle(s) (ATVs):** means Class I, Class II, Class III, and/or Class IV All-Terrain Vehicles.
- II. **ATV Operator Permit:** means 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).
- III. **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.

- IV. **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.
- V. **Class III All-Terrain Vehicle(s):** as defined by ORS 801.194(1) is a motorcycle that travels on two tires and that is actually being operated off Highway.
- VI. **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 contr7r ol, (e) 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.
- VII. **Driver License:** has the meaning given that term under ORS 801.245.
- VIII. **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, 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.
- IX. **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 2: Operation of ATV's on Authorized County Roadways.

ATV's are prohibited from operating under this Ordinance on any U.S. Highway located within Klamath County other than for the purpose outlined in ORS 821.191, or to cross the highway(s) to the extent permitted under applicable Oregon law, including and without limitation, ORS 821.200(1).

SECTION 3: Regulations for Operation of ATV's. ATV's 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 4: 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 5: ATV 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 6: Safety Equipment Requirements. ATV's 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 7: Helmet Requirements. All persons, regardless of age, must wear a Motorcycle Helmet with a fastened chin strap while riding on an ATV under this Ordinance.

SECTION 8: 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 9: 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 10: 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 11: 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 12: Hours of Operation. ATV's may be operated on the designated roadways during the daylight hours only with headlights and taillights on at all times.

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. County roads designated as open use for ATV's are as follows: Crescent Cutoff Rd. beginning at Forest Service Road 100 to the town of Crescent, Oregon only. Designation of these roadways will be at the sole discretion of the Klamath County Board of Commissioners. This listing can be amended at any time with majority vote of the Board of Commissioners.

SECTION 15: Posting. Klamath County will post signs giving notice that the operation of ATV's is permitted upon the designated roadways under the provisions of this Ordinance. Klamath County will post such signs at locations necessary to inform the public that ATV's are permitted upon the roadways.

SECTION 16: Liability. The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. Klamath 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 Klamath County, including, without limitation, all roadways.

SECTION 17: 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. Violators may be issued a citation and prosecuted in the Klamath County Justice Court.

SECTION 18: 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 19: 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 20: Snowmobiles. Nothing contained in this Ordinance applies to the operation of snowmobiles as that term is defined by ORS 801.490.

SECTION 21: Modification. The Klamath County Sheriff and the Klamath 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 22: Responsibility. It is the responsibility of the user to be aware of the roadways designated as open to use of ATV's. It is also the responsibility of the user to be aware of the roadway designation if such time as the designation of the roadways change for any reason whatsoever.

SECTION 23: 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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This Ordinance will take effect ninety (90) days after its adoption.

DONE and DATED this 29th day of October, 2019.

KLAMATH COUNTY BOARD OF COMMISSIONERS



Chair


Commissioner


Commissioner

APPROVED FOR LEGAL SUFFICIENCY:

ATTEST:


for - Mika N. Blain
Klamath County Counsel


Recording Secretary