

ORDINANCE 20-297

AN ORDINANCE AMENDING ORDINANCE 20-293 AUTHORIZING THE OPERATION OF ALL-TERRAIN VEHICLES TO UTILIZE A ROUTE TO SPINREEL DUNES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Lakeside (the "City") desires to adopt an Ordinance authorizing operation of all-terrain vehicles to utilize a route to the Spinreel Dunes from within the boundaries of the city limits of Lakeside; and

WHEREAS, the City of Lakeside has determined that it is necessary to impose certain restrictions on the operation of all-terrain vehicles on this proposed route in the interests and safety of the general public; and

NOW THEREFORE, THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

Section 1. Incorporation. The above-stated findings are hereby adopted.

Section 2. Short Title. This Ordinance may be referred to and cited as the "LAKESIDE ATV SPINREEL DUNES ACCESS ROUTE".

Section 3. The current definition of **ALL-TERRAIN VEHICLE** in Section 70.02 of the City of Lakeside Code is replaced by the following definitions:

ALL-TERRAIN VEHICLE(S) AND ATV(S). Meaning Class I All-Terrain Vehicles, Class II All-Terrain Vehicles, Class III All-Terrain Vehicles, and/or Class IV All-Terrain Vehicles.

ATV OPERATOR PERMIT. Has the meaning given that term under OAR 736-004-0015(10). OAR 736-004-0015(10) defines an ATV Operator Permit as 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 Department.

CLASS I ALL-TERRAIN VEHICLES(S). Has the meaning given that term under ORS 801.190. ORS 801.190 defines a Class I All-Terrain Vehicles as a motorized, off highway recreational vehicle that (a) is 50 inches wide 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 is designed for use on wheels with a diameter of 14 inches or less, (d) uses handlebars for steering 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 any other natural terrain. Class I All-Terrain vehicles may also be known as, quads, three-wheelers or four wheelers

CLASS II ALL-TERRAIN VEHICLE(S). Has the meaning of any 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, snow, ice, marsh, swampland, or any other natural terrain, (c) is not a Class IV All-Terrain Vehicle, and (d) is street legal, registered under ORS 803.420 and has a roof or roll bar/cage. Class II All-Terrain Vehicles may also be known as: "four by fours", pickups, jeeps, sand rails, dune buggies and SUV's.

CLASS III ALL-TERRAIN VEHICLES. Has the meaning given that term under ORS 801.194 defines class III ATV's as two wheeled motorcycles, this includes dual sport (street legal) that are (a) used on trails, (b) use handlebars for steering has a seat designed to be straddled for the operator, and (c) is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or any other natural terrain. Class III ATV's may also be known as dirt bikes, cycles, scooters.

CLASS IV ALL-TERRAIN VEHICLES. Has the meaning given that term under ORS 801.194(2). ORS 801.194(2) defines a Class IV All-Terrain Vehicle as any motorized vehicle that (a) travels on four or more pneumatic tires that are six inches in width or more 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 any other natural terrain, (c) has a non-straddling seating, (d) has a steering wheel for steering control, (e) has a dry weight of 2,500 pounds or less, and (f) is 80 inches in width or less at its widest point. Class IV All-Terrain Vehicles may also be known as UTVs, Side-by-Sides (SxS).

Section 4. The following definitions are added, alphabetically, to Section 70.02 of the City of Lakeside Code:

DRIVER LICENSE. Has the meaning given under that term within ORS 801.245.

DRIVER PERMIT. Has the meaning given under that term within ORS 801.250.

MOTORCYCLE HELMET. Has the meaning given that term under ORS 801.366.

EYE PROTECTION. has the meaning of impact resistant glasses, goggles or shield designed to protect an individual's eyes from injury due to fly debris, such dust, rocks and insects.

PERSONAL PROTECTIVE EQUIPMENT (PPE). Has the meaning as equipment to be worn by the ATV operator and passengers. Designed to protect the operator and passengers from injury in the event of an accident or unexpected impact with a stationary object, another vehicle and airborne debris from other vehicles or nature.

TRAFFIC LAWS(S). Mean any and all Oregon statutes and regulations relating in any way to the operation or use of a motorized vehicles, including without limitation, the Oregon Vehicle Code (ORS Chapters 801 to 826) and any regulations promulgated thereunder.

STREET(S). Has the meaning of, all highways, roads, streets, alleys and right of ways other than State of Oregon highways and two lane gravel roads within the City of Lakeside that

are open, used, or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

Section 5. Sections 70.03 through 70.99 of the City of Lakeside Code are replaced by the following sections:

70.03 OPERATION OF ALL-TERRAIN VEHICLES AUTHORIZED.

Subject to the provisions of this Chapter, ATVs may be operated on the specific route as follows: WEST FROM COOS COUNTY PARK, ALONG PARK AVENUE EAST TO SOUTH 8TH STREET. FROM SOUTH 8TH STREET TO AIRPORT WAY AND FROM AIRPORT WAY TO SPINREEL ROAD, WITH FINAL DESTINATION AT SPINREEL DUNES. This route is subject to the conditions and restrictions set forth under ORS 821.200. All-Terrain Vehicles are prohibited from operating under this Ordinance on any State of Oregon Highway, within the boundaries of the City, unless on roads designated as All-Terrain Vehicle Highway Access Route by Oregon Transportation Commission.

70.04 REGULATIONS FOR OPERATION OF ALL-TERRAIN VEHICLES.

All-Terrain Vehicles operated under this Chapter must be operated in compliance with all applicable federal, state, county and local laws, regulations and ordinances including without limitation, all applicable Traffic Law requirements (including without limitation, all applicable Traffic Law requirements, including without limitations ORS 811.255 and all posted speed limits, and in a manner comporting with public health, safety and general welfare.

70.05 LIABILITY.

The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. The City 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 the City, including without limitation, Streets.

70.06 EQUIPMENT.

No ATV shall be operated within the City unless it is equipped with the following:

(A) A muffler in good working order and in constant operation to prevent excessive or unusual noise, that exceeds all applicable noise emissions standards established by the DEQ as stated in ORS 821.210. No person shall use a muffler cutout, by-pass or similar device. ATVs shall be equipped with muffler exhaust systems and/or spark arrestors, except for Class II vehicles per OAR 629-043-0015.

(B) At least one working brake which may be operated by hand or foot.

(C) A head lamp, when lighted will be white in color for increased visibility from the front of the vehicle.

(D) A visible tail lamp, which when lighted will be red in color and plainly visible from 250 feet to the rear.

(E) Class II and Class IV will be equipped with a properly installed and functioning rear-view mirror.

(F) Class II and Class IV ATVs will be equipped with functioning safety belts for the operator and each passenger.

(G) All ATV operators shall wear PPE at a minimum of Helmet and Eye protection.

(H) Helmets will not be required for Class II and Class IV ATVs, however persons under the age of 18 shall wear a Helmet at all times while riding Class IV ATVs. Eye protection will be required if the vehicle does not have an installed windshield.

(I) Class II and Class IV Operators and passengers shall wear seat belts or restraints.

70.07 REGULATIONS FOR OPERATION OF ALL-TERRAIN VEHICLES.

(A) 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 16.

(B) All persons operating an ATV within the City must possess a valid driver's license.

(C) All persons operating an ATV must possess a valid Oregon All-Terrain Vehicle Safety Education Card issued in the operator's name.

(D) ATV Permit- All ATV's operated on City streets must have Oregon ATV permit attached to ATV, or show proof of online purchase of such permit.

(E) No person shall operate, drive or permit an ATV on this City route, unless the Operator and the ATV are covered by liability insurance in accordance with ORS 806.010.

(F) No person shall operate an ATV within the City except between the hours of 8 A.M. and dusk. "Dusk" is defined as 30 minutes after sunset as calculated by the U.S. Naval Observatory.

(G) ATVs shall be operated on designated routes only as indicated by posted signs.

(H) All ATVs 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.

(I) It shall be unlawful to operate or park an ATV on any sidewalk in the City.

(J) It shall be unlawful to operate an ATV while under the influence of alcohol or any other controlled substance.

(K) All ATV operators will follow all posted traffic signs and laws.

(L) 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 any person or property.

(M) Any ATV operating on the streets without installed turn signals or brake lights shall use the proper hand signals for turning, slowing or coming to a stop in accordance with ORS 811.395.

70.09 ROUTE SIGNAGE.

The City shall post signs giving notice that the operation of ATVs is permitted under the provisions of this Ordinance. The City will post such signs at locations necessary to inform the public that ATVs are permitted upon certain Streets within this Spinreel Dunes Access Route, and in which sign locations will be determined by the City at its sole discretion.

70.10 OFFENSES AND PENALTIES.

(A) Violation of, or failure to comply with any provision of this Ordinance including without limitation the operation of an ATV where such ATV is prohibited, is punishable by a fine of \$200 for each infraction. Each violation of this Ordinance will constitute a separate offense. The penalties imposed by this Section 70.10 are not exclusive and are in addition to any other remedies, civil or criminal, available to the City under applicable law.

(B) This Chapter may be enforced by the Oregon State Police and by the Coos County Sheriff's Office.

(C) Failure of all-terrain vehicle rider to wear helmet; penalty.

(1) A person commits the offense of failure of an all-terrain vehicle operator or passenger to wear a motorcycle helmet if:

(a) The person is under 18 years of age, operates or rides a Class I, Class II, Class III or Class IV all-terrain vehicle on premises open to the public or on a highway and is not wearing a motorcycle helmet with a fastened chin strap; or

(b) The person is 18 years of age or older, operates or rides on a Class I or Class II all-terrain vehicle on an all-terrain vehicle highway access route that is designated by the Oregon Transportation Commission as open to all-terrain vehicles and is not wearing a motorcycle helmet with a fastened chin strap.

Section 6. Ordinance Provisions. All pronouns contained in Chapter 70 of the City of Lakeside Code 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.

Section 7. Severability. The provisions of this Ordinance are hereby declared as severable. If any 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.

Section 8. Enactment Clause. The provisions of this Ordinance shall become operative on January 1, 2021.

Section 9. Emergency Clause. Because the City Council believes that the passage of this Ordinance will encourage tourism and support the local economy, and will therefore further the peace, health and safety of the community, this Ordinance will become effective immediately after its passage by the City Council and approved by the Mayor.

PASSED BY THE LAKESIDE CITY COUNCIL THIS 10th DAY OF DECEMBER, 2020

NAYS: 0

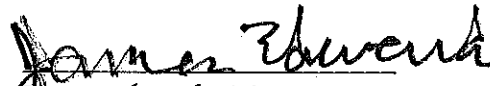
AYES: 6

ATTESTED:

APPROVED:



Loree Pryce, City Manager/Recorder



James Edwards, Mayor