

CITY OF ST. HELENS: PERTAINING TO" AUTHORIZING THE OPERATION OF CLASS IV ALL- TERRAIN VEHICLES ON STREETS LOCATED WITHIN THE CITY OF ST. HELENS, OREGON, BUT SUBJECT TO THE PROVISION OF ORS 821.200(1), AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

**WHEREAS**, The City of St. Helens to allow Class IV All-Terrain Vehicles (ATVs)side-by-side (SxS) vehicles on designated city streets. This proposal outlines a policy, with an bi-annual permit fee structure and clear regulations for safe and responsible SxS usage; and

**WHEREAS**, the St. Helens City Council 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 interest and safety of the general public;

**NOW THEREFORE,**

The City of St. Helens does ordain as follows:

**Section 1. - Purpose:**

The purpose of this Ordinance is to authorize the operation of All-terrain vehicles on City streets within the City of St. Helens 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) (ATV(s)), means Class I All-Terrain Vehicles, Class II All-Terrain Vehicles, Class III All-Terrain Vehicles, and/or Class IV All -Terrain Vehicles

**(b)** Oregon ATV Classifications examples:

- Class I ATVs: Quads and 3-wheelers
- Class II ATVs: Off-road trucks, jeeps, and dune buggies
- Class III ATVs: Off-road motorcycles
- Class IV ATVs: Side-by-Sides (e.g., RZR, Pioneer, etc.)

**(c)** Applies only to Class IV ATVs (Side-by-Sides).

**(d)** Excludes quads, motorcycles, and off-road trucks.

**(e)** ATV Operator Permit, means the ATV Safety Education Card issued upon completion of an Oregon Parks and Recreation Departments 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).

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.

**(f)** Class II All-Terrain Vehicles, 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 SUV's.

**(g)** Class III All-Terrain Vehicle and Class IV All-Terrain Vehicle(s), as defined by ORS 801.194. Class III All-Terrain Vehicle means a motorcycle that travels on two tires and that is actually being operated off highway.

**(h)** Class IV 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, snow, ice, marsh, swampland or other natural terrain, (c) Has non-straddle seating (d) Has a steering wheel for steering control, (e) Has a dry weight of 1,800 pounds or less; and (f) Is 65 inches wide or less at its widest point, or current manufacturing standards of width and weight from the factory. Class IV All-Terrain Vehicles may also be known as side-by-sides (SXS).

**(i)** Driver License, has the meaning given that term under ORS 801.245.

**(j)** 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.

**(k)** 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.

**(l)** Street(s) means all roads, streets, and alleys, other than Highway 30 as located within the boundaries of the City of St. Helens that are open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

**(m)** Hours of Operations, "daylight hours" means one hour before sunrise to one hour after sunset.

### **Section 3. operation of All-Terrain Vehicles on Streets Authorized.**

Subject to the provisions of this Ordinance, Class IV ATV's may be operated on Streets subject to the conditions and restriction set forth under ORS 821.200. All-Terrain Vehicles are prohibited from operating under this Ordinance on Highway 30 and Highway 30 as located within the City, except

that a person may, while operating a Class IV ATV, cross the above highways to the extent permitted under applicable Oregon law, including, without limitation, ORS 821.200.

#### **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 limitation, ORS 811.255) and all posted speed limits. Every operator of a permitted Side-by-Side (SxS) vehicle on public streets within the City of St. Helens must maintain liability insurance that meets or exceeds the minimum financial responsibility requirements set forth in ORS 806.010 and ORS 806.070.

Minimum liability coverage must be no less than the amounts required under ORS 806.070:

- (a) \$25,000 for bodily injury or death of one person;
- (b) \$50,000 for bodily injury or death of two or more persons; and
- (c) \$20,000 for injury to or destruction of property of others.”

(Shall mirror Oregon's standard auto insurance minimums.)

#### **Section 5. Licensed Driver 18 Years or Older Required.**

A person operating a Class IV ATV under this Ordinance must be 18 years of age or older and hold a valid Driver License.

#### **Section 6. All Terrain Vehicle Operator Permit Required.**

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.**

- (a) All side-by-sides must be equipped with a rear facing mirror.
- (b) Class IV vehicles are subject to noise ordinances and environmental impact regulations.
- (c) 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, ORS821.040, ORS821.220, ORS821.230, and OAR735-116-000.

#### **Section 8. Personal Protection.**

- (a) **Helmets:** All persons must wear a Motorcycle Helmet with a fastened chin strap while riding as a passenger on an ATV operated under this Ordinance.
- (b) **Eye Protection:** Eye protection is required in any vehicle without a windshield.

#### **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 as required to be equipped with safety belts or safety harnesses at the time the ATV was manufactured, or safety belts or safety harness 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 and proper 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 While Driving Privileges Suspended.**

A person may not operate an ATV under this Ordinance while the person's driving privileges (i.e., Driver 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. 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 an ATV, in a manner provided under ORS 806. The exemption in 806.020 does not apply to this ordinance.

## **Section 13. Hours of Operation Rules.**

All-Terrain Vehicles may be operated during daylight hours with headlights and taillights. All-Terrain Vehicles may be operated during hours of darkness and when limited visibility conditions exist if it is equipped with lighting equipment required for a motor vehicle under ORS 816.320 (For example, high and low beam headlights, taillights, turn signals, and brake lights).

## **Section 14. Posting.**

The City of St. Helens will post signs giving notice that the operation of ATVs is permitted upon Streets under the provisions of this Ordinance. The City of St. Helens will post such signs at locations necessary to inform the public that ATVs are permitted upon Streets, which sign locations will be determined by the City of St. Helens in its sole discretion.

## **Section 15. Liability.**

The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. The City of St. Helens, by passing this Ordinance, assumes no responsibility of 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 limits, including, without limitation, Streets.

## **Section 16. Penalties.**

- (a) Any violation of this Ordinance that constitutes a violation of a Traffic Law, the penalty shall be the same 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 St. Helens Municipal Court as a City Violation as now in effect or as may be amended from time to time.

## **Section 17. Reference Statutes and Rules.**

All reference 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. Severability.**

To the extent any provision of this Agreement is prohibited by or held invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement.

## **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. Modifications.**

The Chief of Police of the City of St. Helens has 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. Fees and Permit Requirement:**

- (a) Class IV All-Terrain vehicles must obtain a Bi-Annual permit from the City of St. Helens.
  - a. To receive a City SxS sticker, residents must provide:
  - b. A valid driver's license
  - c. Proof of insurance meeting ORS requirements
  - d. Proof of ownership or lawful possession
  - e. Payment of the permit fee
- (b) A permit fee shall be determined by majority vote of City Council.
- (c) Permits will be issued with a city-specific St. Helens Class IV ATV (SxS) Sticker to be affixed in a predetermined, highly visible location on the vehicle.