

() Discussion only

(X) Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: ATV Ordinance

<p>Background:</p> <p>The proposed ATV Ordinance is before the Board for the first reading and public hearing. Changes may be made to the ordinance, and it may be set for a second reading. The ordinance would allow ATVs on certain County Roads, and for the area easterly of Highway 11 and 395, and southerly of Highway 74.</p>	<p>Requested Action:</p> <ul style="list-style-type: none"> (1) First Reading (2) Public Hearing (3) Set Second Reading
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ATTACHMENTS : Proposed Ordinance

*****For Internal Use Only*****

Checkoffs:

() Dept. Heard (copy)
() Human Resources (copy)
(X) Legal (copy)
() (Other - List:)

To be notified of Meeting:

Needed at Meeting:

Scheduled for meeting on: October 1, 2025

Action taken:

Follow-up:

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Ordinance)
Permitting Use of Some All-) ORDINANCE NO. 2025-08
Terrain Vehicles on County)
Roads)

WHEREAS the Oregon Legislature passed Chapter 372 of the 1999 Oregon Laws, revising the statutes for the licensing and the use of all-terrain vehicles and other off-road vehicles;

WHEREAS ORS 821.190 makes it unlawful to operate on a highway Class I, III and IV all-terrain vehicles and Class II all-terrain vehicles that are not properly equipped for operation on a highway;

WHEREAS an exemption to ORS 821.190 and the restrictions on the use of off-road vehicles is provided under ORS 821.020 for public roads, and when any local two-lane gravel road that is open to the public and is designated by the road authority as open to off-road vehicles;

WHEREAS citizens of Umatilla County have requested the Board of Commissioners to adopt provisions allowing some all-terrain vehicles on certain roads under the jurisdiction of Umatilla County;

WHEREAS the Board of Commissioners is open to allowing certain all-terrain vehicles on designated County Roads if the vehicle is properly licensed and permitted, insured and equipped with certain safety requirements.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the adoption of the following:

1. Subject to the provisions of this Ordinance and Oregon law, Class I, II and IV all-terrain wheeled vehicles may be operated on designated County Roads. This ordinance does not apply to or restrict vehicles under ORS 821.191 used for agricultural purposes. Nothing contained in this ordinance applies to the operation of snowmobiles as that term is defined by ORS 801.490.

2. The County Roads designated for use by All-Terrain Vehicles are those two lane gravel County Roads and paved County Roads with a posted speed limit of 40 miles per hour or less, located easterly of State Highway 11, easterly of State Highway S. 395 (Pendleton to Nye Junction), and southerly of State Highway 74. Public Roads within this area and not accepted as and designated as County Roads and any road under the jurisdiction of another governmental entity or agency are excluded from and not covered by this Ordinance, and excluding any road on the Confederated Tribes of the Umatilla Indian Reservation.

3. Operator Requirement

- A. The operator of the allowed all-terrain vehicle must be 16 years of age or older, have a Umatilla County ATV Permit, and hold a valid state issued Driver's License. Licensed drivers must comply with all license restrictions. 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.
- B. For any operator under the age of 18, another adult person must also be along.
- C. A person operating a Class I All-Terrain Vehicle must hold a valid Class I ATV Safety Education Card Operator Permit issued under ORS 390.570. A person operating a Class IV All-Terrain Vehicle must hold a valid Class IV ATV Safety Education Card issued under ORS 390.577. The operator must have any other permit required by the State of Oregon for operating an ATV.

4. Vehicle Requirements

- A. All-Terrain Vehicles operated under this Ordinance must be wheeled only and 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. No tracked vehicles are permitted.

- B. The all-terrain vehicle must be equipped with rearview mirrors, brakes, display headlights and taillights, minimum of 150 cc engine capability, and pennant to attract attention.
- C. Mufflers in Oregon must be maintained at 99 decibels (db) and be in compliance of ORS 467.030 and OAR 340-035-0030.
- D. The vehicle must have a valid Oregon state issued ATV operating permit (sticker) or any other permit required by the State of Oregon.
- E. All-Terrain Vehicles operated under this Ordinance must meet the financial responsibility requirements under ORS 806.060. For purposes of this ordinance, "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.

5. Vehicle Operation

- A. 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 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. It is the responsibility of the operator to be aware of which County Roads are open to use by all-terrain vehicles.
- B. Any operator or passenger must wear a Motorcycle Helmet with a fastened chin strap at all times if operating or riding on a Class I, or if under the age of 18 for any Class of vehicle.

- C. No passenger may be under the age of 5.
- D. 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 (ORS 811.210).
- E. In the event of a ban on burning adopted by the Board of Commissioners, use of the County Roads may be restricted for All-Terrain Vehicle Use.
- F. All-Terrain Vehicles operated under this Ordinance may be operated only during daylight hours. For purposes of this section, daylight hours mean one-half hour after sunrise to one-half hour before sunset. Headlight and taillights must be used at all times.

6. Liability. The operation of an ATV will be undertaken at the sole risk and responsibility of the owner and/or operator. Umatilla County, in adopting 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 Umatilla County, including, without limitation, roadways.

7. Enforcement and Penalties.

- A. Enforcement of this Ordinance may be through Umatilla County Code of Ordinances Chapter 38, or by civil action as provided in ORS 30.310, 30.315 or ORS Chapter 203, or by any means allowed under Oregon law.
- B. 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.
- C. The failure or omission to comply with any section of this Ordinance shall be deemed a violation and may be so prosecuted, subject to the fines provided

in this Ordinance and Chapter 38.

8. County Permit.

- A. A Umatilla County ATV Permit will be issued by Umatilla County upon application, payment of permit fee, proof of insurance and determination of operator and equipment compliance as required by this Ordinance. The administration of the permit issuance process will be as authorized by the Board of Commissioners.
- B. Permit must be renewed every two years, after showing of safe operation and continued compliance with this ordinance.
- C. The permit may be revoked if operator has violated the conditions of this ordinance, or by a preponderance of evidence has demonstrated unsafe operation of an ATV or permit holder has had their driving privilege suspended or revoked in the State of Oregon.

9. Definitions. For the purpose of this Ordinance, the following definitions are established:

(a) All-Terrain Vehicle(s) ("ATV"), means Class I All-Terrain Vehicles, Class II, All-Terrain Vehicles, and/or Class IV All-Terrain Vehicles as such Classes are defined under ORS Chapter 801. Snowmobiles, as defined in ORS 801.490, are excluded from this ordinance and are not included within any authorization to use of County Roads.

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

(d) 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. The padding must be internal impact padding.

(e) 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.

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

FIRST READING: October 1, 2025

SECOND READING:

DATED this day of ,

UMATILLA COUNTY BOARD OF COMMISSIONERS

Celinda A. Timmons, Chair

Daniel N. Dorran, Commissioner

John M. Shafer, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer