

ORDINANCE NO. 237

AN ORDINANCE REGARDING USE AND OPERATION OF SNOWMOBILES WITHIN THE CITY LIMITS OF DETROIT, OREGON; REQUIRING CERTAIN EQUIPMENT ON SNOWMOBILES WHEN IN USE ON CITY STREETS; AND SETTING FORTH REGULATIONS AND PENALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DETROIT, OREGON:

1. **DEFINITION** – The term “snowmobiles” shall mean every self-propelled device upon a combination of skis, skids, tracks or endless belts, in and upon which any person or property is or may be transported or drawn upon snow or snow-covered surface areas, and expressly includes devices known as “snowmobiles” or “skimobiles”.
2. **MINIMUM AGE OF DRIVERS** – No person under the age of sixteen (16) years of age shall drive or operate a snowmobile in the City.
3. **OFFENSES BY PERSON OWNING SNOWMOBILES**
 - a. It shall be unlawful for any person to knowingly permit, allow or encourage the operation or driving of a snowmobile by a person under the age of sixteen (16) years of age.
 - b. No snowmobile shall be operated in the City of Detroit, by any person unless such snowmobile has been licensed by the State.
 - c. No snowmobile shall be operated by a person without a valid operator’s license or certification.
 - d. No snowmobiles shall be permitted on Highway 22, which is a State of Oregon Highway, except that a person may, while operating a Snowmobile, cross a State of Oregon Highway to the extent permitted under applicable Oregon law, including, without limitation, ORS 821.200(1), for which a copy thereof is attached and incorporated.
4. **EQUIPMENT** – No snowmobile shall be operated in the City, unless it is equipped with the following:
 - a. At least one and not more than two (2) headlamps sufficient to render clearly discernable persons and vehicles at a distance of two hundred fifty feet (250’) ahead.
 - b. Tail lamps, which when lighted shall emit a red light plainly visible at a distance of two hundred fifty feet (250’) to the rear.
 - c. At least one brake which may be operated by hand or foot.
 - d. A muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke; and no person shall use a muffler cut out, by-pass or similar device.
5. **REGULATIONS FOR OPERATION OF SNOWMOBILES**
 - a. No snowmobile shall be operated at a speed in excess of twenty (20) miles per hour within city limits.
 - b. No snowmobile shall carry passengers or weights in excess of the capacity recommended by the manufacturer thereof.

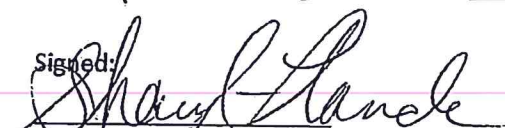
- c. No sled, toboggan, trailer or any other device shall be towed by a snowmobile except by means of a rigid tow bar connecting the same to such device.
 - d. No person on skis shall be towed behind a snowmobile.
 - e. It shall be unlawful to drive or operate a snowmobile while under the influence of intoxicating liquor or a controlled substance.
 - f. All snowmobiles shall obey all traffic laws; 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 promulgated thereunder.
 - g. All snowmobiles within the city limits shall be operated in single file on the extreme right hand side of the street.
 - h. No person shall operate a snowmobile carelessly and 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.
6. **PENALTIES** – Violation of, or failure to comply with any provisions of this Ordinance, including without limitation the operation of a snowmobile where such snowmobile is prohibited, or failure to comply with the city's Nuisance Ordinance No. 213 Section 15, is punishable by a fine not to exceed \$250.00 per day/per violation. Each violation of this Ordinance will constitute a separate offense. The penalties imposed by this Section are not exclusive and are in addition to any other remedies, civil or criminal, available to the City under applicable law.
7. **SEVERABILITY** – If any portion of this Ordinance or the application thereof to any persons or circumstances is held to be invalid, the invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.
8. **EFFECTIVE DATE** – This Ordinance will become effective 30 days after its passage by the City Council.

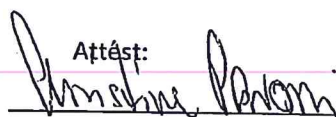
First read before the City Council of the City of Detroit on April 14, 2015.

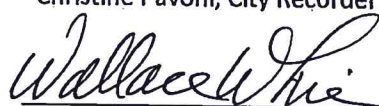
Second reading by title before the City Council of the City of Detroit on May 12, 2015.

Passed by the Common Council of the City of Detroit, Oregon, this 12th day of MAY, 2015.

Ayes 7 Nays 0 Absent 0

Signed: 
Sharyl Flanders, Mayor

Attest: 
Christine Pavoni, City Recorder


Wallace W. Lien, City Attorney

§ 821.200¹

Exemptions from general prohibition on operating on highway or railroad

This section establishes exemptions from the limitations placed on the use of snowmobiles and all-terrain vehicles under ORS 821.190 (Unlawful operation of snowmobile or all-terrain vehicle on highway or railroad). The prohibitions and penalties under ORS 821.190 (Unlawful operation of snowmobile or all-terrain vehicle on highway or railroad) do not apply when a snowmobile or all-terrain vehicle that qualifies for the exemption from equipment requirements under ORS 821.010 (Exemptions from equipment requirements for off-road vehicles) is being operated as described under any of the following:

- (1) A person may lawfully cross a highway or railroad right of way while operating a snowmobile or all-terrain vehicle if the person complies with all of the following:
 - (a) The crossing must be made at an angle of approximately 90 degrees to the direction of the highway or railroad right of way.
 - (b) The crossing must be made at a place where no obstruction prevents a quick and safe crossing.
 - (c) The vehicle must be brought to a complete stop before entering the highway or railroad right of way.
 - (d) The operator of the vehicle must yield the right of way to vehicles using the highway or equipment using the railroad tracks.
 - (e) The crossing of a railroad right of way must be made at an established public railroad crossing.
 - (f) The crossing of a highway must be made at a place that is more than 100 feet from any highway intersection.
 - (g) If the operator of a snowmobile is under 12 years of age, a person who is 18 years of age or older must accompany the operator either as a passenger or as the operator of another snowmobile that is in proximity to the younger operator.
- (2) A snowmobile or all-terrain vehicle may be lawfully operated upon a highway under any of the following circumstances:
 - (a)

Where the highway is completely covered with snow or ice and has been closed to motor vehicle traffic during winter months.

- (b) For purposes of loading or unloading when such operation is performed with safety and without causing a hazard to vehicular traffic approaching from either direction on the highway.
 - (c) Where the highway is posted to permit snowmobiles or all-terrain vehicles.
 - (d) In an emergency during the period of time when and at locations where snow upon the highway renders travel by automobile impractical.
 - (e) When traveling along a designated snowmobile or all-terrain vehicle trail.
- (3) It shall be lawful to operate a snowmobile or all-terrain vehicle upon a railroad right of way under any of the following circumstances:
- (a) Where the right of way is posted to permit the operation.
 - (b) In an emergency.
 - (c) When the snowmobile or all-terrain vehicle is operated by an officer or employee or authorized contractor or agent of a railroad. [1983 c.338 §727; 1985 c.72 §3; 1985 c.459 §29; 1989 c.991 §13; 1999 c.372 §2; 1999 c.565 §5; 2007 c.887 §3]