

ORDINANCE NO. 276

AN ORDINANCE AMENDING ORDINANCE 271 AUTHORIZING THE OPERATION OF CLASS I AND CLASS IV ALL-TERRAIN VEHICLES, LOW-SPEED VEHICLES, GOLF CARTS AND ADDING MOTORIZED SCOOTERS ON CERTAIN STREETS LOCATED WITHIN THE BOUNDARIES OF THE CITY OF DETROIT, OREGON AND REPEALING ORDINANCE 236 AND 240.

WHEREAS, THE City of Detroit (the "City") desires to adopt an ordinance authorizing the operation of All-terrain vehicles, low-speed vehicles, golf carts and motorized assisted scooters on certain streets located within the boundaries of the City; and

WHEREAS, the City has determined that it is necessary to impose certain restrictions on the operation of all-terrain vehicles, low-speed vehicles, golf carts and motor assisted scooters, here and after referred to as ATV/LSV/Golf Carts/Scooters, on such streets in order to protect the interest and safety of the general public.

NOW, THEREFORE, THE CITY OF DETROIT ORDAINS AS FOLLOWS:

1. Incorporation. The above-stated findings are hereby adopted.
2. Short Title. This Ordinance No. 271 (this "Ordinance") may be referred to and cited as the "ATV/LSV/Golf Cart Ordinance".
3. Definitions. As used in this Ordinance, the following capitalized terms have the meanings assigned to them below:

"All-Terrain Vehicle(s)" and **"ATV(s)"** mean Class I 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 and Recreation Department.

"Class I All-Terrain Vehicle(s)" has the meaning given that term under ORS 801.190. ORS 801.190 defines a Class I All-Terrain Vehicle as 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 a 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.

“Class IV All-Terrain Vehicle(s)” 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 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 control, (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.

“Driver License” has the meaning given that term under ORS 801.245.

“Golf Cart” has the meaning given that term under ORS 801.295 defines a golf cart as a motor vehicle that has not less than three wheels in contact with the ground, has an unloaded weight less than 1,300 pounds, is designated to be and is operated at not more than 15 miles an hour and is designated to carry golf equipment and not more than two persons, including the driver. *Golf carts can have between two and eight seats.

“Low-Speed-Vehicle” has the meaning given that term under ORS 801.331 defines a low-speed-vehicle a four wheeled motor vehicle with a top speed of more than 20 miles per hour but not more than 25 miles per hour.

“Motorized Scooter” A scooter that is designed to be operated on the ground with not more than four wheels, has a foot support or seat for the operator’s use, is being propelled by motor, and is equipped with a power source that is incapable of propelling the vehicle at a speed of greater than 24 miles per hours on level ground, if the power source is a combustion engine, has a piston or rotor displacement of 35 cubic centimeters or less regardless of number of chambers in the power source and if the power source is electric, has a power output of not more than 1,000 watts.

“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.

“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 promulgated thereunder.

“Street(s)” means all highways, roads, streets, and alleys, other than State of Oregon highways and two-lane gravel roads, within the boundaries of the City that are open, used, or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

4. Operation of ATV/LSV/Golf Carts/Motorized Scooters on Streets Authorized. Subject to the provisions of this Ordinance, ATV/LSV/Golf Carts/Motorized Scooters may be operated on streets subject to the conditions and restrictions set forth under ORS 821.200. ATV/LSV/Golf Carts/Motorized Scooters are prohibited from operating under this Ordinance on any State of Oregon highway within the boundaries of the City, including, without limitation, Highway 22, except that a person may, while operating an ATV/LSV/Golf Cart/Motorized Scooter may cross State of Oregon Highway 22 at Forest Avenue to the extent permitted under applicable Oregon law, including, without limitation, ORS 821.200(1), for which a copy thereof is attached and incorporated. Use of cross walk warning lights at Forest Avenue and Highway 22 is prohibited. Operation of ATV/LSV/Golf Carts/Motorized Scooters not equipped with headlights and taillights is prohibited from dusk to dawn.
5. Regulations for Operation of ATV/LSV/Golf Carts/Motorized Scooters. ATV/LSV/Golf Carts/Motorized Scooters operated 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, and in a manner comporting with the public health, safety, and general welfare.
6. ATV/LSV/Golf Cart Operator Permit Required. (a) A person operating an ATV/LSV/Golf Cart under this Ordinance must be 16 years of age or older and hold a valid Driver License. ATV operation would also require a valid ATV Safety Education Card. (b) Operating an ATV/LSV/Golf Cart on city streets will require a permit issued by the City of Detroit. Cost of the permit will be \$100.00 per year. The permit will be effective April 1 of the year issued until March 31st of the following year. (c) A current permit must be visible from the rear of the vehicle.
7. Safety Equipment Requirements. All-Terrain Vehicles/LSV/Golf Carts/Motorized Scooters 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 735-116-000. Orange slow moving vehicle triangles are not required.
8. Helmet Requirement. Any person under the age of 16 operating or riding as passenger must wear a Motorcycle Helmet with a fastened chin strap while on an ATV operated under this Ordinance.
9. Safety Belt Requirement. A person must be properly secured with a safety belt or safety harness while operating or riding as a passenger on an ATV/LSV operated under this Ordinance if such ATV/LSV was required to be equipped with safety belts or safety harnesses at the time the ATV/LSV was manufactured or safety belts or safety harnesses have been installed on the ATV.

10. Speed Limits. All-Terrain Vehicles operated under this Ordinance may not be operated (a) at a **rate of speed greater than the posted speed limit**, or (b) in a negligent manner as to endanger or cause injury, death, and/or damage to the operator or person or property of another.
11. Prohibition on Operating ATV/Golf Carts While Driving Privileges Suspended. A person may not operate an ATV/Golf Cart under this Ordinance while the person's driving privileges (i.e., Driver License) are suspended or revoked.
12. Financial Requirements. ATV/LSV/Golf Carts/Motorized Scooters operated under this Ordinance must meet the financial responsibility requirements under ORS 806.060. For purpose of this Section 13, "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/LSV/Golf Carts/Motorized Scooters, in a manner provided under ORS 806.060.
13. Posting. The City will post signs giving notice that the operation of ATVs/Golf Carts is permitted upon streets under the provisions of this Ordinance. The City 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 in its sole discretion.
14. Liability. The operation of an ATV/Golf Cart/Motorized Scooters will be undertaken at the sole risk and responsibility of the owner and/or operator. The city by passing this Ordinance, assumes no responsibility for the operation of such ATVs/Golf Carts/Motorized Scooters and will be held harmless in any action arising from the operation of such ATVs/Golf Carts/Motorized Scooters on or off any public way within the city, including, without limitation, Streets.
15. Penalties. Violation of, or failure to comply with any provisions of this Ordinance, including without limitation the operation of an ATV/LSV/Golf Cart/Motorized Scooters where such ATV/LSV/Golf Cart/Motorized Scooter 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 first and second violation. Each violation of this Ordinance will constitute a separate offense. The third violation, \$250.00 plus loss of permit privilege for one year. Can reapply after one year. The penalties imposed by this Section 15 are not exclusive and are in addition to any other remedies, civil or criminal, available to the city under applicable law.
16. Enforcement. Any law enforcement or City of Detroit Code Enforcement Officer may enforce this ordinance.

17. Miscellaneous. All pronouns contained in this Ordinance and any variations thereof 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. The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional 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.

Passed by the Common Council of the City of Detroit, Oregon, this 13th day of May, 2025.

Ayes 7 Nays 0 Absent 0

Signed:


James R. Trett, Mayor

Attest:


Michelle Connor, City Recorder