

AGENDA ITEM FOR ADMINISTRATIVE MEETING

() Discussion only

(X) Action

FROM (DEPT/ DIVISION): Douglas R. Olsen
County Counsel

SUBJECT: ATV Ordinance

Background: The proposed ATV Ordinance is before the Board for a second reading. Changes have been made since the First Reading. The changes are highlighted in yellow. A map showing the area subject to the ordinance is also included, along with a list of the impacted roads.

Requested Action:

- (1) Second Reading – Public Hearing
- (2) Board Action

ATTACHMENTS: Proposed Ordinance

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

Checkoffs:

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

To be notified of Meeting:

Needed at Meeting:

Scheduled for meeting on: November 25, 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 will be those two lane gravel County Roads, paved County Roads with a posted speed limit of 40 miles per hour or less, and other County Roads, as designated by the County, 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. The roads designated for use are shown in the attached map marked Exhibit A, and listed on Exhibit B.

3. Operator Requirement

- A. The operator of the allowed all-terrain vehicle must be 16 years of age or older, 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 as required by ORS 821.170, ORS 821.172, and ORS 821.176.
- 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 an ATV, in a manner provided under ORS 806.060.
- F. The all-terrain vehicle must be equipped at all times with an approved spark arrestor as specified in OAR 629-043-0015(1)(b).

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

(a) All-Terrain Vehicle(s) ("ATV"), includes those Classes 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.

Class I ATVs: as defined in ORS 801.190 as a motorized, off-highway recreational vehicle 50 inches or less in width with a dry weight of 1200 pounds or less that travels on three or more low pressure tires, has a saddle or seat for the operator and is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain. Most riders refer to a Class I All-Terrain Vehicle as an ATV or quad.

Class II ATVs: as defined by ORS 801.193 as any motor vehicle that weighs more than or is wider than a Class I All-Terrain Vehicle, is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, and is not a Class IV All-Terrain Vehicle. Class II All-Terrain Vehicles may also be known as four-by-fours, pickups jeeps, sand rails, dune buggies, and SUVs.

Class III ATVs: as defined in ORS 801.194(1) as a motorcycle that travels on two tires. Most riders refer to a Class III All-Terrain Vehicle as a dirt bike.

Class IV ATVs: as defined in ORS 801.194(2) as 75 inches wide or less at its widest point, has a dry weight of 3,500 pounds or less, has non-straddle seating, has a steering wheel for steering control, travels on four or more tires, and was originally manufactured for off-road use only. These are commonly known as a side-by-side or UTV.

(b) ATV Safety Education Card, means 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 as set forth in OAR 736-004-0015(10).

(c) ATV operating permit means the ATV operating permit issued under ORS 390.580 and is a decal that authorizes use of the ATV and must be permanently affixed to the vehicle and displayed in a clearly visible manner.

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

(e) 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.

(f) 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.

9. The County will post signs giving notice that the operation of ATVs is permitted upon certain County Roads under the provisions of this Ordinance that are not graveled County Roads or paved County Roads with a posted speed limit of 40 miles per hour. 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: December 17, 2025

DATED this day of , 2025

UMATILLA COUNTY BOARD OF COMMISSIONERS

Celinda A. Timmons, Chair

Daniel N. Dorran, Commissioner

John M. Shafer, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer

County ATV Roads

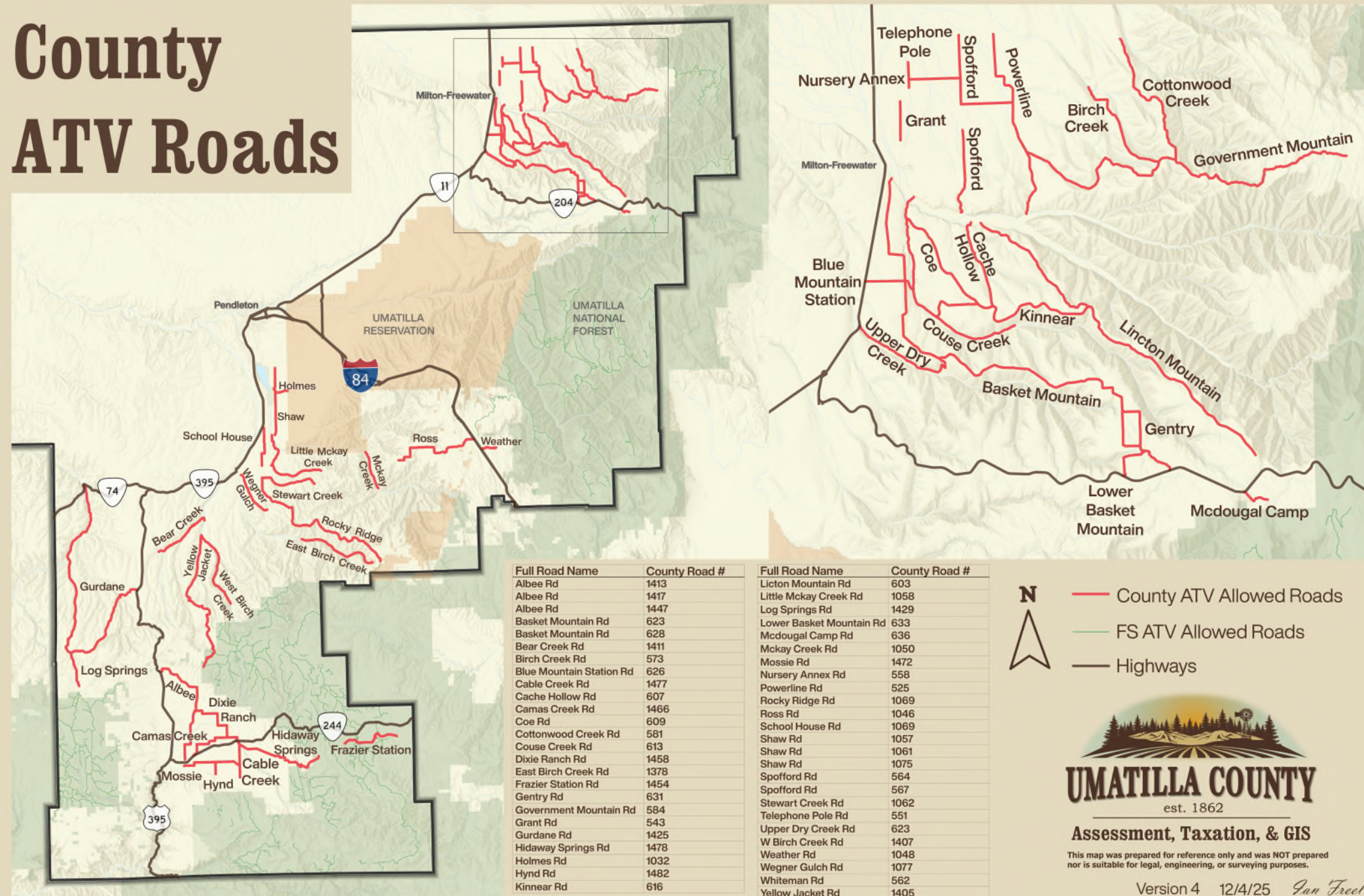


EXHIBIT B
Ordinance No. 2025-08

List of County Roads that may allow use of off road vehicles. Portion of road allowing use is designated on the map attached to Ordinance No. 2025-08

Full Name	County Road Number
Albee Road	1413
Albee Road	1417
Albee Road	1447
Basket Mountain Road	623
Basket Mountain Road	628
Bear Creek Road	1411
Birch Creek Road	573
Blue Mountain Station Road	626
Cable Creek Road	1477
Cache Hollow Road	607
Camas Creek Road	1466
Coe Road	609
Cottonwood Creek Road	581
Couse Creek Road	613
Dixie Ranch Road	1458
East Birch Creek Road	1378
Frazier Station Road	1454
Gentry Road	631
Government Mountain Road	584
Grant Road	543
Gurdane Road	1425
Hidaway Springs Road	1478
Holmes Road	1032
Hynd Road	1482
Kinnear Road	616

EXHIBIT B
Ordinance No. 2025-08

Linton Mountain Road	603
Little Mckay Creek Road	1058
Log Springs Road	1429
Lower Basket Mountain Road	633
McDougal Camp Road	636
Mckay Creek Road	1050
Mossie Road	1472
Nursery Annex Road	558
Powerline Road	525
Rocky Ridge Road	1069
Ross Road	1046
School House Road	1069
Shaw Road	1061
Shaw Road	1075
Spofford Road	564
Spofford Road	567
Stewart Creek Road	1062
Telephone Pole Road	551
Upper Dry Creek Road	623
W Birch Creek Road	1407
Weather Road	1048
Wegner Gulch Road	1077
Whiteman Road	562
Yellow Jacket Road	1405