

CITY OF CARLIN
ORDINANCE NO. 246

AN ORDINANCE ADOPTING CHAPTER 5 TITLE 8 OF THE CARLIN CITY CODE, WHICH IS AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR USE AND OPERATION OF OFF HIGHWAY VEHICLES IN THE CITY OF CARLIN.

THE BOARD OF COUNCILMEMBERS OF THE CITY OF CARLIN DOES ORDAIN:

SECTION 1. Chapter 5 of Title 8 of the Carlin City Code is hereby added to the Carlin City Code to read as follows:

Chapter 5
OFF HIGHWAY VEHICLE USE AND OPERATION

Sections:

- 8-5-1 DEFINITIONS**
- 8-5-2 OPERATOR REQUIREMENTS**
- 8-5-3 ADDITIONAL RESTRICTIONS REGARDING DRIVING OR
OPERATING OHVs**
- 8-5-4 GENERAL RULES AND REGULATIONS**
- 8-5-5 DESIGNATED ROUTES AND TRAILS**
- 8-5-6 PARENT/ADULT RESPONSIBILITY**

8-5-1 DEFINITIONS:

The following words, terms, and phrases, and their derivations, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

HIGHWAY: The entire width between the boundary lines of every way maintained by a public authority when any part of such way is open to the use of the public for purposes of vehicular traffic.

LARGE ALL-TERRAIN VEHICLE: Any all-terrain vehicle that includes seating capacity for at least two (2) people abreast and total seating

capacity for at least four (4) people; or a truck bed. This definition has that same meaning and intent as Nevada Revised Statutes 490.043.

OFF HIGHWAY VEHICLE (OHV): A motor vehicle that is designed primarily for off highway and all-terrain use.

A. The term includes, but is not limited to:

1. Large all-terrain vehicle whether or not the large all-terrain vehicle is registered with the Nevada Department of Motor Vehicles;
2. An all-terrain vehicle (including a four-wheeler);
3. An all-terrain motorcycle;
4. A dune buggy; and
5. Any motor vehicle used on public lands for the purpose of recreation.

B. The term does not include:

1. A motor vehicle designed primarily for use in water;
2. A motor vehicle that is registered by the Department of Motor Vehicles;
3. A "low speed vehicle" as defined in Nevada Revised Statutes 484B.637;
4. A "golf cart" as defined in Nevada Revised Statutes 482.044; and
5. Any vehicle excluded by law under Nevada Revised Statutes 490.060(2) or any other chapter of the Nevada Revised Statutes.

8-5-2 OPERATOR REQUIREMENTS:

A. Except as provided in Nevada Revised Statutes 490.090(2), as may be amended or renumbered from time to time, no person shall operate an OHV on a public street, road or highway in the city of Carlin that is not designated for use by OHVs.

B. No person under the age of sixteen (16) shall operate an OHV on any public street, road or highway in the city of Carlin.

C. No person (16) years of age or older may operate an OHV on any public street, road or highway designated for OHV use in the city of Carlin unless the person possesses:

1. A valid motor vehicle operator's license as provided by Nevada law; and
2. Pursuant to Nevada Revised Statutes 490.082, as may be amended or renumbered from time to time, a certificate of registration shall be

attached to the OHV. A certificate or registration is not required for an off highway vehicle which:

a. Is owned and operated by:

(1) A federal agency;

(2) An agency of this state; or

(3) A county, incorporated city or unincorporated town in this state;

b. Is part of the inventory of a dealer of off highway vehicles;

c. Is registered or certified in another state and is located in this state for not more than ninety (90) days;

d. Is used solely for husbandry on private land or on public land that is leased to the owner or operator of the off highway vehicle; or

e. Is used for work conducted by or at the direction of a public or private utility.

D. Pursuant to Nevada Revised Statutes 490.110, as may be amended or renumbered from time to time, no person permitted to operate on OHV on a public street, road or highway designated for OHV use in the City of Carlin shall travel more than two (2) miles on a paved highway of this state (state highway) on an OHV to reach a private or public area that is open for use by OHVs.

E. All operators of off highway vehicles shall follow all requirements of Nevada Revised Statutes 490.090 through 490.130.

F. Any person convicted of a violation of this section is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or imprisonment of not more than six (6) months in jail, or by both such fine and imprisonment in accordance with the provisions of Title 1, Chapter 4 of this code.

8-5-3 ADDITIONAL RESTRICTIONS REGARDING DRIVING OR OPERATING OHVs:

A. No owner or other person in the care or custody of an OHV may give another person who is under sixteen (16) years of age permission to operate an OHV on any public street, road or highway designated for

OHV use in the City of Carlin or may suffer, allow or permit such operation by a person who is under sixteen (16) years of age.

B. Mistake of age shall not be a defense to a charge under this section.

C. Any person convicted of a violation of this section is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or imprisonment of not more than six (6) months in jail, or by both such fine and imprisonment in accordance with the provisions of Title 1, Chapter 4 of this code.

8-5-4 GENERAL RULES AND REGULATIONS:

A. Unattended OHVs Prohibited: No person shall leave or allow any OHV owned and operated by him/herself to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

B. Traffic Laws Applicable: To the fullest extent practicable, the traffic laws of the state of Nevada, as set forth in the Nevada Revised Statutes, and the City of Carlin, as set forth in this code, are hereby made applicable to the operation of OHVs under this chapter on any designated public streets, roads, and/or highways of the City.

C. There shall be a maximum speed limit for the operation of every off highway vehicle of fifteen (15) miles per hour when:

1. The off highway vehicle is within five hundred (500') of any residential home or neighborhood, that distance being measured from the off highway vehicle to the nearest point of the lot or parcel of such home or neighborhood; or

2. The off highway vehicle is being operated on any designated public street, road or highway unless otherwise signed for an approved special event. Such public streets, roads and/or highways are designated herein as part of the exit/entry approved routes/trails.

D. There shall be no more than the approved number of occupants per vehicle pursuant to the manufacturer's recommendation and design, operating and/or riding the off highway vehicle.

E. Operation of any off highway vehicle under this chapter shall occur between the hours of sunrise and sunset. If the operation of the off

highway vehicle occurs after sundown the vehicle must have legal lighting to permit nighttime use.

F. Any person convicted of a violation of this section is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or imprisonment of not more than six (6) months in jail, or by both such fine and imprisonment in accordance with the provisions of Title 1, Chapter 4 of this code.

8-5-5 DESIGNATED ROUTES AND TRAILS:

A. OHVs shall be used and operated within the City of Carlin only over such public streets, roads, or highways that are designated by resolution of the City Council as open to such OHV use and operation. OHVs shall not be operated on sidewalks.

B. Signage or authorization concerning designated routes will be provided, but:

1. Designating or authorizing such routes does not assure the safety of any operators, passengers or users of the route; and

2. Designating or authorizing such routes does not assure that the route itself is safe for off highway vehicle use or for any other purpose.

C. The City Council shall adopt by resolution an "off highway travel map" which will describe and identify the routes where off highway vehicle use is permitted under this chapter and to establish the routes appropriate for off highway vehicle use.

D. The City of Carlin shall seek permission from the Nevada Department of Transportation to incorporate certain portions of state highways into the City of Carlin's designated off highway vehicle routes.

8-5-6 PARENT/ADULT RESPONSIBILITY:

A. In addition to any juvenile culpability which may be imposed due to violations of this chapter, the responsibility for complying with the provisions of this chapter shall rest upon the adult owner or custodian of any OHV or the head of household where any OHV is kept, whether or not

ownership of the OHV is claimed by any other person residing in said household. A husband or wife, or two (2) or more adults living together, may jointly or separately be charged as heads of the household where an OHV is kept.

B. If the true owner of an OHV is of such minor age as to prohibit the minor from being required to answer in court, the parent or guardian of such minor may be required to appear and assume full responsibility for the actions or omissions of the minor. The age of the minor is no defense to a violation of the provisions of this chapter, and the parent, guardian, owner/custodian of the OHV or the head of the household of where the OHV is kept may be held responsible for the actions or omissions of a minor's violation of this chapter.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

This Ordinance having been posted at two (2) public bulletin boards in the City of Carlin for a period of at least one (1) week prior to the adoption of the Ordinance, and having been read by title on September 12, 2018, and having been voted on and adopted on September 26, 2018, became in full force and effect on October 4, 2018.

DATED at Carlin, Nevada, this 27th day of September, 2018.

CITY OF CARLIN

By: 
DANA HOLBROOK, Mayor

ATTEST:


LADAWN LAWSON, City Clerk

The foregoing Ordinance was introduced in written form on the September 12, 2018 day of September, 2018, and read aloud on the 26th day of September, 2018, at which time Motion to Adopt was made by Vice Mayor Lincoln Litchfield; seconded by Councilmember Cameron Kinney, and passed with the following vote of the Carlin City Council.

AYES: Mayor Dana D. Holbrook
Vice Mayor Lincoln Litchfield
Councilperson Margaret Johnston
Councilperson Cameron Kinney

NAYES: None

ABSENT: Councilperson Pam Griswold