

SUMMARY: Creates new Title 8, Chapter 2, to allow the use of off highway vehicles on county roads.

SECOND AMENDED BILL NO. I

ORDINANCE NO. 2014-09

AN ORDINANCE ADDING NEW TITLE 8, CHAPTER 2 TO THE ELKO COUNTY CODE ALLOWING THE USE OF OFF-HIGHWAY VEHICLES ON COUNTY ROADS, AND ALL OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ELKO DOES ORDAIN THAT A NEW CHAPTER 2 OF TITLE 8 BE ADDED TO THE ELKO COUNTY CODE AS FOLLOWS:

8-2-1: DEFINITIONS:

As used in this chapter, unless the context requires otherwise, the words and terms hereafter shall have the following meanings ascribed to them:

LARGE ALL-TERRAIN VEHICLE means any all-terrain vehicle that includes seating capacity for at least two people abreast and total seating capacity for at least four people; or a truck bed. This definition has the same meaning and intent as NRS 490.043.

OFF-HIGHWAY VEHICLE means a motor vehicle that is designed primarily for off-highway and all-terrain use. The definition has the same meaning and intent as NRS 490.060. The term includes, but is not limited to:

- A. Large all-terrain vehicle whether or not the large all-terrain vehicle is registered with the Nevada Department of Motor Vehicles;
- B. All-terrain motor motorcycle;
- C. Dune buggy;
- D. Snowmobile; and
- E. Any other motor vehicle used on public lands for purposes of recreation.
- F. Off-highway vehicle does not include any vehicle excluded by law under NRS Chapter 490.606(2) or any other chapter of the Nevada Revised Statutes.

HIGHWAY: The entire width between the boundary lines of every way, road, highway, trail recognized and/or maintained and/or owned by Elko County.

8-2-2: OPERATOR REQUIREMENTS:

All operators of off-highway vehicles shall follow all requirements of NRS 490.090 through 490.130. Operators of off-highway vehicles shall comply with Elko County Code Title 8 (traffic regulations).

8-2-3: GENERAL RULES AND REGULATIONS:

A. There shall be a maximum speed limit for the operation of every off-highway vehicle of twenty five (25) miles per hour (mph) when operated on any county highway unless otherwise posted as lower or identified by Elko County Code Title 8-1-6.

1. Exclusion: Large All-terrain vehicle equipped and in compliance with all requirements of NRS 490.120 and legally registered in compliance with NRS 490.0825 may travel the posted speed limit on any road, highway, trail recognized and/or maintained and/or owned by Elko County and State Highways as per NRS 490.110 (d).

B. There shall be a maximum speed limit of fifteen (15) miles per hour (mph) when operating in specific unincorporated areas of Elko County including Jarbidge, Jackpot, Lamoille, Midas, Montello, Tuscarora, Contact, Mountain City, recognized and filed residential subdivisions, and other like communities.

C. Home Owners Associations (HOA's) and/or Architectural Review Committees as recognized pursuant to Elko County Code 4-9-4 may ban or further restrict the operation of off-highway vehicles on county highways within the respective subdivision boundaries by amendment or inclusion of the ban or restrictions within HOA approved Conveniences, Conditions and Restrictions or Declarations of Reservations. Such amendments of the CC&Rs and/or DOR's shall be recorded with the Elko County Recorder.

D. Unincorporated Town Advisory Boards may ban or further restrict the operation of off-highway vehicles on town roads within the respective town boundaries by petitioning for approval from the Elko County Board of County Commissioners sitting as the Official Town Board of the respective unincorporated town.

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

1. The off-highway vehicle is within five hundred feet (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 or an approved special event. Such public streets, roads and / or highways are designated herein as part of the exit / entry approved routes/trails.

F. 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.

G. Operation of any off-highway vehicle under this chapter shall only occur between the hours of sunrise and sunset, unless the operation of the off-highway vehicle occurs in rural non-residential areas of the county. If the operation of the off-highway vehicle occurs after sundown the vehicle must have legal lighting to permit night time use.

H. Any off-highway vehicle that is being operated on a paved roadway shall use headlamps and tail lights even during daytime hours.

I. It is recommended that any off-highway vehicle operated on county highways should be equipped with a "whip" six (6) feet in height.

8-2-4: DESIGNATED ROUTES AND TRAILS:

A. Off-highway vehicles may be used and operated within Elko County only over such ways, trails, streets, roads or highways that are recognized and/or maintained Elko County including any town streets recognized and/or maintained by the Official Town Board of any Unincorporated

Town. To the fullest extent possible, off-highway vehicles shall be operated only on the outer edge of streets and roads and shall not be operated on sidewalks.

Nothing in this ordinance shall be construed as giving operators of off-highway vehicles permission to ride on highways controlled and/or maintained by other entities unless expressly allowed.

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. If authorized by a specific incorporated city code, unincorporated town code, or residential HOA rules, any operator of an off-highway vehicle who begins or ends such operation within a residential neighborhood location within any incorporated city, unincorporated community or town, shall use the most direct route possible to reach a designated route. Nothing in this section is intended to supercede the authority of the incorporated cities to regulate off-highway vehicle use within their respective city limits.

D. The Elko County Board of Commissioners shall adopt by resolution appropriate map(s) which describe and identifies the routes where off-highway vehicle use is permitted under this chapter and establish the routes appropriate for off-highway vehicle use.

E. Elko County shall seek permission from the Nevada Department of Transportation to incorporate certain portions of state highways into Elko County's designated off-highway vehicle routes.

Proposed this 5th day of June, 2014, by Elko County Commissioner Jeff Williams, seconded by Commissioner Glen Guttry.

Passed and adopted this 5th day of June, 2014.

Vote: Ayes:	5
Nays:	0
Absent:	0



Charlie Myers, Chair of the Board of Commissioners

ATTEST:



Carol Fosmo, Elko County Clerk

This Ordinance shall be in full force and effect from and after the 19th day of June, 2014, after required publication.