

CITY OF WEST WENDOVER ORDINANCE NO. 2006-03

SUMMARY: THIS ORDINANCE ADOPTS A NEW CHAPTER, CHAPTER 2 OF TITLE 5, OF THE WEST WENDOVER CITY CODE CONCERNING THE RULES AND REGULATIONS GOVERNING THE OPERATION AND USE OF ALL-TERRAIN VEHICLES (ATVS) WITHIN THE CITY LIMITS OF WEST WENDOVER, NEVADA FOR THE PROTECTION AND PROMOTION OF HEALTH, SAFETY, LIFE AND PROPERTY OF THE CITIZENS AND VISITORS OF WEST WENDOVER, NEVADA.

TITLE: AN ORDINANCE ENTITLED, "ALL-TERRAIN VEHICLE USE AND OPERATION", CREATING A NEW CHAPTER, CHAPTER 2 OF TITLE 5 OF THE WEST WENDOVER CITY CODE, PROVIDING RULES AND REGULATIONS GOVERNING THE OPERATION AND USE OF ALL-TERRAIN VEHICLES (ATV'S) WITHIN THE CITY LIMITS OF WEST WENDOVER, NEVADA.

WHEREAS, the Mayor and City Council desire to adopt this Ordinance providing the rules and regulations for All-Terrain Vehicle (ATV) operation and use within the City to protect and promote the health, safety, life and property of the citizens and visitors of West Wendover, Nevada in regards to such operation;

NOW, THEREFORE, the City of West Wendover does ordain to enact an ordinance entitled, "All-Terrain Vehicle Use and Operation" regulating ATV use within designated routes within the City.

SECTION 1: REPEAL.

Unless expressly continued by specific provisions of this Ordinance, all ordinances of the City of West Wendover of a general, public and permanent nature enacted prior to the date of passage of this Ordinance which are inconsistent herewith, are hereby repealed, effective coincidentally with the effective date of this Ordinance.

SECTION 2: ADOPTION OF TITLE 5, CHAPTER 2.

The Council hereby adopts a new Title 5, Chapter 2 of the West Wendover City Code, to read in its entirety as follows:

CHAPTER 2

ALL-TERRAIN VEHICLE USE AND OPERATION

SECTION

- 5-2-1: Definitions
- 5-2-2: Duly Licensed Operator Required
- 5-2-3: Additional Restrictions Regarding Driving or Operating ATV
- 5-2-4: General Rules and Regulations
- 5-2-5: Designated Routes and Trails
- 5-2-6: Parent/Adult Responsibility

5-2-1: DEFINITIONS.

- A. As used in this Chapter, unless the context requires otherwise, the words and terms hereafter shall have the following meanings ascribed to them.
- B. “All-Terrain Vehicle” (“ATV”) means a motor vehicle that is designed primarily for off-highway and all-terrain use, including, but not limited to:
 - i. an all-terrain motor vehicle,
 - ii. an all-terrain motorcycle,
 - iii. a dune buggy,
 - iv. a snowmobile,
 - v. a four-wheeler or three-wheeler,
 - vi. any motor vehicle used on public lands for the purpose of recreation,
 - vii. mopeds, go-peds, minibikes, go-carts and the like.

The term does not include vehicles registered by the Department of Motor Vehicles.

- C. “Highway” means 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 public for purposes of vehicular traffic.

5-2-2: OPERATOR REQUIREMENTS.

- A. No person 16 years of age or older may operate an ATV on any land, trail, street, or highway designated for open ATV use unless the person possesses:
 - 1. A valid motor vehicle operator's license, as provided by Nevada law or a safety instruction certificate from a valid program authorized for safety instruction by the manufacturer of the ATV; and
 - 2. Concerning ATVs which are off-highway vehicles as defined by N.R.S. 490.060, a certificate of operation attached to the vehicle as required by N.R.S. 490.080.
- B. No person under the age of 16 may operate an ATV on any land, trail, street or highway designated for open ATV use.
- C. Any person convicted of a violation of section (A) above is guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) for each offense.
- D. It is a defense to a charge under section (A) above if the person charged produces, at or before the time of trial, a license or an appropriate safety certificate issued to him or her and valid at the time of his or her alleged operation.

5-2-3: ADDITIONAL RESTRICTIONS REGARDING DRIVING OR OPERATING ATV.

- A. No owner or other person in the care or custody of an ATV may give another person who is under 16 years of age permission to operate an ATV on any public land, trail, street or highway of the City or may suffer, allow or permit such operation by a person who is under 16 years of age.
- B. Any person convicted of a violation of the above provisions is guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) for each offense.
- C. Mistake of age shall not be a defense to charge under section (B) above.

5-2-4: GENERAL RULES AND REGULATIONS.

- A. Helmets shall be required by all operators and passengers of any ATV.

- B. There shall be a maximum speed limit for the operation of every ATV of five (5) miles per hour (M.P.H.) within the City limits when:
1. The ATV is within five hundred (500) feet of any residential home or neighborhood, that distance being measured from the ATV to the nearest point of the lot or parcel of such home or neighborhood; or
 2. The ATV is being operated on any designated public street, road or highway. Such public streets, roads and/or highways are designated herein as part of the exit/entry approved routes/trails.
- C. There shall be no more than the approved number of occupants per vehicle design riding the ATV and in any case there shall be no more than two (2) occupants, including any operator and passenger.
- D. Operation of any ATV covered under this ordinance shall only occur between the hours of sunrise and sunset.
- E. Any ATV that is equipped with any driving, tail or other operational lighting shall have such lighting “on” during operation.
- F. Every ATV being operated under this ordinance shall be maintained, equipped and operated with appropriate safety and operational equipment as designed by the manufacturer (i.e., mufflers, brakes, lighting, etc.) and as required by N.R.S. 490.120.
- G. To the fullest extent practicable, the traffic laws of Chapter 1, Title 5 of the West Wendover City Code are hereby made applicable to the operation of ATVs under this chapter on any highways of the City.
- H. Any person convicted of a violation of any of the above rules and regulations is guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) for each offense.

5-2-5. DESIGNATED ROUTES AND TRAILS.

- A. ATVs shall be used and operated within the City of West Wendover only over such public lands, trails, streets, roads or highways that are designated by ordinance or resolution of the City Council as open to such ATV use and operation. All designated routes shall be posted by signs authorizing ATV use and operation as provided in this chapter. Unless specifically otherwise posted, ATV operation is prohibited on any public land, trail, street or highway of the City.

Further, to the fullest extent possible, ATVs shall be operated only on the outer four feet of streets or gravel/dirt roads within West Wendover City limits and shall not be operated on sidewalks where present.

- B. Signage concerning designated routes will be provided, but:
 - 1. designating such routes does not assure the safety of any operators, passengers or users of the route; and
 - 2. designating such routes does not assure that the route itself is safe for ATV use or for any purpose.
- C. Any operator of an ATV who begins or ends such operation within a neighborhood location within the City shall use the most direct route possible to reach a designated route identified for such neighborhood. While en route to an established designated route, the ATV shall not be ridden by the operator or any passenger.
- D. The City Council shall adopt by resolution appropriate map(s) which describe the routes where ATV use is permitted under this ordinance and establish the routes appropriate for each neighborhood within the City limits.
- E. Any person convicted of failing to operate an ATV on the above-designated use routes, exit/entry routes or trails is guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) for each offense.

5-2-6: 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 ATV or the head of household where any ATV is kept, whether or not ownership of the ATV 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 ATV is kept.
- B. If the true owner of an ATV 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 ATV or the head of

the household of where the ATV is kept may be held responsible for the actions or omissions of a minor's violation of this chapter.

SECTION 3: SEVERABILITY.

In the event any portion of this ordinance is found to be unenforceable, the remaining portions shall be given full force and effect.

UPON ADOPTION, the City Clerk of West Wendover is hereby directed to have this Ordinance published, by title only, together with an adequate summary including any amendments, once in a newspaper published in the City, if any, otherwise in a newspaper published in the County and having a general circulation in the City. The City Clerk is directed to post this Ordinance in full in the City Hall. This Ordinance becomes effective twenty (20) days after its publication.

PASSED AND ADOPTED this 20 day of June, 2006 by the following vote of the City Council:

AYES: Councilwoman E. Carter, Councilman J. Carter, Councilwoman
Christie, Councilman Gorum and Councilman Miera

NAYES: _____

ABSENT: _____

APPROVED this 20 day of June, 2006.

CITY OF WEST WENDOVER

By: _____
JOSEPHINE E. THAUT, Mayor

ATTEST: _____
ANNA E. BARTLOME, City Clerk

PUBLIC NOTICE OF FILING OF CITY OF WEST WENDOVER ORDINANCE
PURSUANT TO N.R.S. 266.115

NOTICE IS HEREBY GIVEN that City of West Wendover Ordinance No. 2006-03, with Summary and Title as follows, was filed with the City of West Wendover Clerk on June 6, 2006:

SUMMARY: THIS ORDINANCE ADOPTS A NEW CHAPTER, CHAPTER 2 OF TITLE 5, OF THE WEST WENDOVER CITY CODE CONCERNING THE RULES AND REGULATIONS GOVERNING THE OPERATION AND USE OF ALL-TERRAIN VEHICLES (ATV'S) WITHIN THE CITY LIMITS OF WEST WENDOVER, NEVADA, AND THE PROMOTION OF HEALTH AND SAFETY AND PROTECTION OF LIFE AND PROPERTY OF SUCH OPERATION AND USE FOR THE CITIZENS AND VISITORS OF WEST WENDOVER, NEVADA.

TITLE: AN ORDINANCE ENTITLED, "ALL-TERRAIN VEHICLE USE AND OPERATION", CREATING A NEW CHAPTER, CHAPTER 2 OF TITLE 5 OF THE WEST WENDOVER CITY CODE, PROVIDING RULES AND REGULATIONS GOVERNING THE OPERATION AND USE OF ALL-TERRAIN VEHICLES (ATV'S) WITHIN THE CITY LIMITS OF WEST WENDOVER, NEVADA.

NOTICE IS FURTHER GIVEN that copies of the Ordinance are available for public examination and distribution upon request at the office of the Clerk of the City of West Wendover, Nevada, at 801 Alpine; that said Ordinance was proposed and read by title on June 6, 2006, and that the City Council intends to take final action on the adoption of said Ordinance on its regular meeting on the 20 day of June, 2006 as a regular measure.

IN WITNESS WHEREOF, the City Council of the City of West Wendover, Nevada, has caused this Notice to be given by reference to the Title and Summary of the proposed Ordinance.

DATED this 7 day of June, 2006.

CITY OF WEST WENDOVER

**_____
JOSEPHINE E. THAUT, Mayor**

PUBLISHED: June 10, 2006.

**PUBLICATION OF THIS NOTICE MUST BE AT LEAST TEN (10) DAYS
BEFORE THE DATE SET FOR THE ADOPTION OF THE ORDINANCE.**

the household of where the ATV is kept may be held responsible for the actions or omissions of a minor's violation of this chapter.

SECTION 3: SEVERABILITY.

In the event any portion of this ordinance is found to be unenforceable, the remaining portions shall be given full force and effect.

UPON ADOPTION, the City Clerk of West Wendover is hereby directed to have this Ordinance published, by title only, together with an adequate summary including any amendments, once in a newspaper published in the City, if any, otherwise in a newspaper published in the County and having a general circulation in the City. The City Clerk is directed to post this Ordinance in full in the City Hall. This Ordinance becomes effective twenty (20) days after its publication.

PASSED AND ADOPTED this 20 day of June, 2006 by the following vote of the City Council:

AYES: Councilwoman E. Carter, Councilman J. Carter, Councilwoman
Christie, Councilman Gorum and Councilman Miera

NAYES: _____

ABSENT: _____

APPROVED this 20 day of June, 2006.

CITY OF WEST WENDOVER

By: 
JOSEPHINE E. THAUT, Mayor

ATTEST: 
ANNA E. BARTLOME, City Clerk

**CITY OF WEST WENDOVER
RESOLUTION NO. 2006-19**

Upon introduction and motion by Council Member Christie and seconded by Council Member Miera, the following Resolution and Order was duly passed and adopted.

RESOLUTION FOR CITY OF WEST WENDOVER

**A Resolution Adopting the Appropriate Map(s) for Routes
within the City Limits for ATV Use**

WHEREAS, the City of West Wendover, Nevada through City Code Title 5 Chapter 2 may provide for the rules and regulations for All-Terrain Vehicle (ATV) use; and

WHEREAS, the provisions of West Wendover Code Title 5 Chapter 2 Section 5 D, states that the City Council will adopt the appropriate map(s) which describe the routes where ATV use is permitted and establish the appropriate routes for each neighborhood within the City limits;

NOW, THEREFORE, the City Council of the City of West Wendover, Nevada does hereby establish the entry and exit points, trails and use routes as designated on the attached map(s).

PASSED AND ADOPTED by the City Council of the City of West Wendover on July 18, 2006 and signed this 18th day of July, 2006.

CITY OF WEST WENDOVER

By:


JOSEPHINE E. THAUT, MAYOR

Attest:


ANNA E. BARTLOME, CITY CLERK