

SUMMARY: An ordinance amending the Washoe County Code by adding new sections to Chapter 70 regarding the use, operation, ownership, and registration of Off-Highway Vehicles (OHVs) and to designate certain highways within Washoe County for OHV use.

BILL NO. 1689

ORDINANCE NO. 1507

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING NEW SECTIONS TO CHAPTER 70 TO HARMONIZE WITH THE NEW NEVADA STATE LEGISLATION REGARDING THE USE, OPERATION, OWNERSHIP, AND REGISTRATION OF OFF-HIGHWAY VEHICLES (OHVs); TO DESIGNATE CERTAIN WASHOE COUNTY PAVED ROADWAYS FOR OHV USE AND OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

Section 1.

Purpose and Intent.

The State of Nevada has enacted legislation which creates a program to register and title OHVs. This program went into effect on July 1, 2012. Most OHVs, 1976 or newer, must be registered and display a registration decal in order to be operated legally anywhere in Nevada. NRS 490.090 sets forth the general rule that a person may not operate an OHV on a county paved highway that has not been designated by the County for use by OHVs. The purpose and intent of this ordinance is to designate those portions of county and state highways for use by OHVs and to adopt ordinances for the operation of OHVs on those paved highways that harmonize with the Nevada state statutes that have been enacted.

Section 2.

Chapter 70 of the Washoe County Code is hereby amended by adding thereto the new provisions set forth in sections 3 through 6 of this Ordinance and by adding thereto the new language contained in section 7 of this ordinance.

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Section 3.

70.074 "Off-Highway Vehicles (OHVs)" defined.

1. "OHV" means a motor vehicle that is designed primarily for off-highway and all-terrain use. The term includes, but is not limited to:

- (a) An all-terrain vehicle;
- (b) An all-terrain motorcycle;
- (c) A dune buggy;
- (d) Utility Terrain Vehicles;
- (e) A snowmobile; and

(f) Any motor vehicle used on public lands for the purpose of recreation.

2. The term does not include:

- (a) A motor vehicle designed primarily for use in water;
- (b) A motor vehicle that is registered by the Department of Motor Vehicles; or
- (c) A low-speed vehicle as defined in NRS 484B.637

Section 4.

70.3861 Adoption of State laws regarding Off-Highway Vehicles (OHVs).

1. These sections of the Washoe County Code are enacted to harmonize with and to supplement the state laws relating to OHVs expressed at NRS 490.090 through 490.130. Those provisions of state law contained in NRS Chapter 490 and the regulations contained in Nevada Administrative Code Chapter 490 are hereby adopted into the Washoe County Code by reference

2. It is the intent of the board of county commissioners that the state laws so adopted and the county ordinances hereby enacted shall apply to all county highways designated below in the unincorporated area of the county and apply to those state highways in the unincorporated areas of Washoe County as may be permitted, in the future, by the Nevada Department of Transportation.

Section 5.

70.3862 Designation of County and State highways or portion thereof, for use by OHVs; limitation on purpose of use.

The Washoe Board of County Commission hereby designates all county highways and portions thereof with a posted speed limit of 35 miles an hour or less within the unincorporated areas of Washoe County for the operation and use of OHVs for the purpose of allowing said vehicles to reach a private or public area that is open for use by OHVs. In addition, Washoe County, in

accordance with NRS 490.100, hereby designates all of the state highways or portions thereof within the unincorporated areas of Washoe County, designated now or designated in the future by the Nevada Department of Transportation, for the use and operation of OHVs. None of the highways designated above for operation of OHVs are intended to include any portion of an interstate highway. The owner or operator of an OHV on properly designated paved highways within the unincorporated areas of Washoe County must comply with all of the applicable traffic laws of the State of Nevada and of Washoe County.

Section 6.

70.3866 Penalties.

Any person violating any of the provisions of this chapter regarding the ownership, operation and use of OHVs is guilty of a misdemeanor, and upon conviction thereof, shall be punished in accordance with WCC 125.050. Failure to appear in the proper court to answer to such misdemeanor citation is a separate offense.

Section 7. Section 70.185 of the Washoe County Code is hereby amended to read as follows:

70.185 "Vehicle" defined.

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails. The term vehicle, as it is used in the Washoe County Code, includes "OHVs" being operated on designated county or state highways within the unincorporated areas of Washoe County.

Proposed on April 9, 2013.

Proposed by Commissioner ~~Berkbigler~~ Hartung

Passed on April 23, 2013.

Vote:

Ayes: Humke, Weber, Berkbigler, Hartung

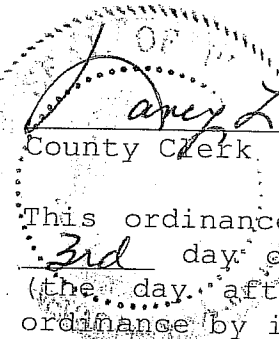
Nays: None

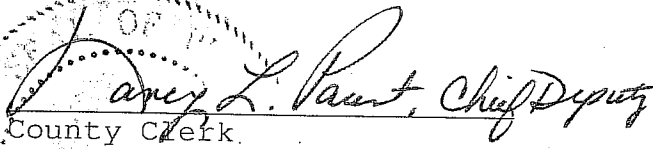
Absent: Jung



Chairman
Board of County Commissioners
Washoe County, Nevada

Attest:




County Clerk

This ordinance shall be in force and effect from and after the 3rd day of the month of May of the year 2013 (the day after the date of the second publication of such ordinance by its title only).

WASHOE COUNTY
COMPTROLLER

2013 MAY 10 AM 9: 38

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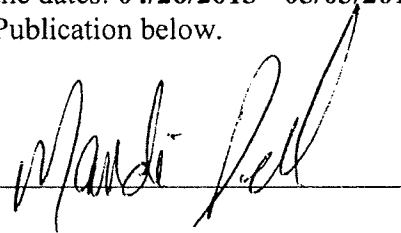
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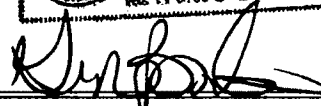
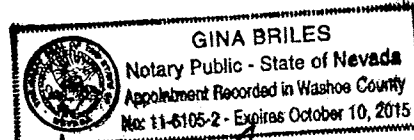
STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **04/26/2013 - 05/03/2013**, for exact publication dates please see last line of Proof of Publication below.

Signed: _____



Subscribed and sworn to before me



Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1507 BILL NO. 1689
NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on April 09, 2013 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on April 23, 2013 by the following vote of the Board of County Commissioners: An Ordinance amending the Washoe County Code by adding new sections to Chapter 70 to harmonize with the new Nevada State Legislation regarding the use, operation, ownership, and registration of off-highway vehicles (OHVS); to designate certain Washoe County paved roadways for OHV use and other matters properly relating thereto. (Bill No. 1689) Those Voting Aye: Marsha Berkgigler, David E. Humke, Vaughn Hartung and Bonnie Weber. Those Absent: Kitty Jung. This Ordinance shall be in full force and effect from and after May 03, 2013, i.e., the date of the second publication of such ordinance by its title only. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this

Ordinance to be published by title only. DATED April 24, 2013. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 4089 Apr 26, May 3, 2013

**NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO. 1507
BILL NO. 1689**

NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on April 09, 2013 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on April 23, 2013 by the following vote of the Board of County Commissioners:

An Ordinance amending the Washoe County Code by adding new sections to Chapter 70 to harmonize with the new Nevada State Legislation regarding the use, operation, ownership, and registration of off-highway vehicles (OHVS); to designate certain Washoe County paved roadways for OHV use and other matters properly relating thereto. (Bill No. 1689)

Those Voting Aye: Marsha Berkbiger, David E. Humke, Vaughn Hartung and Bonnie Weber.
Those Absent: Kitty Jung.

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IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only.

DATED April 24, 2013.

AMY HARVEY, Washoe County Clerk and
Clerk of the Board of County Commissioners
No. 4089 Apr 26, May 3, 2013