

**BILL NO. 2019-11**  
**ORDINANCE NO. 725**

**An Ordinance amending Title 6, Chapter 12 section 2 entitled HIGHWAYS AND ROADS IN THE CITY OF ELY DESIGNATED FOR PURPOSES OF OHV TRAVEL, bringing the City Code into ~~into~~-conformity with State law, clarifying certain sections of the City Code, requiring that OHVs that operate on City roads and highways have liability insurance; adding a severability clause; all other provisions not designated shall remain unchanged.**

**WHEREAS**, N.R.S. 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes; and

**WHEREAS**, the City's original goal in promulgating Ordinances designating certain highways and roads in the City of Ely for off-highway vehicle (OHV) use was to encourage tourism by allowing OHVs' use of the City-designated highways and roads for the **limited purpose** of allowing them to reach a private or public area that is open for use by OHVs **only**; and

**WHEREAS**, following the publication of the these Ordinances, the City has received complaints from its residents regarding the operation of OHVs within the City, thereby necessitating the following changes.

**NOW, THEREFORE, the City Council of the City of Ely DOES CREATE ELY CITY CODE TITLE 6, CHAPTER 12 AS FOLLOWS:**

**6-12-2: HIGHWAYS AND ROADS IN THE CITY OF ELY DESIGNATED FOR PURPOSES OF OHV TRAVEL:**

A. The following roads and highways within the City of Ely are designated as permissible for the operation of off highway vehicles for the limited purpose of allowing off highway vehicles ~~ingress and egress~~ to reach private or public areas that are open for the use of off highway vehicles. Off highway vehicles shall not be operated on designated highways or roads for any purpose other than travel to or from (ingress and egress) the private or public area open for the use of off highway vehicles.

1. Mill Street from Highway 6 on the southern portion of Mill Street to Hayes Street, then east across Murry Street and onto Campton Street terminating at Great Basin Boulevard.

2. Avenue I beginning at Great Basin Boulevard continuing east to 8<sup>th</sup> Street East, south to Avenue M and north to Avenue H, east on Avenue H, terminating at Fifteenth Street East.

3. Avenue H and Eleventh Street East (now known as Nevada Northern Rail Way) north terminating at Avenue C.

4. Avenue M beginning at 8<sup>th</sup> Street East continuing east to the end of the paved road.
5. 13<sup>th</sup> Street East beginning at Avenue H and continuing south to Madison Avenue. Madison Avenue west to Pioche Highway, south to the intersection of Great Basin Boulevard and Highway 6. West on Highway 6 to Pinion Road, less than one half mile.
6. Avenue C beginning at the railroad tracks on the east side of town, continuing west which then changes name to North Street at 7<sup>th</sup> Street East, terminating at Faye Avenue.
7. Faye Avenue beginning at North Street and terminating at High Street.
8. High Street beginning at Faye Avenue and continuing west to 7<sup>th</sup> Street, south on Lyons Avenue terminating at 5<sup>th</sup> Street. South on 5<sup>th</sup> Street terminating at Campton Street.
9. 11<sup>th</sup> Street beginning at High Street and continuing south to Campton Street.
10. Courthouse Canyon Road, beginning at Campton Street and continuing south across Highway 6 along the dirt road until the edge of the City limits.
11. JV Walker beginning at Campton Street and continuing south approximately ½ mile to trail leading to Highway 6, crossing over Highway 6 at Bobcat Drive to the dirt track south of high school and north of Great Basin College.
12. Ogden Avenue beginning at North Street, north to Lackawana Road.

### 6-12-3 DEFINITIONS

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section, not to supersede State definitions: Utility Terrain Vehicle (UTV): Large, two or more person side-by-side vehicles fitted with roll cages

Off Highway Vehicle (OHV): Dirt bikes, quads, ATVs, three wheelers, and any other off highway vehicle not described as UTV.

### 6-12-43: DESIGNATION OF STATE HIGHWAYS OPERATION ON UNDESIGNATED HIGHWAYS OR ROADS PROHIBITED:

Off highway vehicles shall not be operated on any highway or road NOT designated in 6-12-2 for any purpose other than those permitted by Chapter 490 of the Nevada Revised Statutes as follows:

(a) If the off-highway vehicle is operated on the highway for the purpose of crossing the highway, comes to a complete stop before crossing and crosses as close as practicable to perpendicular to the direction of travel on the highway;

(b) If the off-highway vehicle is operated on the highway for the purpose of loading or unloading the off-highway vehicle onto or off of another vehicle or trailer, if the loading or unloading is as close as practicable to the place of operation of the off-highway vehicle;

(c) During an emergency if it is impossible or impracticable to use another vehicle or if a peace officer directs the operation of the off-highway vehicle.

Any highway or road not designated in 6-12-2 as an authorized route, shall not be used for ingress or egress to public or private lands designated for off highway vehicle use. No OHV traffic shall be allowed upon Aultman Street, except to cross over at designated crossings. In addition to the penalty imposed by 6-12-76, the minimum fine for OHVs in violation of this section shall be two hundred and fifty dollars (\$250.00).

### **6-12-54: RESTRICTIONS:**

A. The operator of an ~~off-highway vehicle~~OHV or UTV that is being driven on a road or highway pursuant to this Chapter shall:

1. Possess a valid driver's license or instruction permit obtained in accordance with NRS 483.290, specific to the type of OHV or UTV the operator is driving.

2. Ensure that the registration of the ~~off-highway vehicle~~OHV or UTV is attached to the vehicle in accordance with NRS 490.083 or a special plate issued pursuant to NRS 490.0827 is attached to the vehicle. Failure to have the required registration shall result in a fine consistent with the failure to have a motor vehicle registered.

3. Possess proof of liability insurance covering the OHV or UTV the operator is driving which meets the requirements of NRS 485.185.

4. Wear a helmet. The penalty for failing to wear a helmet shall be the same as that of a motorcyclist who fails to wear a helmet.

5. Comply with all traffic laws of this State and/or the City.

6. OHV use on City streets shall be restricted to 30 minutes before sunrise through 30 minutes after sunset, regardless if OHV is equipped with proper lighting. UTVs are exempt from this restriction provided they are equipped with proper lighting, plated, and insured.

7. OHVs shall be restricted to use within the City of Ely only for purposes of accessing trail heads and public lands by way of the approved OHV routes designated in 6-12-2.

BA. A person who is less than sixteen (16) years of age ~~or any person without a valid driver's license~~, is prohibited from operating an off highway vehicle on a road or highway in this State in pursuant to this Chapter on a designated highway unless the person is licensed, permitted, or under the direct visual supervision supervised by of a person who is at least eighteen (18) years of age and holds a valid driver's license.

B. ~~Helmet: All persons operating an OHV on the designated routes for ingress and egress from public or private lands for purposes of recreation, or from their place of residence or~~

~~lodging to access designated routes, are required to wear a helmet pursuant to NRS 490.130 (3). The penalty for failing to wear a helmet shall be the same as that of a motor cyclist who fails to wear a helmet.~~

~~C. *Comply with all traffic laws:* Irrespective of age, all operators of an off highway vehicle are required to comply with all traffic laws of the City and/or the state of Nevada.~~

~~CD. *Speed Restriction:* Due to concerns for public safety and the peace and quiet of neighborhoods in which off highway vehicles are allowed to operate for ingress and egress purposes, or from place of residence or lodging, there is established a speed limit of 15 miles per hour for all off highway vehicles, as defined by NRS 490.060, on all designated routes. It is unlawful for OHVs to travel in excess of 15 miles per hour when operating an off highway vehicle at any time within the City of Ely. Plated and insured UTVs shall be restricted to posted speed limits within the City of Ely.~~

~~1. The minimum penalty for violation of this speed limit shall be one hundred fifty dollars (\$150.00) for speeding 1-4 miles per hour over the speed limit; and~~

~~2. a fifty dollar (\$50.00) increase for every five miles per hour, or portion thereof, over 15 miles per hour.~~

~~E. *Registration:* Each off highway vehicle operated on the routes established by this ordinance must be registered and displaying the registration at all times of operation pursuant to NRS 490.130 (2). Failure to have the required registration shall result in a fine consistent with the failure to have a motor vehicle registered.~~

~~F. *Operation of off highway vehicle on other than an approved route shall be unlawful.* It shall be unlawful to operate an off highway vehicle on any route, other than an approved route for ingress into and egress from the city. The operator of an off highway vehicle must use the most direct route from their place of lodging or residence, to the nearest approved route for ingress and egress purposes, or for purposes of accessing fuel. The minimum penalty for violation of this provisions shall be two hundred and fifty dollars (\$250.00).~~

~~DG. *Time restrictions:* use of the designated routes for off highway traffic shall be limited to thirty minutes prior to sunrise until thirty minutes after sunset. Required equipment for operation on highway; exception:~~

~~1. Except as otherwise provided in subsection 2 and in addition to the requirements set forth in this Chapter and NRS 490.070, a person shall not operate an off-highway vehicle on a highway pursuant to this Chapter and NRS 490.090 to 490.130, inclusive, unless the off-highway vehicle has:~~

~~(a) At least one headlamp that illuminates objects at least 500 feet ahead of the vehicle;~~

~~(b) At least one tail lamp that is visible from at least 500 feet behind the vehicle;~~

(c) At least one red reflector on the rear of the vehicle, unless the tail lamp is red and reflective;

(d) A stop lamp on the rear of the vehicle; and

(e) A muffler which is in working order and which is in constant operation when the vehicle is running.

2. The provisions of paragraphs (a) and (b) of subsection 1 do not apply to an off-highway vehicle which is operated during daylight hours on a road or highway designated by the City of Ely in Section 6-12-2 for the operation of the off-highway vehicle without at least one headlamp specified in paragraph (a) of subsection 1 or without at least one tail lamp specified in paragraph (b) of that subsection.

#### **6-12-65: ENFORCEMENT:**

A. The White Pine County Sheriff's Office and the Nevada Highway Patrol shall enforce the provisions of this ~~ordinance~~ Chapter and shall have the authority to issue a traffic citation to the person suspected of a violation of this ~~ordinance~~ Chapter. If the person to be cited is a minor, law enforcement shall cite the juvenile into the White Pine County Juvenile Court. All other violations shall be cited into the Ely Municipal Court.

B. All fine amounts are subject to state mandated assessments.

#### **6-12-76: PENALTY:**

Any person violating any of the provisions of this chapter shall, for each such offense, be subject to penalty ~~as provided in section 1-4-1 of this code, unless a different penalty is provided herein~~ as is generally assessed for other traffic violations.

#### **6-12-86: Severability:**

If any provisions of this Chapter are held invalid, such invalidity shall not affect other provisions and each provision is hereby declared to be severable.

**Section 2. Effective Date.** This ordinance shall become effective twenty (20) days after its passage, approval and publication according to law.

**Section 3. Proposing Parties.** The foregoing ordinance was proposed by Mayor Nathan Robertson, at the regularly scheduled meeting of the Ely City Council on October, 24, 2019, read by title and referred to the City Council of the City of Ely, as a committee of the whole.

**Section 4. Notice.** Notice of filing of such ordinance was duly given by publication as required by law.

**(remainder of page intentionally left blank)**

