

BEFORE THE BOARD OF COMMISSIONERS  
FOR MARION COUNTY, OREGON

An Ordinance relating to the use of )  
off-road vehicles, establishing ---- )  
definitions, regulating use, )  
establishing penalties, repealing )  
Marion County Ordinance No. 1142 )  
and declaring an emergency. )

**ORDINANCE NO. 1272**

THE MARION COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

**SECTION 1. Title.**

This ordinance shall be known as the Marion County Off-Road Vehicle Ordinance and may be so cited and pleaded.

**SECTION 2. Purpose.**

The Marion County Board of Commissioners has determined that off-road vehicles can provide appropriate, useful, and energy efficient alternatives to automobiles and can be acceptable recreational devices when properly operated, but that it is necessary to regulate the use of off-road vehicles to minimize conflicts, prevent damage to and deterioration of the environment, and protect the health, safety and welfare of the people of Marion County.

**SECTION 3. Definitions.**

- (1) "Non-road area" means any area that is not a public road, but does not include areas commonly held open to vehicular use, such as parking lots and permitted racetracks.
- (2) "Off-road vehicle" means any self-propelled motor vehicle that is designed or capable of traversing natural terrain, including, but not limited to motorcycles, dirt bikes, four-wheel drive vehicles, all terrain vehicles, jeeps and halftracks, but does not include, vehicles used for farming, timber, military, fire prevention, emergency services, or law enforcement.

- (3) "Recreationally operate" means to drive, operate, ride, or otherwise propel an off-road vehicle for recreational purposes. Recreational operation includes the use of an off-road vehicle on a track, loop, trail, course, raceway, strip, hill, area with jumps, mounds or banked turns, or other similar terrain. Recreational operation does not include off-road vehicle use that is exclusively for the purpose of property maintenance.

**SECTION 4. Prohibitions.**

- (1) No person shall operate or allow any other person to operate an off-road vehicle on any non-road area within the urban growth boundary of any city.
- (2) No person shall operate or allow any other person to operate an off-road vehicle on any non-road area between the hours of 9:00 p.m. and 8:00 a.m.
- (3) No person shall operate or allow another person to operate an off-road vehicle on any non-road area for more than three hours between the hours of 8:00 a.m. and 9:00 p.m.
- (4) No person shall recreationally operate or allow any other person to recreationally operate an off-road vehicle on any non-road area that is within 100 feet of the property line of that property.

**SECTION 5. Enforcement Responsibility and Authority.**

This ordinance shall be enforced by the Marion County Sheriff's Office and the Marion County Code Enforcement.

**SECTION 6. Violations.**

Violation of any provision of this ordinance shall be considered a Class A violation pursuant to ORS Chapter 153 and shall be subject to enforcement as provided in Marion County Ordinance No. 1105.

**SECTION 7. Permitted Conduct.**

This ordinance shall not be interpreted to prohibit the use of off-road vehicles in conjunction with farming, timber production, emergency services, fire prevention, or law enforcement.

**SECTION 8. Repeal of Ordinances.**

Marion County Ordinance No. 1142 is hereby repealed.

**SECTION 9. Severability Clause.**

Should any section or portion of this ordinance be held unlawful or unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this ordinance shall remain in full force and effect.

**SECTION 10. Emergency Clause and Effective Date.**

This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect upon its passage.

SIGNED AND FINALIZED this 12<sup>th</sup> day of November 2008.

MARION COUNTY BOARD OF COMMISSIONERS



Chair



Recording Secretary