

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 18, 2016

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2016-2807 No.

SUBJECT: An Ordinance authorizing city personnel or fire/ems personnel to operate ATVs within the City of Newberg while performing official duties; and declaring an emergency

Contact Person (Preparer) for this Motion: Sgt. Baltzell (Executive Summary) / Truman Stone (Ordinance)
Dept.: Police/Legal
File No.:

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt Ordinance No. 2016-2807.

EXECUTIVE SUMMARY:

Over the past several years the Newberg-Dundee Reserve Officer program has been saving a portion of each officer's hourly wage from paid events. The reserve department has worked hard to keep equipment spending down in order to save money with a goal of purchasing a utility vehicle (ATV) for use while working special events such as Old Fashioned Festival, Special Olympics and other similar venues. That goal has been reached and the Reserve Officer purchased an ATV for donation to the City.

An ATV enhances the PD's ability to work city functions such as Old Fashioned Festival, Special Olympics, Tunes on Tuesdays and the like. An off road capable utility vehicle will allow for the transport of multiple officers and equipment quickly and over large event areas. It will prove to be a valuable asset that will assist our officers in serving the public more efficiently. Officers will be able to respond to law enforcement or medical calls more quickly in areas where patrol cars cannot go. With the implementation of the new bypass as well as the proposed walking and biking trails in the area, it will require a more diverse mode of transportation for enforcement activity. The ATV will give the officers the ability to move quickly to different points along trails while also affording the officers the function of taking offenders into custody and transporting them over those distances. This cannot be done on bike and patrol cars are not suitable for the pathways.

This ordinance authorizes City employees and volunteers, together with Fire/EMS personnel, to operate ATVs on City streets and properties while performing official duties. It contemplates signs being put in place to notify the public of the possibility of encountering ATVs on the roadways.

FISCAL IMPACT: The financial impact cannot be calculated, but it is anticipated that it will result in some minimal savings while operating an ATV versus a patrol car or public works vehicle.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS): Not applicable.



ORDINANCE No. 2016-2807

AN ORDINANCE AUTHORIZING CITY PERSONNEL OR FIRE/EMS PERSONNEL TO OPERATE ATVS WITHIN THE CITY OF NEWBERG WHILE PERFORMING OFFICIAL DUTIES; AND DECLARING AN EMERGENCY

RECITALS:

1. All-terrain vehicles (ATVs) are an effective alternate to cars, trucks or bicycles.
2. The Newberg-Dundee Police Reserve Association has purchased an ATV with it's own funds to donate to the city.
3. ATVs have been used during City events such as the Old Fashion Festival and Special Olympics by the police department, fire department and public works department.
4. This ordinance clarifies the legal status of ATVs while operated on City streets and property, by authorizing City employees and volunteers, together with Fire/EMS personnel to operate ATVs in performance of official duties.
5. Emergency Clause is included in this ordinance to make it effective ahead of the 2016 Old Fashion Festival.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Article VI. Penalty and Chapter 10.10.230 shall be renumbered as follows:

Article VII. Penalty

10.10.400 Penalty

Section 2. A new title, Article VI. Operation of All-Terrain Vehicles, is added to read as follows:

10.10.300 Definitions.

- A. All-Terrain Vehicle. An "ATV" is defined, as it is in ORS 801.190 – 194, as any Class I, II, III or IV all-terrain vehicle.
- B. City Operated ATV. A "City operated ATV" is defined as an ATV being operated by City of Newberg employees or volunteers while in the performance of their official duties.
- C. Fire ATV. A "Fire ATV" is defined as an ATV being operated by Fire or Emergency Medical Service personnel while on duty within the city or while responding to a fire or medical emergency.

10.10.310 Operation ATVs permitted on city highways and property.

Operation of a City Operated ATV or Fire ATV shall be allowed upon public roadways, streets, highways, parks, park trails, pathways, city property and other related areas within the City of Newberg.

10.10.320 Signage required.

The city administration will determine what signage is appropriate and post appropriate signage on City streets, highways, roadways or other points within the City limits, as now constituted or hereafter changed, to give notice to all persons that the operation of City Operated ATV or Fire ATV are permitted.

Section 3. Emergency Clause.

The Council declares that an emergency exists because delay in passage would not allow effective use of ATVs during the 2016 Old Fashion Festival; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

➤ **EFFECTIVE DATE** of this ordinance is: July 19, 2016.

ADOPTED by the City Council of the City of Newberg, Oregon, this ____ day of _____, 2016, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of _____, 2016.

Bob Andrews, Mayor