

## ORDINANCE NO. 707

### AN ORDINANCE OF THE CITY OF BLANCHARD, OKLAHOMA AMENDING SECTION 18-307 IN ARTICLE 3 OF CHAPTER 18 OF THE BLANCHARD MUNICIPAL CODE PERTAINING TO ALL- TERRAIN VEHICLES; DECLARING REPEALER; PROVIDING FOR SEVERABILITY.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
OF BLANCHARD, OKLAHOMA:**

**SECTION 1.** That Chapter 18, Article 3, Section 18-307 "MUNICIPALLY OWNED ALL-TERRAIN VEHICLES AND MUNICIPALLY OWNED GOLF CARTS" of the Code of Ordinances of the City of Blanchard, Oklahoma, is hereby amended to read as follows:

#### **§ 18-307      ALL-TERRAIN VEHICLES AND GOLF CARTS.**

A. Any person intending to operate an all-terrain vehicle or golf cart on any public roadway within the limits of the City of Blanchard shall obtain an operation permit from the City of Blanchard. The City of Blanchard shall issue a permit upon verification of the following items:

1. Annual fee as set be motion or resolution by the City Council. *Editor's note the initial fee is \$25.00.*

2. Driver possesses a valid driver's license.

3. Proof of liability insurance that covers the all-terrain vehicle or golf cart.

B. Required Equipment for All-Terrain Vehicles Following Permit Issuance:

1. Standard mufflers shall be installed and attached to the ATV which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe, or similar device on the all-terrain vehicle. The apparatus shall not be audible for a distance more than two-hundred (200) feet from the place or places where such devices or apparatus will be located.

2. Brakes shall be installed adequately to control movement of and stop the all-terrain vehicle under any condition of operation.

3. At least one (1) clear headlamp shall be attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least one-hundred (100) feet ahead during the hours of darkness and under normal atmospheric conditions, when the all-terrain vehicle is operated between the hours of one-half hour after sunset to 10pm, or at times of reduced visibility. Such headlamp shall be aimed so that glaring rays are not projected into the eyes of oncoming traffic. The all-terrain vehicle shall also be equipped with a least one (1) red tail lamp having a minimum candlepower of

sufficient intensity to exhibit a red light plainly visible from a distance of five-hundred (500) feet to the rear during hours of darkness under normal atmospheric conditions.

C. Restrictions on Operation of All-Terrain Vehicles Upon Public Roadways:

Once a permit has been issued to any person, it shall be unlawful for that person to drive any all-terrain vehicle or golf cart on the portion of any right of way of any public street, road, trail or alley used for motor vehicle travel, except a person may operate upon the most right-hand lane of a public street or alley unless herein or hereafter restricted, and may, in passing or making a left turn, operate on other lanes which are used for vehicle traffic in the same direction. Operation may be permitted upon the ditch bottom or outside bank of county or state highways which are so configured within the corporate limits. No travel is permitted on any state highway system within corporate limits unless making a perpendicular crossing of a state highway.

D. It shall be unlawful for any person to operate an all-terrain vehicle:

1. Upon any public sidewalk providing for pedestrian traffic.
2. Upon private property of another without written permission of the owner of person in control of said property.
3. Upon on any school grounds without written, signed, and dated permission of responsible school authorities.
4. Upon on any other public place or ground except as may be specifically permitted by other provisions of the ordinance.
5. At any place while under the influence of alcohol or drugs as defined by Oklahoma State Statute 47 OS 11 902, which is hereby incorporated herein by reference.
6. At a rate of speed greater than twenty-five (25) miles per hour.
7. At any place in a careless, reckless, or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damages to any person or property.
8. During the hours of 10:00pm to 7:00am, except that during said prohibited hours of operation, such operation shall be permitted when returning to the City of Blanchard for the purpose of following the most direct practical route from a point outside the city limits of the City of Blanchard to the residence of the operator or passenger, and except during prohibited hours of operation shall be permitted for the purpose of leaving the City of Blanchard by the most direct practical route to go to a specific destination outside of the City of Blanchard.

9. Without a headlight and taillight at night as consistent with this Chapter.
10. In any trees, nursery, or planting that damages or destroys growing stock or on any private property without the permission of the owner thereof.
11. Entering any intersection without yielding the right of way to any vehicles or pedestrians, which are at the intersection, or close to the intersection as to constitute an immediate hazard.
12. Leaving an all-terrain vehicle in a public place without locking the ignition, removing the key and taking the same with their person.
13. Intentionally driving, chasing, running over, or killing any animal with an all-terrain vehicle.
14. Operating or riding under the age of eighteen (18) without a safety helmet.

E. Exceptions.

The provisions of this chapter shall not apply to an all-terrain vehicle used by the governmental agencies in the pursuit of their duties or during emergency use. Nothing in this ordinance shall prohibit the use of all-terrain vehicles within the right of way of a state or county highway or upon public lands under the jurisdiction of the Oklahoma Department of Wildlife Conservation in an organized contest or even subject to the consent of the official or board having jurisdiction over the highway or public lands. Nothing in this ordinance shall prohibit the use of all-terrain vehicles within the right of way of a state or county highway or upon other public streets in the City of Blanchard during a parade.

F. All other traffic regulations applicable.

When at any time an all-terrain vehicle is operated within the right of way of a public roadway, but outside of the traveled portion, or when an all-terrain vehicle is operated as permitted in crossing a public roadway, all other traffic regulations of the City of Blanchard, including, but not limited to, those permitting to operating or being in actual physical control of a motor vehicle while intoxicated shall be applicable to the operators of such. Furthermore, for the purpose of enforcing traffic regulations at any time that an all-terrain vehicle is within the right of way of a public roadway or lawfully upon the traveled portion of a public roadway, the all-terrain vehicle shall be deemed to be a motor vehicle, as subject to all rules, ordinances, statutes, and regulations pertaining as the same term as defined by Oklahoma State Statutes 47-1-134.

G. Operation of All-Terrain Vehicles by minors.

All-terrain vehicle operators who are minors and wish to operate all-terrain vehicles within the City of Blanchard are subject to the following conditions in addition to those required for adult operators:

1. No minor under sixteen (16) years of age shall be permitted to operate an all-terrain vehicle in the City of Blanchard.

2. All minors at least sixteen (16) years of age but less than eighteen (18) years of age may operate an all-terrain vehicle subject to the restrictions in this chapter if the minor possesses a valid driver's license and wears a safety helmet approved by the Department of Public Safety.

H. Penalty.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be subject to a \$200.00 fine and/or arrest.

**SECTION 2. REPEALER.** All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY.** In the event any word or sentence in this ordinance, or provision or portion of this ordinance, or rules adopted by this ordinance is invalidated by any court of competent jurisdiction, the remaining words and/or sentences, provisions, or portions thereof shall not be affected and shall continue in full force and effect.

**PASSED and APPROVED** by the City Council of the City of Blanchard, Oklahoma on this 27<sup>th</sup> day of August, 2019.

/s/ Eddie Odle  
Mayor

ATTEST:

/s/ Brenda Baird  
City Clerk

APPROVED AS TO FORM on this 23<sup>d</sup> day of August, 2019.

/s/ David L. Perryman  
City Attorney