

THE BOARD OF GARRETT COUNTY COMMISSIONERS

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Board of Commissioners

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RESOLUTION NO. 2017 – 6

A RESOLUTION ADOPTING AN ORDINANCE AUTHORIZING A PERSON UNDER SPECIFIED CONDITIONS TO CROSS A HIGHWAY OR OPERATE AN ALL-TERRAIN VEHICLE OR A SNOWMOBILE ON A DESIGNATED PORTION OF A HIGHWAY IN GARRETT COUNTY.

Explanation

By Chapter 694 of the Laws of Maryland 2017, the General Assembly of Maryland enacted Senate Bill 979 (the "Bill") and on May 25, 2017, the Honorable Larry J. Hogan, Jr., Governor of the State of Maryland, signed the Bill authorizing the Board of County Commissioners of Garrett County (the "Board"), as the governing body of Garrett County, Maryland, a political subdivision of the State of Maryland (the "County"), to reasonably exercise its police powers as to highways under its jurisdiction and authorizing a person to cross a highway on an all-terrain vehicle or snowmobile or to operate an all-terrain vehicle or a snowmobile on certain designated portions of highways under the jurisdiction of the County.

The County wishes to exercise the power granted to it by the Bill and by the Laws of Maryland for those purposes.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of Garrett County, Maryland, this 19th day of SEPTEMBER 2017, as follows:

1. The Explanation set forth above is incorporated as a substantive provision of this Resolution.
2. A person may operate an all-terrain vehicle or a snowmobile on not more than two (2) miles of a highway designated by the Board on not more than two (2) miles at a speed of not more than twenty-five (25) miles per hour for the sole purpose of gaining access to trails on which the operation of an all-terrain or snowmobile is authorized, or to a field, or to another area where the operation of an all-terrain vehicle or a snowmobile is authorized;
3. To cross a highway on an all-terrain vehicle or a snowmobile at a right angle at a speed of not more than twenty-five (25) miles per hour.
4. The authorizations granted by this Resolution shall be subject to the following specific terms and conditions:
 - A. All applicable speed limits – Operators are put on notice that they are responsible for abiding by twenty-five (25) miles per hour speed limits even if their vehicle is not equipped with an operable speedometer;
 - B. All-terrain vehicles and snowmobiles may be operated on a Garrett County roadway for a distance not to exceed two (2) miles.
 - C. The Board of County Commissioners may, by resolution, close or restrict any specific road to all-terrain vehicles or snowmobile use.

- (1) Subject to the regulations contained in this Ordinance, only all-terrain vehicles and snowmobiles, as defined by Transportation Article of the

Annotated Code of Maryland, are hereby allowed on roads in the Garrett County Roadway Inventory ("Garrett County Roadways"), EXCLUDING municipal roads and state highways, subject to the conditions set forth in this Ordinance;

- (2) All-terrain vehicles and snowmobiles must be registered every year and pay a registration fee as set by the Garrett County Commissioners to operate on Garrett County Roadways. The registration sticker must be displayed prominently on rear of the vehicle;
- (3) All-terrain vehicle and snowmobile operators must have proof of valid liability insurance covering his/her vehicle;
- (4) All-terrain vehicle and snowmobile operators on Garrett County Roadways must possess a valid driver's license or be eligible for a driver's license;

(5) **HELMETS REQUIRED**

Unless the ATV or UTV is equipped with a factory R.O.P.S. (Roll Over Protection System), the operator or passenger of the ATV or UTV will not operate on any portion of the roadway unless the operators and passengers are wearing protective headgear that meets the standards established by the Administration as defined in TA 21-1306.

In such cases where the ATV or UTV is equipped with a factory R.O.P.S. (Roll Over Protection System), the operator and passengers will utilize the factory seat belts when operating the ATV or UTV on any portion of the roadway.

- (6) No passengers are permitted on single seat all-terrain vehicles and snowmobiles; passengers on all other all-terrain vehicles and snowmobiles are limited to the number of manufactured installed passenger seats on the vehicle;
- (7) All-terrain vehicles and snowmobiles must have at least an operating brake light and headlight when in operation on Garrett County Roadways;
- (8) All-terrain vehicles and snowmobiles must travel single file on the right-hand shoulder or the extreme right-hand side of a road and left hand turns may be made from any part of the road if it is safe to do so under the prevailing conditions;
- (9) Failure to abide by any of the above conditions when an all-terrain vehicle or snowmobile is in use on Garrett County Roadways shall constitute a violation of this Ordinance.

(10) **Fines and penalties for violations of this Ordinance:**

(i) First violation – One Hundred Dollars (\$100.00);

(ii) Second violation – Two Hundred Fifty Dollars (\$250.00) and a sixty (60) day suspension from using all-terrain vehicles or snowmobiles on Garrett County Roadways;

(iii) Third and Subsequent Violations – Five Hundred Dollars (\$500.00) and a lifetime suspension from using all-terrain vehicles or snowmobiles on Garrett County Roadways;

(11) Enforcement of this Ordinance shall be a Municipal Infraction.

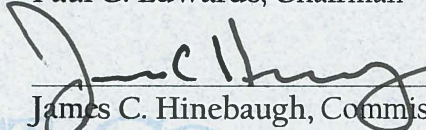
(12) If any provision of this Ordinance is found to conflict with Maryland state law or with federal law, all other portions shall remain in full force and effect.

BE IT FURTHER RESOLVED AND ORDAINED, that this Resolution shall be effective October 1, 2017, by the Board of County Commissioners of Garrett County, Maryland.

ADOPTED this 19TH day of SEPTEMBER, 2017.

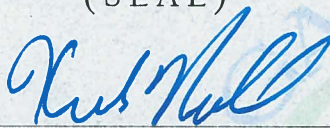
BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND


(SEAL)
Paul C. Edwards, Chairman


(SEAL)
James C. Hinebaugh, Commissioner


(SEAL)
S. Larry Tichnell, Commissioner

(SEAL)



Kevin G. Null
County Administrator

REGISTRATION INSTRUCTIONS

Registration

An all-terrain vehicle or snowmobile shall not be operated unless the owner first obtains a certificate of registration and registration decal from the County.

The registration decal must be affixed to the rear of the all-terrain vehicle or snowmobile and be clearly visible.

The registration sticker will expire on December 31st of the year indicated on the decal.

Fees

Registration fees: Twenty-five dollars (\$25.00) per vehicle

Any all-terrain vehicle or snowmobile that will operate on any authorized roadway in Garrett County, Maryland must be registered and display a valid registration decal.

How to Register:

In Person: Garrett County Tax Collections Office
203 South Fourth Street
Oakland, Maryland 21550
Hours: Monday-Friday 8:30-4:00
Complete and sign the Registration Application
Payment with cash, check, or credit card
Registration Decal will be issued

On-Line: www.garrettcountry.org/ride
Complete the Registration Application
Payment with credit card
Registration Decal will be mailed-allow 2 weeks to process