



CITY OF FERNLEY

CITY COUNCIL AGENDA REPORT

Meeting Date: November 17, 2021

REPORT TO:	Mayor and City Council
REPORT FROM:	Daphne Hooper, City Manager
REVIEWED BY:	Brandi Jensen, City Attorney
REVIEWED BY:	Denise Lewis, City Treasurer

FINANCIAL IMPACT: Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	CURRENTLY BUDGETED: Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	FUND/ACCOUNT:
---	---	----------------------

ACTION REQUESTED: Consent Ordinance Resolution Motion Receive/File

AGENDA ITEM: (For Possible Action): Adoption of Bill # 303 an Ordinance amending Title 20, Chapter 1, 9 to add (E) "Off-Highway Vehicles" and establishing rules for the operation of off-highway vehicles within the municipal boundaries of the City of Fernley, established routes for ingress and egress from the City of Fernley to public and private lands where off-highway vehicle use is authorized, and establishing the penalties for violations.

Agenda Item Brief: Council introduced Bill #303 at the October 20, 2021, Meeting establishing rules for the operation of off-highway vehicles. Bill #303 is presented for adoption.

Recommended Motion:
"I move to adopt Bill #303 an Ordinance amending Title 20, Chapter 1, 9 to add (E) "Off-Highway Vehicles" and establishing rules for the operation of off-highway vehicles within the municipal boundaries of the City of Fernley, established routes for ingress and egress from the City of Fernley to public and private lands where off-highway vehicle use is authorized, and establishing the penalties for violations."

Business Impact (per NRS Chapter 237):

A Business Impact Statement is Attached.

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

ALTERNATIVES:

BACKGROUND:

In January 2020, City Council directed staff to bring forward an ordinance regarding the use of off-highway vehicles within the City of Fernley. Councilwoman Fran McKay introduced Bill #303 on October 20, 2021.

Nevada Revised Statue 490.090 allows UTVs and ATVs to be operated on paved highways that are not otherwise designated for use by off-highway vehicles. A person may cross or use a paved road to connect trails or to load or unload OHVs where practical. UTVs may not be operated on interstate highways, but they may use two-lane paved roads for two miles or less, unless the road is specifically designated for OHV use in a city whose population if 100,000 or more. In cities with less than 100,000, mileage is not limited.

The attached Bill states as follows:

In an effort to encourage tourism for outdoor enthusiasts, especially those accessing public lands with off-highway vehicles, the City must establish routes and uses of off-highway vehicles.

Within the City of Fernley, DMV registered Large All Terrains Vehicles (as defined in the most recently adopted versions of NRS and FMMC Title 20), are permitted to travel on roadways within the City of Fernley where the speed limit is 35 miles per hour or less. These Large All Terrain Off Road Vehicles shall have their registration (those containing starts) from DMV displayed as required by NRS.

Regardless of the posted speed limit, off-highway vehicles shall not be operated on designated highways or roads for any purpose other than to travel to or from the private or public recreation areas.

The City of Fernley reserves the right to grant additional access during approved special events. This access will be pursuant to a map indicating approved routes determined by the public works department and the legal department after consultation with the local Sergeant of both Nevada Highway Patrol and Lyon County Sheriff's Office.

LEGAL IMPLICATIONS:

NRS 490.100 provides the City with the legal authority to adopt NRS 490 provisions for the operation of off-highway vehicles and establish routes where off highway vehicles may be authorized.

Fernley Municipal Code Title 20, Chapter 9 establishes the requirements for off-highway vehicle use within the City of Fernley.

FINANCIAL IMPLICATIONS: None

ATTACHMENTS:

Bill #303 / Ordinance