

ORDINANCE NO. 17

AN ORDINANCE OF THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, OKLAHOMA, AMENDING THE CODE OF ORDINANCES AT TITLE 7 "STATE TRAFFIC CODE; ADMINISTRATION; GENERAL PROVISIONS", ADDING CHAPTER 7, "ALL-TERRAIN VEHICLES AND UTILITY TYPE VEHICLES"; PROVIDING FOR THE OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TYPE VEHICLES WITHIN THE CORPORATE LIMITS OF THE TOWN OF HOCHATOWN UNDER CERTAIN CIRCUMSTANCES; TO IMPOSE RESTRICTIONS ON THE USE OF ALL-TERRAIN VEHICLES OR UTILITY TYPE VEHICLES; TO ESTABLISH PENALTIES FOR VIOLATION; TO PROVIDE AN EFFECTIVE DATE; PROVIDING FOR REPEALER; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOCHATOWN, MCCURTAIN COUNTY, STATE OF OKLAHOMA:

SECTION 1. That Title 7, new Chapter 7 of the Code of Ordinances of the Town of Hochatown, Oklahoma is hereby adopted and shall hereinafter read as follows:

Chapter 7: ALL-TERRAIN VEHICLES AND UTILITY TYPE VEHICLES

SECTION:

7-7-1: Authority for Adoption

7-7-2: Definitions

7-7-3: Operation

7-7-4: Traffic Regulation

7-7-5: Violations

7-7-1: Authority for Adoption

WHEREAS, the Oklahoma Statutes Title 47 Section 11-1116 provides that utility vehicles shall not be operated on the streets and highways of this state except: (2) The municipal governing body has adopted an ordinance governing the operation of utility vehicles on city streets; provided, such ordinances shall include necessary vehicle lighting and safety requirements.

WHEREAS, the Town of Hochatown, does wish to adopt the following ordinance for the allowance of the operation of utility vehicles upon certain city streets with the following definitions, restrictions and requirements.

This ordinance is adopted to address the interest of public safety. All-Terrain Vehicle or Utility Vehicle are not designed or manufactured to be used on the public streets and the Town of Hochatown in no way advocates or endorses their operation on public streets or roadways.

7-7-2: Definitions

For the purposes of this ordinance the following definitions shall apply:

- A. "All-Terrain Vehicle" means a vehicle manufactured and used exclusively for off-highway use traveling on four or more non-highway tires, and being fifty (50) inches or less in width (47 O.S. § 1102(1))
- B. "Utility Vehicle" means a vehicle powered by an internal combustion engine, manufactured and used exclusively for off-highway use, equipped with seating for two or more people and a steering wheel, traveling on four or more wheels. (47 O.S. § 1102(40))
- C. "Insurance" shall mean motor vehicle insurance which complies with the requirement set forth in Oklahoma Statute Title 36.

7-7-3: Operation

An All-Terrain Vehicle or Utility Vehicle may be operated on the streets of the Town of Hochatown within the municipal boundaries of the Town of Hochatown, McCurtain County, Oklahoma, as expressly provided in this section.

- A. Any person operating All-Terrain Vehicle or Utility Vehicle as authorized by this subsection shall:
 - 1) Be at least eighteen (18) years of age;
 - 2) Have a valid drivers license; and
 - 3) Maintain financial responsibility for operation of such All-Terrain Vehicle or Utility Vehicle including maintaining valid Insurance and proof of the same
- B. All-Terrain Vehicle or Utility Vehicle shall only be operated on city streets with a speed limit of no greater than forty-five (45) miles per hour.
- C. Only the number of people the All-Terrain Vehicle or Utility Vehicle is designed to seat may ride on the All-Terrain Vehicle or Utility Vehicle. Passengers must be seated at all times.
- D. No All-Terrain Vehicle or Utility Vehicle may be operated at a speed greater than reasonable and prudent for existing conditions, or at a speed greater than thirty (30) miles per hour.
- E. Every All-Terrain Vehicle or Utility Vehicle must be equipped with working seatbelts for the driver and all passengers. However, if the All-Terrain Vehicle or Utility Vehicle does not have working seatbelts, the driver and al passengers must wear a helmet approved for operation of an All-Terrain Vehicle or Utility Vehicle.
- F. No All-Terrain Vehicle or Utility Vehicle may be operated in a careless or reckless manner.

- G. All-Terrain Vehicle or Utility Vehicle must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.
- H. All-Terrain Vehicle or Utility Vehicle may only be operated during the hours between sunrise and sunset.
- I. Any All-Terrain Vehicle or Utility Vehicle operating on town streets must be equipped with two (2) lighted lamps, one (1) on each side of the front of the All-Terrain Vehicle or Utility Vehicle, visible under normal atmospheric conditions from a distance of at least two hundred (200) feet in front of such All-Terrain Vehicle or Utility Vehicle, two (2) red lamps on the rear, one on each side, exhibiting a red light visible under like conditions from a distance of at least two hundred (200) feet to the rear of such All-Terrain Vehicle or Utility Vehicle, as well as direction indicator lights or turn signals.
- J. All-Terrain Vehicle or Utility Vehicle shall not be operated on or across any public or private property without the express permission of the property owner.
- K. All-Terrain Vehicle or Utility Vehicle may not be used as a taxicab or bus or for the commercial carrying of passengers or the hauling of freight.
- L. No All-Terrain Vehicle or Utility Vehicle shall be operated on any state highway except for the perpendicular crossing of a state highway located within the municipal boundaries of the Town of Hochatown. (47 O.S. §11-1116(3))
- M. Street-legal utility vehicles that are registered as a motor vehicle pursuant to subsection B of Section 1 of the Oklahoma Rules of the Road Act may be operated on the streets and highways of this state. Provided, however, street-legal utility vehicles shall not be operated on the National System of Interstate and Defense Highways or U.S. highways. (47 O.S. §11-1116(5)).

7-7-4: Traffic Regulations

All-Terrain Vehicle or Utility Vehicle operators must obey all traffic laws of the Town of Hochatown and the State of Oklahoma, including those laws, ordinances, or regulations pertaining to the operation or being in physical control of a motor vehicle while under the influence of alcohol or any drug.

7-7-5: Violations

Violation of this ordinance may be enforced by the Hochatown Police Department by any legal method prescribed by law, including but not limited to the following:

- A. Any person or entity violating any of the provisions of this Ordinance may be prosecuted in the same manner as misdemeanors are prosecuted and shall, upon conviction, be punished for each offense by a fine not to exceed \$250.00.

SECTION 6. That the remaining portions of Title 7 of the Code of Ordinances of the Town of Hochatown, Oklahoma shall be unchanged by this Ordinance.

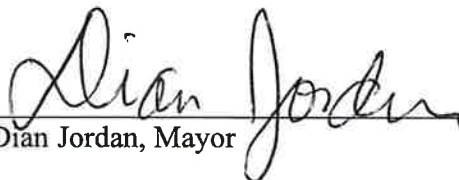
SECTION 7. The provisions of this ordinance are severable and if any section, subsection, subdivision, paragraph, sentence, clause or phrase or any part thereof is for any reason determined to be unconstitutional or adjudged invalid or ineffective by any Court of competent jurisdiction, such determination or adjudication shall not affect or impair the validity or effectiveness of the remaining parts, provisions or portions hereof.

SECTION 8. Repealer. All ordinances or parts thereof which are inconsistent with this ordinance are repealed upon effective date of this ordinance.

SECTION 9. It being immediately necessary for the preservation of the public health, peace, and safety of the citizens of the Town of Hochatown, Oklahoma, that an emergency be declared to exist, this ordinance shall be in full force and effect immediately from and after its passage, approval, and publication.

SECTION 10. Pursuant to 11 O.S. §14-108, the Town Clerk is authorized to include this ordinance in the official Code of Ordinances for the Town of Hochatown, it being the intent to authorize recodification with the inclusion of this ordinance upon approval.

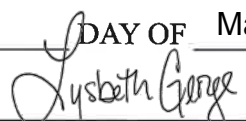
PASSED AND APPROVED by the Town Trustees of the Town of Hochatown, Oklahoma this the 12 day of March, 2025.


Dian Jordan, Mayor

ATTEST:


Helen Harden, Town Clerk

APPROVED AS TO FORM AND LEGALITY THIS 12th DAY OF March, 2025.


TOWN ATTORNEY