

THE BOARD OF GARRETT COUNTY COMMISSIONERS

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Board of Commissioners

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RESOLUTION NO. 2023 – 4

AMENDING THE PROVISIONS OF SECTION 70.10 OF THE CODE OF PUBLIC LOCAL LAWS FOR GARRETT COUNTY, MARYLAND (THE “COUNTY CODE”) AUTHORIZING A PERSON UNDER SPECIFIED CONDITIONS TO OPERATE AN OFF ROAD VEHICLE ON A DESIGNATED PORTION OF A HIGHWAY IN GARRETT COUNTY FOR NOT MORE THAN FIVE (5) MILES AND RECOGNIZING AN OFF ROAD VEHICLE REGISTRATION FROM ALLEGANY COUNTY, IN GARRETT COUNTY, MARYLAND.

Explanation

By Chapter 433 of the Laws of Maryland 2022, the General Assembly of Maryland enacted and on May 16, 2022, the Honorable Larry J. Hogan, Jr., Governor of the State of Maryland, signed the legislation 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 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 for a distance of not more than five (5) miles and further authorizing Garrett County to recognize an off road vehicle registration from Allegany County, Maryland in Garrett County, Maryland.

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 16th day of May, 2023, 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, snowmobile, or off-the-road motorcycle (collectively “Off Road Vehicles”) on not more than five (5) miles of a highway designated by the Board on not more than five (5) miles at a speed of not more twenty-five (25) miles per hour for the sole purpose of gaining access to trails on which the operation of an Off Road Vehicle is authorized, or to a field, or to another area where the operation of an Off Road Vehicle is authorized;
3. To cross a highway on an Off Road Vehicle 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. Off Road Vehicles may be operated on a Garrett County roadway for a distance not to exceed five (5) miles.
 - C. The Board of County Commissioners may, by resolution, close or restrict any specific road to Off Road Vehicle use.

- (1) Subject to the regulations contained in this Ordinance, only Off Road Vehicles, 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) Off Road Vehicle must be registered every year and pay a registration fee as set by the Board of Garrett County Commissioners to operate on Garrett County Roadways. The registration sticker must be displayed prominently on the rear of the vehicle. The registration sticker from Allegany County, Maryland for Off Road Vehicles will be recognized in Garrett County, Maryland;
- (3) Off Road Vehicle operators must have proof of valid liability insurance covering his/her vehicle;
- (4) All operators of Off Road Vehicles 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 Off Road Vehicle; passengers on all other Off Road Vehicle are limited to the number of manufactured installed passenger seats on the vehicle;
- (7) Off Road Vehicle must have at least an operating brake light and headlight when in operation on Garrett County Roadways;
- (8) Off Road Vehicle 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 Off Road Vehicle 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 Off Road Vehicles on Garrett County Roadways;
 - (iii) Third and Subsequent Violations – Five Hundred Dollars (\$500.00) and a lifetime suspension from using Off Road Vehicles 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 May 16, 2023, by the Board of County Commissioners of Garrett County, Maryland.

ADOPTED this 16th day of May, 2023.

BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND


_____(SEAL)
Paul C. Edwards, Chairman


_____(SEAL)
Ryan S. Savage, Commissioner


_____(SEAL)
S. Larry Tichnell, Commissioner

(SEAL)


Kevin G. Null
County Administrator



REGISTRATION INSTRUCTIONS

Registration

An Off Road Vehicle 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 Off Road Vehicle 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 Off Road Vehicle 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