

CHAPTER 2

OFF ROAD VEHICLES

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6-2-1: DEFINITIONS:

As used in this section:

ALL-TERRAIN TYPE I VEHICLE: Any motor vehicle fifty two inches (52") or less in width, having an unladen weight of eight hundred (800) pounds or less, traveling on three (3) or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

ALL-TERRAIN TYPE II VEHICLE: Any other motor vehicle, not defined in the definitions of All-Terrain Type I Vehicle and Motorcycle of this section, designed for or capable of travel over unimproved terrain. This term does not include golf carts, any vehicle designed to carry a disabled person, and vehicle not specifically designed for recreation use, or farm tractors as defined by state law.

LOW PRESSURE TIRE: Any pneumatic tire six inches (6") or more in width designed for use on wheels with rim diameter of twelve inches (12") or less and utilizing an operating pressure of ten (10) pounds per square inch or less as recommended by the vehicle manufacturer.

MANUFACTURER: A person engaged in the business of manufacturing off highway vehicles.

MOTOR VEHICLE: Every vehicle which is self-propelled.

MOTORCYCLE: Every motor vehicle having a saddle for use of the operator and designed to travel on not more than two (2) tires.

OFF HIGHWAY IMPLEMENT OF HUSBANDRY: Every all-terrain type I vehicle, motorcycle, or snowmobile which is used by the owner or his agent for agricultural operations.

OFF HIGHWAY VEHICLE: Any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle.

OPERATE: To control the movement of or otherwise use an off highway vehicle.

OPERATOR: The person who is in actual physical control of an off highway vehicle.

ROADWAY: That portion of a public street improved, designed or ordinarily used for vehicular traffic, exclusive of the sidewalk, berm or shoulder, even though any of them are used by persons riding bicycles or other human powered vehicles.

STREET: The entire width between boundary lines of every way or place of whatever nature, when any part of it is open to the use of the public for vehicular travel. (Ord. 08-16, 11-25-2008, eff. 12-31-2008)

6-2-2: OPERATOR AGE AND LIMITATIONS:

Any licensed driver (16 years old and older) may operate an all-terrain vehicle. Any operator under the age of sixteen (16) must have a permit obtained from the state of Utah showing completion of the Utah OHV education course. This course is offered through the Utah division of parks and recreation. Operators under the age of eight (8) are not allowed to operate any off highway vehicle on public roadways within the city limits. (Ord. 08-16, 11-25-2008, eff. 12-31-2008)

6-2-3: STATE STATUTE REGULATIONS:

As provided by Utah Code Annotated 1953 section 41-22-10.5:

A. As amended, all public streets in the city are hereby designated as off highway vehicle use for the specific purpose of allowing off highway vehicle operators to gain direct access to or from a private or public area open for off highway vehicle use.

B. A person may operate an off highway vehicle on any public street for any purpose including gaining direct access to or from a private or public area open for off highway vehicle use.

C. Subsection B of this section does not apply to off highway implements of husbandry used in accordance with section 6-2-11 of this chapter. (Ord. 08-16, 11-25-2008, eff. 12-31-2008)

6-2-4: AGE LIMITATIONS UNDER SIXTEEN YEARS:

Persons eight (8) through fifteen (15) years of age shall not operate an off highway vehicle on any public street unless the person is under the direct visual supervision; as defined in Utah code section 41-22-30 which means oversight at a distance of not more than three hundred feet (300'), within which visual contact is maintained; and advice and assistance can be given and maintained of an adult at least eighteen (18) years of age. (Ord. 08-16, 11-25-2008, eff. 12-31-2008)

6-2-5: PERMISSIONS AND LIMITATIONS:

A. A person may not operate and an owner may not give that person permission to operate an off highway vehicle on any public street unless the person: 1) is under the direct supervision of a certified off highway vehicle safety instructor during a scheduled training course; 2) has in his possession the appropriate safety certificate issued by the Utah division of parks and recreation; or 3) has in his immediate possession a valid motor vehicle operators license issued pursuant to the Utah uniform driver license act.

B. Violation of subsection A of this section is an infraction for which the punishment shall be fine of not more than fifty dollars (\$50.00) per offense.

C. It is a defense to a charge under subsection A of this section, if the person charged produces in court a license or appropriate safety certificate that was: 1) valid at the time of citation or arrest, and 2) issued to the person operating the off highway vehicle.

D. Operators under the age of sixteen (16) must obtain permission only from their parents or legal guardians. (Ord. 08-16, 11-25-2008, eff. 12-31-2008)

6-2-6: STANDARDS:

A. A person may not operate an off highway vehicle in the city unless the vehicle is equipped with: 1) brakes adequate to control the movement of and stop and hold the vehicle under normal operating conditions; 2) headlights and taillights when operated between sunset and sunrise; and 3) a noise control device and, except for a snowmobile, a spark arrestor device.

B. The standards for equipment required in subsection A of this section shall be the standards established by the Utah board of parks and recreation pursuant to Utah Code Annotated 1953 section 41-22-10.7(2), as amended.

C. Nothing in this section shall authorize a person to operate an off highway vehicle in violation of any other ordinance limiting noise levels or prohibiting disturbing the peace.

D. An off highway implement of husbandry used only in agricultural operations and not operated on a public street is exempt from the provisions of subsections A and B of this section.

E. Any all-terrain vehicle that is street legal as defined in the Utah code section 41-6a-1509; may be operated day or night and shall be equipped with the following:

1. One or more headlamps that meet the requirements of section 41-6a-1603;
2. One or more taillamps;
3. A taillamp or other lamp constructed and placed to illuminate the registration plate with a white light;
4. One or more red reflectors on the rear;
5. One or more stop lamps on the rear;
6. Amber electric turn signals, one on each side of the front and the rear;

7. A braking system, other than a parking brake, that meets the requirements of section 41-6a-1623;
8. A horn or other warning device that meets the requirements of section 41-6a-1625;
9. A muffler and emission control system that meets the requirements of section 41-6a-1626;
10. Rearview mirrors on the right and left side of the driver in accordance with section 41-6a-1627;
11. A windshield, unless the operator wears eye protection while operating the vehicle;
12. A speedometer, illuminated for nighttime operation;
13. For vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers, including a footrest and handhold for each passenger; and
14. For vehicles with side by side seating, seatbelts for each vehicle occupant. (Ord. 08-16, 11-25-2008, eff. 12-31-2008)

6-2-7: HELMET LAW:

- A. A person under the age of eighteen (18) years may not operate or ride on all-terrain type I vehicles, snowmobiles, or motorcycles on any public street unless the person is wearing a properly fitted and fastened United States department of transportation safety rated protective headgear designed for motorized vehicle use.
- B. The owner of an off highway vehicle or any other person may not give permission to a person who is under eighteen (18) years of age to operate or ride on an off highway vehicle in violation of subsection A of this section.
- C. An operator and passengers of off highway implements of husbandry operated in the manner prescribed in section 6-2-11 of this chapter are exempt from the requirements of this section.
- D. Violation of this section is an infraction for which the punishment shall be fine of not more than fifty dollars (\$50.00) per offense. (Ord. 08-16, 11-25-2008, eff. 12-31-2008)

6-2-8: VEHICLE REGISTRATION:

Unless exempted by state law, a person may not operate and an owner may not give another person permission to operate any off highway vehicle unless the off highway vehicle has been registered as required by state law and the decals provided by state law are properly displayed on the vehicle. (Ord. 08-16, 11-25-2008, eff. 12-31-2008)

6-2-9: SPEED LIMITS:

When operating an off highway vehicle on a public street as permitted by this section, the operator shall obey all rules and regulations applicable to conventional motor vehicles using the public street as posted except that the speed limit for all all-terrain vehicles must not exceed twenty (20) miles per hour. Any all-terrain vehicle traveling more than twenty (20) miles per hour will be in violation of this provision and will be cited with a speed infraction consistent with and punishable according to the general motor vehicle rules. (Ord. 08-16, 11-25-2008, eff. 12-31-2008)

6-2-10: PRIVATE PROPERTY:

- A. No person shall operate or accompany a person operating an off highway vehicle upon privately owned land of any other person, firm, or corporation without permission from the owner or person in charge.
- B. It is unlawful for any person operating or accompanying a person operating an off highway vehicle to refuse to immediately leave private land upon request of the owner or person in charge of such land.
- C. Subsections A and B of this section shall not apply to prescriptive easements on privately owned land.
- D. No person operating or accompanying a person operating an off highway vehicle shall obstruct any entrance to or exit from private property without the property owner's permission. (Ord. 08-16, 11-25-2008, eff. 12-31-2008)

6-2-11: HUSBANDRY EQUIPMENT:

A person may operate an off highway implement of husbandry adjacent to the roadway on a public street as provided by state law. If the operation of an off highway implement of husbandry adjacent to a roadway is impractical, it may be operated on the roadway if the operator exercises due care toward conventional motor vehicle traffic. (Ord. 08-16, 11-25-2008, eff. 12-31-2008)

6-2-12: PENALTIES:

Unless another penalty is provided for violation of a specific section of this chapter, any person who violates any provision of this chapter is guilty of a class C misdemeanor and may be punished by a fine of not to exceed seven hundred fifty dollars (\$750.00), or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment. (Ord. 08-16, 11-25-2008, eff. 12-31-2008)