

## **ORDINANCE NO. 50305**

### **AN ORDINANCE DESIGNATING EMERY COUNTY ROADS, STREETS OR HIGHWAYS OPEN FOR OFF-HIGHWAY VEHICLES AND ESTABLISHING REGULATIONS RELATED THERETO**

WHEREAS, pursuant to State Law, currently registered off-highway vehicles (OHV) may be operated on public land, trails, streets or highways that are posted by sign or designated by map description as being open to OHV use by the controlling agency (UCA 41-22-10.1) ; and,

WHEREAS, Emery County is desirous of cooperating with public land administrative agencies who wish to:

- A. Develop and maintain trails.
- B. Develop and maintain staging areas.
- C. Develop and maintain other related facilities appropriate for OHV use.
- D. Promote safe, enjoyable, responsible, legal and appropriate forms of recreational activities (UCA 41-22-20); and,

WHEREAS, Emery County desires to define OHV and identify appropriate OHV travel routes within Emery County;

NOW, THEREFORE, the Emery County Board of Commissioners ordains as follows:

#### **SECTION ONE DEFINITION AND DESIGNATION**

1. OFF-HIGHWAY VEHICLE (OHV) shall be defined as: “All Terrain Type 1 Vehicles, (ATV), All Terrain Type II Vehicles,” “Off-Highway Vehicles” and any motorized vehicles as defined by Utah Code Section 41-22-2(2)(3) and (11).
2. Emery County Roads designated as being open for public travel for OHV’s shall be defined and designated by an “Off-Highway Vehicle Travel Map.” This map shall be maintained by the Emery County Commission and may be changed, modified or amended by Emery County through the public process. These maps will be made available to the public and will be posted in public places.
3. Unless designated as being open for public travel for OHV’s, either by the “Off-Highway Vehicle Travel Map, or by signage on the ground, all Emery County Roads remain closed to travel for OHV’s.

## **SECTION TWO PROVISIONS FOR USE OF OHV**

Any person operating an OHV is subject to all of the provisions of Title 41 Chapter 6, Utah Code Annotated (1953), as amended (Traffic Code), which includes, but is not limited to:

1. No person under eight years of age will be allowed to operate an OHV on the Emery County designated off-highway system. An exception to this may apply under Section 41-22-29 in relation to a “sanctioned race”.
2. OHV operators between the ages of eight and sixteen must possess an OHV education certificate as issued by the Utah Division of Parks and Recreation (UCA 41-22-30).
3. All operators sixteen years of age and older must possess either a valid operator’s license as provided in Title 53, Chapter 3, Uniform Driver License Act or an OHV education certificate as issued by the Utah Division of Parks and Recreation (UCA 41-22-29 and UCA 41-22-30).
4. All riders under the age of 18 may not operate or ride an off-highway vehicle on the system unless the person is wearing a properly-fitted Snell or DOT approved protective headgear designated for motorized use (UCA 41-2-10.8).
5. No person between eight and sixteen years of age may operate an off-highway vehicle on the system unless under the direct visual supervision of an adult who is at least 18 years of age or older (UCA 41-22-1.5 and 41-22-18).
6. All users of the Emery County off-highway vehicle system must obey all traffic and other safety laws and rules as designated (UCA 41-6-44).
7. All users of the Emery County off-highway vehicle system may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing, including when:
  - a. approaching and crossing an intersection or railroad grade crossing;
  - b. approaching and going around a curve;
  - c. approaching a hill crest;
  - d. traveling upon any narrow or winding roadway;
  - e. special hazards exist due to pedestrians, other traffic, weather or road conditions.
8. Should no special hazard exist and a speed limit is posted, all users of the Emery County Off-highway vehicle system will obey the posted speed limit.

## **SECTION THREE EXCEPTIONS**

No person may operate an off-highway vehicle on Emery County roads, streets or highways not designated as open to OHV use, except:

1. When crossing a highway, trail or road and the operator comes to a complete stop before crossing; proceeds only after yielding the right-of-way to oncoming traffic; and crosses at a right angle (UCA 41-22-10.3).
2. When loading or unloading an OHV from a vehicle or trailer which shall be done with due regard for safety and at the nearest practical point of operation (UCA 41-22-10.3).
3. When an emergency exists during any period of time and at those locations when the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or public authority (UCA 41-22-10.3).

## **SECTION FOUR OHV REGISTRATION**

Unless otherwise exempt, all off-highway vehicles operated on Emery County roads designated “open” shall:

1. be registered with the State of Utah in accordance with Title 41-22-3 if owned by a resident of the State of Utah, or
2. have affixed a non-resident user fee decal issued in accordance with Title 42-22-35 if owned by a person who is not a resident of the State of Utah.

## **SECTION FIVE EQUIPMENT**

An OHV used on the Emery County off-highway system must be equipped with:

1. Brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions.
2. Headlights and taillights when operating between sunset and sunrise.
3. A noise control device.
4. A spark arrester (UCA 41-22-10.7).

## **SECTION SIX PENALTY**

Unless otherwise specified, penalties for violation of this Ordinance shall be punishable as a Class C Misdemeanor (UCA 41-22-17) with a minimum fine of \$82.00.

This Ordinance shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2005 or 15 days after its adoption and publication has been made as required by law, whichever date is later. This Ordinance was duly approved and unanimously adopted by the County Commission of Emery County, Utah, on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**BOARD OF COUNTY COMMISSIONERS  
OF EMERY COUNTY**

By \_\_\_\_\_  
Chairman

ATTEST: