



ORDINANCE NO. 21-004

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 6, CHAPTER 3-3, OFF-HIGHWAY VEHICLES, TRAIL DESIGNATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Brian Head Town has established an Off-Highway Vehicle (OHV) Code to regulate the operation and use of OHV's within the town boundaries; and

WHEREAS, Utah Code Annotated § 41-22-10.5(1) authorizes municipalities to adopt ordinances regulating the operation of off-highway vehicles within the boundaries of the municipality; and

WHEREAS, the Brian Head Town Council determined it was necessary to amend the Off-Highway Vehicle Code for the purpose of limiting the use of Town streets for off-highway vehicles, and;

WHEREAS, the Brian Head Town Council has determined that the health, safety and welfare of Brian Head Town and its residents and guests will be served by amending the OHV Code to current standards of the town.

NOW THEREFORE, BE IT ORDAINED BY THE BRIAN HEAD TOWN COUNCIL, IRON COUNTY, STATE OF UTAH AS FOLLOWS:

SECTION 1. The following section 6-3-3 Trail Designation of Title 6, Chapter 3 of the Brian Head Town Code be amended as follows:

6-3-3: TRAIL DESIGNATION:

All town streets, roads, and roadways, together with posted OHV trails (maps attached) are designated as open ~~to use for limited off-highway vehicle use to gain access to or from a private or public area open for off-highway vehicle use~~ with the following exceptions:

- A. Upon private property, other than that of the off-highway vehicle owner or operator, without express written permission of the owner, unless such property is a business that is held open to the public. (Ord. 18-014, 11-13-2018)
- B. No OHV may be operated on State Road 143 inside the town limits¹.

Footnote 1: See section 6-3-3 of this chapter for exceptions.

SECTION 2. Effective Date. Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this ordinance shall be incorporated into the Brian Head Town Code, Title 6, Chapter 3 Off Highway Vehicles.

SECTION 3. Repealer: All provisions of the Brian Head Town Code that are inconsistent with the express terms of this ordinance shall be repealed. All other provisions of the Brian Head Town Code shall remain in full force and effect as codified.

SECTION 4. Conflict. To the extent of any conflict between other Town, County, State, or Federal ordinances or regulations, and this ordinance, the more restrictive is deemed to be controlling.

SECTION 5. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason, held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF BRIAN HEAD TOWN, IRON COUNTY, UTAH this 11th day of May 2021 with the following vote.

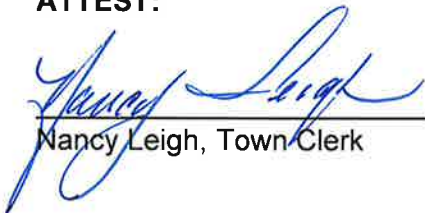
Town Council Vote:

Mayor Clayton Calloway	Aye
Council Member Shaun Kelly	Aye
Council Member Lynn Mulder	Aye
Council Member Kelly Marshall	Aye
Council Member Larry Freeberg	Absent

BRIAN HEAD TOWN

By: 
Clayton Calloway, Mayor

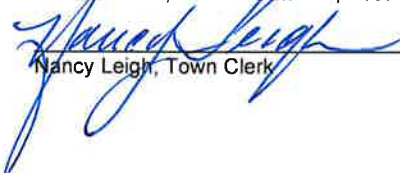
ATTEST:


Nancy Leigh, Town Clerk



CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the 11th day of May 2021, and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.


Nancy Leigh, Town Clerk