

# Title 6 – Motor Vehicles and Traffic

## Chapter 3

### OFF HIGHWAY VEHICLES

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#### **6-3-1: POLICY DECLARATION:**

It is the policy of the town to:

- A. Encourage the safe use of off highway vehicles (OHVs);
- B. Construct, sign and maintain an OHV trail through the town to facilitate access for citizens and guests to trails and play areas beyond the town limits;
- C. Promote uniformity of laws between the town, the state and the code of federal regulations, title 36. (Ord. 99-002, 8-10-1999)

#### **6-3-2: DEFINITIONS**

**DIRECT SUPERVISION:** means oversight at a distance of no more than 300' feet; and within which a visual contact is maintained, and advice and assistance can be given and received.

**OFF-HIGHWAY VEHICLE (OHV):** Any snowmobile or All Terrain Type I vehicle or Type II vehicle as defined by Utah Code Annotated § 41-22-2(2)(3) or motorcycle, including all electric and motorized vehicles over five (5) horsepower or 1,000 watts.

**OPERATE:** To ride in or on and control the operation of an off-highway vehicle.

**OPERATOR:** An individual who operates or is in actual physical control of an off-highway vehicle.

**OWNER:** A person, other than a lien holder, having the property in or title to an off-highway vehicle and entitled to use its use or possession.

**REGISTER:** The act of assigning a registration number to an off-highway vehicle in accordance with Utah Code Annotated § 41-22-3.

**SNOWMOBILE:** Means any motor-driving vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface which it is operated.

(Ord. 18-014, 11-13-2018)

### **6-3-3: TRAIL DESIGNATION:**

All town streets, roads and roadways, together with posted OHV trails (maps attached) are designated as open to 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 limits<sup>1</sup>.(2010 Code, amd. Ord. 18-014, 11-13-2018)

[Footnote 1:](#) See section [6-3-3](#) of this chapter for exceptions.

### **6-3-4: OPERATION ON STATE ROAD 143; LIMITS:**

No person may operate an off-highway vehicle upon State Road 143, except as follows:

- A. When crossing a street or highway and the operator comes to a complete stop before the crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a right angle;
- B. When loading or unloading an off-highway vehicle from a vehicle or trailer, which shall be done with due regard for safety, and at the nearest practical point of operation; or
- C. When an emergency exists during any period of time and at those locations when the operation of conventional motor vehicles is impractical, as directed by a peace officer or other public authority. (2010 Code)

### **6-3-5: RESTRICTED AREAS:**

- A. In conjunction with Utah Code Annotated [title 41, chapter 22](#), as amended, no unauthorized person may operate an off highway vehicle upon any ski slope or other restricted area, except when an emergency exist during any period of time and at those locations where the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or other public authority.(2010 Code)

- B. Restricted areas shall, in addition to all ski slopes, consist of those areas designated by the Town Council within the town whereupon the use of off highway vehicles is restricted or prohibited. (Ord. 2010 Code)

**6-3-6: HOURS OF OPERATION:**

In order to preserve the solitude of the community, operation of OHVs after ten o'clock (10:00) P.M. to eight o'clock (8:00) A.M. shall not be allowed. (2010 code)

**6-3-7: PERSONS UNDER AGE SIXTEEN:**

No person under the age of sixteen (16) may operate or be in control of any off-highway vehicle unless:

- A. All operators 16 years of age or older must possess either a valid operator's license or an OHV education certificate as issued by the Utah Division of Parks and Recreation. (Ord. 18-014, 11-13-2018)
- B. Unless otherwise provided herein, no person under 8 years of age will be allowed to operate an OHV on a Brian Head road, street or highway designated for OHV use unless exempted under Utah Code Annotated § 41-22-29 (Ord. 18-014, 11-13-2018)
- C. No person between the ages of 8 and 16 may operate and no owner may give permission to a person between the ages of 8 and 16 to operate an OHV on designated roads, streets and highway of Brian Head unless such person possess an OHV certificate issued by the Utah Division of Parks and Recreation and is accompanied by another OHV and under the direct supervision of an adult 18 years of age or older hold a valid driver's license. (Ord. 18-014, 11-13-2018)

**6-3-8: NOISE LEVEL LIMITATIONS:**

OHV's must have a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system. Muffler must have a federally approved spark arrestor, with the exception of snowmobiles. Overall noise emission may not exceed 99 decibels at a distance of 20 inches. Mufflers may not be altered to increase motor noise, or have a cutout, bypass, or similar device as per Utah Code Annotated § 41-22-10-7 (2010 Code, amd. Ord. 18-014, 11-13-2018)

**6-3-8: SPEED LIMIT:**

The maximum speed limit for operation of OHV's within the town limits shall be fifteen (15) miles per hour, unless posted otherwise, with the exception of snowmobiles in which snowmobiles may not exceed a maximum speed of twenty-five miles per hour within the town limits. In addition, OHV's shall slow to five (5) miles per hour when approaching and passing non-motorized trail users (2010 Code, amd. Ord. 18-014, 11-13-2018)

**6-3-10: PROVISION FOR USE OF OHV**

- A. Any person operating an OHV is subject to all of the provisions Utah Code Annotated § 41-22.
- B. All riders under the age of 18 may not operate or ride an all-terrain type I vehicle on the trails, roads or highways unless the person is wearing a properly fitted and approved protective headgear designated for motorized uses.
- C. Restriction o use of snowmobiles trails: A person may not operate a wheeled vehicle with a gross vehicle weight of 800 pounds or more on any snowmobile trail that has been designated, marked, posted, or maintained as a snowmobile trail.
- D. Requiring compliance with traffic laws:
  - 1. Any person operating an off-highway vehicle is subject to the provision of Utah Code Annotated § 41-6(a) Traffic Code, unless specifically excluded.
  - 2. An off-highway vehicle accident shall be reported in accordance with the requirements of Utah Code Annotated § 41-6a-402.

(Ord. 18-014, 11-13-2018)