

# **Title 6 - MOTOR VEHICLES AND TRAFFIC**

## **Chapter 1**

### **TRAFFIC CODE; ENFORCEMENT PROVISIONS**

#### **6-1-1: TRAFFIC CODE ADOPTED:**

#### **6-1-2: ENFORCEMENT:**

#### **6-1-3: UNIFORM FINE/BAIL SCHEDULE:**

#### **6-1-4: PENALTY:**

#### **6-1-1: TRAFFIC CODE ADOPTED:**

The provisions of Utah Code Annotated title 41 (motor vehicle act) are hereby adopted by reference and incorporated into this code that relate to class B misdemeanors, class C misdemeanors or infractions, including all amendments, deletions and additions made thereto as of the effective date hereof. Any provisions of Utah Code Annotated title 41 are excluded to the extent that they would limit the discretion of the Town Attorney to charge an offense as either a misdemeanor or an infraction, as permitted by Utah Code Annotated sections 10-8-84 and 10-3-703. (Ord. 05-002, 4-12-2005)

#### **6-1-2: ENFORCEMENT:**

The Public Safety Officer, along with any officers and agents under his command, shall enforce all provisions of this title. The Public Safety Officer may, after traffic study, and upon recommendation and approval of the Town Council, post any street, or portion thereof which is not under the control of the state authorities, as having a speed limit different from that provided by state law.

#### **6-1-3: UNIFORM FINE/BAIL SCHEDULE:**

The uniform fine/bail schedule, as adopted by the Utah Code of judicial administration, as provided under Utah Code to this code. Such amendments and revisions as shall from time to time be adopted in the Utah code of judicial administration shall likewise be adopted, codified and incorporated into this code by authority of this section. (Ord. 89-007, 12-12-1989)

#### **6-1-4: PENALTY:**

- A. A person convicted of an offense under this title, excepting offenses charged under a state traffic code adopted under section [6-1-1](#) of this chapter, shall be guilty of an infraction and subject to penalty as provided in section [1-4-1](#) of this code. No term of imprisonment shall be imposed for conviction of an infraction. (Ord. 89-007, 12-12-1989; amd. 2010 Code)
- B. Fines and imprisonment may be imposed as provided by Utah Code Annotated for convictions charged under the Utah traffic code adopted under section [6-1-1](#) of this chapter. (Ord. 89-007, 12-12-1989)



# **Title 6 – Motor Vehicles and Traffic**

## **Chapter 2**

### **TRAFFIC PROVISIONS GENERALLY**

#### **6-2-1: PRIMA FACIE SPEED:**

#### **6-2-2: LITTER UPON HIGHWAY:**

#### **6-2-3: VEHICLES WITHOUT SNOW TIRES OR CHAINS:**

#### **6-2-4: TRACKED VEHICLES PROHIBITED; EXCEPTIONS:**

#### **6-2-1: PRIMA FACIE SPEED:**

Except as otherwise provided herein, the prima facie speed limits applicable to public streets shall be those provided by state law for the particular kind of street and nature of area through which the street runs. The public safety officer may, however, pursuant to his authority in section [6-1-2](#) of this title, post certain streets or portions of streets as having different speed limits, in which case the posted limit shall be the prima facie speed limit for that street or portion of street. Nothing in this section shall be construed to conflict with the power of state authorities to provide for different speed limits on streets and highways which are under their jurisdiction within the town. (1984 Code § 19-2-1)

#### **6-2-2: LITTER UPON HIGHWAY:**

No person shall throw, deposit or place in or upon a public street in the town any nails, shingles, glass, boxes, wood, boards, stone, thorns or thorny clippings, or branches of a tree or bush, or any other article or thing likely to puncture the tire of any vehicle. (1984 Code § 19-2-3)

#### **6-2-3: VEHICLES WITHOUT SNOW TIRES OR CHAINS:**

It shall be unlawful for any car, truck or recreational vehicle to be without snow tires or chains from November 1 to April 30 of any ski season. Any and all vehicles discovered without snow tires or chains shall be ticketed, removed and/or impounded by the town at the owner's ultimate expense. (Ord. 88-002, 2-23-1988)

#### **6-2-4: TRACKED VEHICLES PROHIBITED; EXCEPTIONS:**

No vehicle shall be operated upon any public street within the town unless the same is properly equipped with rubber or rubber and fabric tires. Except as otherwise set forth herein, no tracked vehicles or vehicles which, when operated, create a contact between the road surface and any metal portion of the vehicle, shall be operated for any purpose upon any public street. The provisions of this section shall not apply to or prohibit the operation of lawfully registered and operated snowmobiles, equipment actually engaged in the grooming of snowmobile trails or ski areas and traveling upon public streets only incident to such grooming activities, or any vehicle or equipment operated upon and in connection with the construction, repair, replacement or maintenance of the portion of the public street upon which they are being operated. (Ord. 04-008, 10-24-2004)

# **Title 6 – Motor Vehicles and Traffic Code**

## **Chapter 2 Traffic Provisions Generally**

### **ARTICLE A. PARKING CODE**

**6-2A-1: TITLE:**

**6-2A-2: APPLICABILITY:**

**6-2A-3: DEFINITIONS:**

**6-2A-4: PRESUMPTION OF IDENTITY:**

**6-2A-5: STANDARD PARKING REGULATIONS:**

**6-2A-6: TIME LIMITATION PARKING:**

**6-2A-7: SEASONAL PARKING REGULATIONS:**

**6-2A-8: DELIVERIES AND SHORT TERM USE:**

**6-2A-9: SIGNAGE:**

**6-2A-10: REGULATIONS NOT EXCLUSIVE:**

**6-2A-11: COMPLIANCE REQUIRED; FINES, IMPOUNDMENT, ENFORCEMENT;  
PENALTY:**

**6-2A-1: TITLE:**

This article shall be referred to as the *BRIAN HEAD TOWN PARKING CODE*. (Ord. 08-018, 10-28-2008)

**6-2A-2: APPLICABILITY:**

This article is applicable on all streets and public parking facilities within the town corporate limits as now constituted or as subsequently amended by annexation or disconnection. (Ord. 08-018, 10-28-2008)

**6-2A-3: DEFINITIONS:**

As used in this article, the following terms shall have the meanings stated, unless the context clearly requires some other meaning:

**DELIVERY VEHICLES:** Includes any motor vehicle being used for the purpose of loading or delivering goods or cargo to businesses or individuals.

**DOUBLE PARKING:** Parking, standing or stopping a vehicle, whether attended or unattended:

- A. At the side of another vehicle which is legally parallel parked; or
- B. Behind a parking space which is occupied by a legally parked vehicle.

**IMMOBILIZATION:** Prohibiting the movement of a vehicle by attaching a "boot" or other device approved by the parking manager to the vehicle. The town does not guard, assume care or accept liability for any vehicle, its occupants or its contents, nor does it assume responsibility for damage while the vehicle is immobilized.

**NONMOTORIZED EQUIPMENT:** Any equipment that is nonmotorized and is so designed as to require a motor vehicle for mobility, including but not limited to, uncoupled trailers, detached snowplows, dumpsters, and other items that are not self-propelled.

**PARK OR PARKING:** Stopping, standing or leaving a motor vehicle in a fixed spot or location on a street or public parking facility for any length of time, except when required to stop or stand because of the flow of traffic, or to yield to other traffic, or in compliance with the requirements of traffic control devices or police officers.

**PUBLIC PARKING FACILITY:** Any public parking lot, area, garage or structure that is owned, operated and/or maintained by Brian Head Town, but not on street parking.

**STREET:** Every street, alley, roadway, right of way or on street parking space under the control and/or maintenance of Brian Head Town, whether on public or private property, including all streets shown as public streets on the general plan. The term "street" shall not include private driveways, private parking lots or private roadways.

**VEHICLE OR MOTOR VEHICLE:** Any automobile, truck, motorcycle, trailer, backhoe, loader or other piece of construction machinery, and every other means of conveyance or persons or cargo included within the Utah motor vehicle act. (Ord. 08-018, 10-28-2008)

#### **6-2A-4: PRESUMPTION OF IDENTITY:**

For any vehicle on any street or public parking facility which is parked in violation of the regulations of this article, it shall be irrefutably presumed that the registered owner of the vehicle parked the vehicle in violation of this article, or permitted others to park his vehicle in violation of this article, and the registered owner is responsible for the violation and for the fine or civil penalty imposed. (Ord. 08-018, 10-28-2008)

#### **6-2A-5: STANDARD PARKING REGULATIONS:**

A. Parking Prohibited In Certain Places: It shall be unlawful and a violation of this article for any person to park a vehicle, or non-motorized equipment, or permit others to park a vehicle or non-motorized equipment in any of the following places on a street or public parking facility:

1. On or across a sidewalk;
2. In front of, or within five feet (5') of a public or private driveway or alleyway;
3. Within an intersection, or within fifteen feet (15') of an intersection;
4. In front of or within five feet (5') from a fire hydrant;
5. In or on a crosswalk;
6. Within twenty feet (20') of a marked snowmobile or all-terrain vehicle crossing;
7. Within thirty feet (30') from the approach to any flashing beacon or traffic control device, including stop signs controlling traffic on the same roadway as the approach;
8. Within twenty feet (20') of the entrance to a fire station, or, if designated a no parking area by signs, on the street opposite of the entrance to a fire station;
9. Alongside any street excavation or construction fence or barricade if parking in that location would obstruct the free flow of traffic on the street;
10. On a bridge or other elevated portion of a street or under an overpass;
11. At any place marked by signs as a no parking zone;
12. In such a location or manner that the car is parked opposite of the flow of traffic on the street, except as provided in this article;
13. In such a location or manner so as to occupy more than one marked parking space;
14. At any place marked with a red curb;
15. In any parking space designated "handicapped", or otherwise for the mobility disabled under the qualifications of the Americans with disabilities act, when not displaying proper distinguishing license plates or an official state approved placard indicating that the occupant of said vehicle is mobility disabled under the qualifications of the Americans with disabilities act.

B. Parking May Not Obstruct Traffic: No person shall park a vehicle or non-motorized equipment on a street or public parking facility in any manner that obstructs the street, sidewalk or driveways and impedes the free movement of vehicular or pedestrian traffic.

C. Stopping Or Parking On Streets:

1. No person shall park a vehicle, whether attended or not attended, on the traveled portion of a street when it is possible under the existing conditions to park the vehicle off the traveled portion of the street. When stopping or parking a vehicle, it must be parked in a



manner that leaves an unobstructed width along the vehicle for the passage of other vehicles.

2. This section shall not apply to vehicles which are parked as a result of mechanical failures or otherwise disabled to an extent that the vehicle cannot be moved out of the traffic lane. It is the duty of the owner or operator of the disabled vehicle to activate warning lights on the vehicle, and to open the hood in order to give notice to other vehicles on the street that traffic is blocked by a disabled vehicle. It is also the duty of the owner or operator of a disabled vehicle to obtain assistance as soon as possible under the circumstances to have the disabled vehicle removed from the traffic lane.
- D. Parking For Certain Purposes Prohibited: It shall be unlawful to park a vehicle on any street or within any public parking facility for the following purposes:
1. Greasing, servicing or repairing the vehicle, except to the extent necessary under emergency conditions to move a disabled vehicle;
  2. Selling food or other merchandise, or soliciting order for food or merchandise, except when properly licensed by the town to do so.
- E. Condition Of Unattended Vehicles: It shall be unlawful for any person to park a vehicle on a street or public parking facility without stopping the engine, locking the ignition, and removing the key from the ignition, and if the vehicle is parked on a readily perceptible grade, turning the wheels toward the curb or edge of the road and setting the parking break.
- F. Double Parking: No vehicle shall be double parked or stopped upon the traveled portion of any street, except when complying with the instructions of a police officer or flagman, allowing an emergency vehicle to pass, avoiding other traffic, or conducting commercial deliveries under the requirements of this article.
- G. Parallel Parking: Except where otherwise clearly designated by a sign, it shall be unlawful to park any vehicle in a manner other than parallel with the curb or shoulder of the street, with the front of the vehicle facing the direction of traffic flow, with the right hand/passenger side wheels not more than twelve inches (12"), or as close as practicable to the edge of, the curb, shoulder or snow bank, whichever is nearer to the traffic lane.
- H. Angle Parking: Angle parking is permitted only when designated by posted signs or in designated public parking facilities, and then only when conditions are such that angle parking does not result in obstruction of the driving lanes such that traffic has to deviate from its normal course to avoid the parked vehicle. Further, no vehicle in excess of twenty five feet (25') in length shall park in an angle parking place at any time.
- I. Overnight Parking, Camping:
1. It shall be unlawful to park a vehicle (such as a camper van, recreational vehicle, camping trailer, etc.) on a public street, or within a public parking facility, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping or other habitation without written approval from the Town Manager. The Town Manager may give temporary written approval in conjunction with a special use permit or in times of emergency. (amd. Ord. No. 19-012, 9-23-2019)

2. Vehicles may be parked on private property for purposes of overnight camping sleeping or other habitation under the following conditions:
  - a) Vehicle is not inhabited on the property for more than sixteen (16) days in a one-year span and that no grading or tree removal is required to facilitate the use.
  - b) The vehicle is on a property which has an active building permit associated with it and is not inhabited on the property for more than ninety (90) days within a one-year span.
  - c) No more than one vehicle per property at any given time is allowed for purposes of overnight camping, sleeping or other habitation. A second inhabited vehicle may be allowed on a property associated with an active building permit for which construction is actively underway.
  - d) Generators must comply with the Town's noise ordinance. Generators use will be prohibited after 10pm.
  - e) Vehicles are not allowed to be parked in the streets.
  - f) Vehicles must be properly licensed and registered.
  - g) Vehicles may only be parked for overnight camping, sleeping or other habitation between April 30 and November 1.

(Ord. 19-012, 9-23-2019)

- J. **Parking On Narrow Streets Prohibited:** It shall be unlawful for any person to park a vehicle on any street in a manner that obstructs the flow of traffic on that street by failing to leave an unobstructed lane of at least fourteen feet (14') in width for passing traffic. It shall be unlawful to park opposite another parked vehicle so as to leave less than a fourteen foot (14') wide traffic lane, or in any other manner to obstruct the free movement of traffic through the narrow street.
- K. **Lighting Requirements:** The owner or operator of a vehicle is not required to provide any warning lights on any lawfully parked vehicle. Any vehicle that is parked so as to obstruct the normal flow of traffic, whether illegally parked or disabled in traffic, shall display one or more lights to the front and rear which are visible from a distance of five hundred feet (500'). The light shown to the front of the vehicle shall be white or amber, the light shown to the rear of the vehicle shall be red. If the headlights are left on, they shall be set on the dimmed setting. It shall be the duty of the owner or operator of a vehicle so parked to open the hood as an additional warning to other motorists, and to keep the lights free of snow, mud, or other obstructions so that the lights are clearly displayed.
- L. **Construction Site Parking:**
  1. Construction site parking shall comply with all parking requirements of this article.
  2. Vehicles loading or unloading construction supplies, materials or equipment may park temporarily on the street, provided they leave an unobstructed lane of at least fourteen feet (14') in width for passing traffic.
  3. Overnight parking of construction equipment in any street is prohibited.
  4. No person shall park any vehicle or place any object that interferes with the snow plowing or snow removal efforts on any town right of way.
- M. **Non-motorized Equipment Parking Prohibited:** Except for construction equipment and materials allowed under subsection L of this section, no person shall park any non-motorized

equipment in any on street or public parking facility. Such non-motorized equipment must be properly stored in private off street areas or commercial rental storage units. Non-motorized equipment violating this subsection shall be subject to immediate impoundment.

- N. Oversized Vehicles: No person shall park a vehicle that is over eight feet (8') in width in a public parking facility. No person shall park a vehicle that is over twenty six feet (26') in length or over eight feet (8') in height on town roadways. The following exceptions apply:
1. Vehicles allowed under the construction site subsection and complying with subsection L of this section.
  2. Commercial delivery vehicles temporarily while making deliveries.
  3. Town, fire and public utility vehicles or equipment engaged in official business.
- O. Fire Access ways: It shall be unlawful and a violation of this article for any person to park a vehicle, or to permit others to park a vehicle, in any marked fire lane, emergency access road or vehicle throughway, which is designated and approved for fire access by the town fire marshal, or his/her designee, whether on public or private property. (Ord. 08-018, 10-28-2008)

#### **6-2A-6: TIME LIMITATION PARKING:**

- A. Parking For More Than Seventy Two Consecutive Hours: It shall be unlawful to leave a vehicle parked in any street for more than seventy two (72) consecutive hours. After seventy-two (72) consecutive hours, the vehicle is subject to impoundment.
- B. Parking For More Than Twenty Four Hours In Public Parking Facilities: It shall be unlawful to leave any vehicle in any public parking facility for more than twenty four (24) consecutive hours, except where otherwise posted on official signs. Vehicle parked longer than twenty-four hours (24) consecutive hours are subject to impoundment.
- C. Time Limited Parking In Commercial Zones: Public streets and public parking facilities within commercial zones may be designated with time limitations. It shall be unlawful to park a vehicle in any area so designated by posted signs for longer than designated time limits. Vehicles parked longer than posted time limits are subject to fine and/or impoundment.
- D. Parking Areas And Classifications: The Town Manager, or designee, may establish general classifications of parking areas and the effective periods of time, and shall so designate by posting appropriate signs along the streets, within the facility and/or at the appropriate entry points to the public parking facility. (Ord. 08-018, 10-28-2008)

#### **6-2A-7: SEASONAL PARKING REGULATIONS:**

- A. Special Winter Limitations: Notwithstanding the foregoing general parking regulations, there shall be additional regulations which apply during the winter season to facilitate the snow removal and emergency access during the winter months. The winter seasonal regulations shall apply from November 1 to April 30. The special winter regulations are as follows:
1. It shall be unlawful to park any vehicle on any street during the winter season beginning November 1<sup>st</sup> and running until April 30<sup>th</sup>. Amd. Ord. 19-005, 6-24-2019
  2. Additional parking limitations may be posted by signs stating the nature and effective period for the additional regulations.
- B. Obstructing Snow Removal Prohibited: No person shall park any vehicle or place any object that interferes with the snow plowing or snow removal efforts on any street. (Ord. 08-018, 10-28-2008)

#### **6-2A-8: DELIVERIES AND SHORT TERM USE:**

- A. Space Designated: The Town Manager, or designee, shall designate, where necessary, short term zones.
- B. Unlawful Parking In Short Term Zones: In any area designated as a short term zone, it shall be unlawful for any person to par>
- C. Delivery Vehicles On Town Streets: All delivery vehicles parked on a street shall observe the following restrictions:
1. Delivery vehicles shall utilize the loading zones.
  2. No delivery vehicle shall be parked in such a manner to impede the flow of traffic.
  3. No delivery vehicle shall be parked with its engine left idling. (Ord. 08-018, 10-28-2008)

#### **6-2A-9: SIGNAGE:**

- A. Emergency Temporary Parking Regulations: The Town Manager, or designee, shall have the authority to establish additional parking regulations as necessary to provide for efficient traffic circulation and safe parking areas. All areas that are closed to parking shall be so designated by signs posted in the area, except for those regulations set forth in section [6-2A-5](#) of this article, which shall not require signs.
- B. Type, Location: All signs shall be uniform as to type and location throughout the town. The location, type, and design of all parking control signs shall be as determined by the Town Manager, or designee. All traffic control devices so erected shall be official signs and official traffic control devices. Signs shall be erected in sufficient number to adequately inform the public of the parking regulation.

- C. Additional Marking Approved: The town adopts the marking and sign requirements of the manual of uniform traffic control devices (MUTCD), with the exception that the color red shall be adopted as a supplemental curb marking color to indicate general no parking zones, fire hydrant no parking zones and fire lanes. (Ord. 08-018, 10-28-2008)

#### **6-2A-10: REGULATIONS NOT EXCLUSIVE:**

The parking regulations established by this article are not all encompassing, and additional regulations may be established by posting permanent or seasonal signs stating the additional regulation imposed, or by police officers directing traffic during period of heavy traffic volume or during period of emergencies, or during special events as designed by the Town Manager. (Ord. 08-018, 10-28-2008),

#### **6-2A-11: COMPLIANCE REQUIRED; FINES, IMPOUNDMENT, ENFORCEMENT; PENALTY:**

- A. Compliance Required: Compliance with this article is required when proper signs are posted, or when the regulation is such that no sign is required under this article. It shall be unlawful to park any vehicle in violation of the regulations established by this article or in violation of regulations contained on posted signs.
- B. Authority To Tow Vehicles: Because unlawfully parked vehicles may prevent access to areas by emergency vehicles as well as local residents, the Public Safety Department is authorized to enforce this article by towing or otherwise removing vehicles parked in violation of this article without first having given notice to the owner of the vehicle that it may be towed if not removed.
- C. Obligation Of Owner To Move Vehicle: It is the obligation of the owner or operator of a vehicle to remove that vehicle when it is illegally parked. When an officer finds an illegally parked vehicle that is impeding traffic or snow removal, the officer is authorized to move the vehicle to the extent necessary to remove the obstruction, including towing the vehicle to the town impound yard or an impound facility of a private tow company designated by the town.
- D. Nature Of Violation: Violations of this article are infractions, punishable by a fine, fee or civil penalty, including immobilization and/or towing, but not imprisonment.
- E. Penalties For Illegal Parking: The owner or operator of a vehicle cited for illegal parking under this article shall be required to pay a fine of forty five dollars (\$45.00) for the violation of the infraction. In addition to the fine imposed for illegal parking, the owner of the vehicle is responsible for paying immobilization, towing and impound fees for the release of the vehicle. Immobilization and towing fees may be levied against the violator or the owner of the vehicle, or both.
- F. Enforcement, Payment: The town may employ private enforcement officers to enforce this article and issue parking citations for violations thereof, including parking illegally in

handicapped spaces. All fees and penalties imposed pursuant to this article shall be paid to the court of jurisdiction in the manner and by the means specified on the parking citation. (Ord. 08-018, 10-28-2008)

# Title 6 – Motor Vehicles and Traffic

## Chapter 3

### OFF HIGHWAY VEHICLES

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

#### 6-3-2: DEFINITIONS

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

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

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

#### 6-3-6: HOURS OF OPERATION:

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

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

#### 6-3-9: SPEED LIMIT:

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

#### **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)