

TROPIC TOWN ORDINANCE NO# 2020-5

AN ORDINANCE ENACTING REGULATIONS ON THE OPERATION AND USE  
OF OFF-HIGHWAY VEHICLES WITHIN TROPIC TOWN,  
GARFIELD COUNTY, STATE OF UTAH

**WHEREAS**, the Mayor and Town Council of Tropic Town, Garfield County, State of Utah acting pursuant to amend the Tropic Town Off-Highway Vehicle Ordinance #1998-02; and

**WHEREAS**, in the interest of public safety, the Governing Body of Tropic Town find it necessary and in the best interest of its citizens to enact reasonable regulations to promote reasonable regulations governing the operation and use of off-highway vehicles within Tropic Town.

**NOWHEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF TROPIC TOWN, GARFIELD COUNTY, STATE OF UTAH, AS FOLLOWS:**

1. Policy: In enacting this Ordinance, it is the policy of Tropic Town to promote safety and protection for persons, and property in connection with the uses, operation, and equipment of off-highway vehicles in Tropic Town.
2. Definitions: The terms used in this chapter shall have the same definitions as provided in Section 41-22-2, Utah Code Annotated.
3. Designation of Streets:
  - a. Pursuant to the authority granted to the Town Council in Section 41-22-2, Utah Code Annotated, all Tropic Town Streets are hereby designated as off-highway vehicle routes to allow off-highway vehicle operators to gain direct access to or from a private or public area open for off-highway vehicle use, except for those routes which are specifically posted closed to off-highway vehicle use.
  - b. A person may not operate an off-highway vehicle, except for off-highway implements or husbandry under Section 41-22-5.5, Utah Code Annotated, when used in accordance with said section, on any street in Tropic Town, except in strict compliance with the terms of this chapter and the terms of Utah Code Annotated Section 41-22-1.
  - c. The speed limit for all off-highway vehicles shall be 15 mile per hour.

4. Equipment Requirement:

Except for off-highway implements of husbandry used only in agricultural operations and not operated on a highway, an off-highway vehicle shall 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 operated between sunset and sunrise; and
3. A noise control device and except for a snowmobile, a spark arrestor device.

5. Obedience To Traffic Laws Required:

Any person operating an off-highway vehicle shall obey all traffic laws, rules, and regulations and shall be subject to the provisions of Title 41, Chapter 6, Utah Code Annotated, unless specifically excluded.

6. OHV Use By Person Under Age Eight Prohibited (Penalty for Violation)

Except as otherwise provided in this chapter or in Section 41-22-29, Utah Code Annotated, a person under eight years of age may not operate and an owner may not give another person who is under eight years of age permission to operate an off-highway vehicle on any Tropic Town Street, except as authorized in Section 41-22-29, Utah Code Annotated. Any person convicted of a violation of this Section of this chapter is guilty of an infraction and shall be fined not more than \$50.00 per offense.

7. Other General Restrictions on OHV Use

A person may not operate and an owner may not give that person permission to operate an off-highway vehicle on any Tropic Town Street unless the person:

- a. Is under the direct supervision of a certified off-highway vehicle safety instructor during scheduled safety training course;
- b. Has in his possession the appropriate safety certificate issued or approved by the Utah Division of Parks and Recreation, and if under the age of 16 years, is under the direct supervision of an adult who is at least 18 years of age and holds a valid driver's license; or
- c. Has in his immediate possession a valid motor vehicle operator's license, as provided in Title 53, Chapter 3, Uniform Driver License Act. Any person convicted of a violation of this section is guilty of an infraction and shall be fined not more than \$50.00 per offense. It is a defense to charge under this section, if the person charged produces in court a license or an appropriate safety certificate that was:
  - i. Valid at the time of the citation or arrest; and
  - ii. Issued to the person operating the off-highway vehicle.

The requirements of this section do not apply to an operator of an all-terrain Type I vehicle with properly displayed and current off-highway implement of husbandry sticker.

8. Protective Headgear

1. A person under the age of 18 may not operate or ride on off-highway vehicles, except side-by-sides and golf carts, in Tropic Town unless the person is wearing a properly fitted and fastened, United States Department of Transportation safety-rated protective headgear designed for motorized vehicles use.
2. The owner of an off-highway vehicle or any other person may not give permission to a person who is under 18 years of age to operate or ride on an off-highway vehicle in violation of this section.
3. An operator and passengers of off-highway implements of husbandry operated in the manner prescribed by subsection 41-22-5.5(3) and (4) are exempt from the requirements of this section.
4. Any person convicted of violations of this section is guilty of an infraction and shall be fined not more than \$50.00 per offense.

9. Penalties for Violation

Except as otherwise provided, a person who violates the provisions of this chapter is guilty of a Class C misdemeanor.

10. Adoption of State Code Provisions

The provisions of Section 41-2-1, et. Seq., Utah Code Annotated, regarding off-highway vehicles are hereby adopted by this reference as though fully set forth herein.

11. Rescission of Local Law

Tropic Town Off-Highway Vehicle Ordinance #1998-02 adopted May 13, 1998 is hereby rescinded.

12. Effective Date: This Ordinance shall become effective immediately upon passage and publication as required by law.

**PASSED, APPROVED, ADOPTED AND ORDAINED** this 12<sup>th</sup> day of November 2020

TROPIC TOWN

By: /s/ WaLon K Brinkerhoff  
WaLon K Brinkerhoff – Mayor

ATTESTED:

/s/ Marie H Niemann  
Marie H Niemann – Tropic Town Clerk

SEAL:

