

Mendon City OHV Ordinance

2009 - 01

WHEREAS, the Mendon City Council has determined a need to establish an ordinance governing the operation of Off Highway Vehicles (OHVs) on the streets of Mendon City. The intent of this ordinance is to facilitate transportation from a city residence to legal off-road trails adjacent to the incorporated area of the city, and allow for utility uses of OHVs within the city.

NOW, THEREFORE, the Mendon City Council hereby adopts, passes and publishes the following:

AN ORDINANCE REGULATING THE OPERATION OF OHVS ON THE STREETS OF MENDON CITY.

Be it ordained by the City Council of Mendon City, Cache County, the State of Utah, as follows and allowable under Utah Code 41-22-18:

Off Highway Vehicles:

1. Definitions.

(a) "**Off Highway Vehicle**" or "OHV" means any snowmobile, all-terrain vehicle (ATV) or off-road motorcycle as defined by Utah Code 41-22-2. NOTE: This term DOES NOT include any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, any vehicle licensed by the state of Utah for on-highway use, or farm machinery including OHVs registered as an implement of husbandry when operated in accordance with Utah Code 41-22-5.5.

(b) "**Operate**" means to control the movement of or otherwise use an off-highway vehicle.

(c) "**Operator**" means the person who is in actual physical control of an off-highway vehicle.

(d) "**Owner**" means a person, other than a person with a security interest, having a property interest or title to an off-highway vehicle and entitled to the use and possession of that vehicle.

(e) "**Roadway**" means that portion of highway improved, designed, or ordinarily used for vehicular travel. "Roadway" **does not** include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.

(f) "**Street or highway**" means the entire width between boundary lines of every way or place of whatever nature, when any part of it is open to the use of the public for vehicular travel including sidewalks, berms, and shoulders.

(g) "**Implement of husbandry**" means every vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.

(h) "**Adult Supervision**" Direct supervision by an adult who is at least 18 years of age and providing an oversight at a distance of no more than 50 feet; and within which visual contact is maintained; and advice and assistance can be given and received.

(i) "**Utah OHV Education Certificate**" means an OHV operators license issued by the State of Utah to OHV operators age 8 and older that have successfully completed a prescribed course of instruction on OHV use. Note: There are different certificates for each type of OHV (Motorcycle, ATV, Snowmobile, etc.).

(j) "**Recreational operation**" means leisurely operation of an OHV without having a practical use. Can be discerned by passing the same point more than (4) times in a (1) hour period.

(k) "**Golf Cart**" is a (3) or (4) wheeled-vehicle with a seating capacity of (2) to (4) persons, originally designed and produced for operation on golf courses.

2. Operation of OHVs on Mendon City Streets:

(a) Any person operating an OHV on the streets of Mendon City is subject to the provisions of all applicable traffic ordinances, except where superseded by this ordinance.

(b) Any person operating an OHV on the Mendon City streets must meet one of the following licensure requirements:

- Operators age (16) and older must have in their possession a valid state driver's license/learner's permit **OR** Utah OHV Education Certificate for the OHV type they are operating.
- Operators between the ages of (8) and (16) must have in their possession a Utah OHV Education Certificate for the OHV type they are operating **AND** be under adult supervision. This section pursuant to Utah Code 41-22-30.
- Golf carts may be operated for general transportation purposes with a valid state driver's license.
- Operators whose OHV is registered as an implement of husbandry are exempt from these licensure requirements, provided said operation is in accordance with Utah Code 41-22-5.5.
- OHVs registered in the state of Utah as Street Legal All-Terrain Vehicles (SLATVs) are exempt from this ordinance.

(c) This ordinance designates all Mendon City Streets **except** 100 West (State Highway 23) as OHV routes per Utah Code 41-22-10.5.1. NOTE: Crossing 100 West Street is permitted pursuant to Utah Code 41-22-10.3.1.

(d) An OHV shall not be operated on Mendon City streets in excess of a speed of (20) miles per hour.

(e) OHVs may only be operated on Mendon City roadways and undeveloped shoulders. Operating an OHV on cultivated, landscaped, or otherwise developed property is prohibited unless allowed by the property owner. OHV use is expressly prohibited within the boundaries of Mendon City parks and the Town Square.

(f) No person under the age of (18) shall operate or ride as a passenger on an OHV within Mendon City without wearing protective headgear pursuant to Utah Code 41-22-10.8.

(g) Operating an OHV between one half-hour after sunset to one half-hour before sunrise without a headlight and taillight functioning is not permitted. Proper signaling must be used when stopping or turning.

(h) No person may operate an OHV within Mendon City in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the environment which includes excessive noise, water or air pollution, abuse of land or watershed including littering, or impairment of plant or animal life.

(i) Snowmobiles may only be operated on Mendon City Streets when sufficient snow or ice is present, or operated and equipped in such a manner, to preclude damage to roadways and shoulders by the snowmobile's steering and propulsion systems.

(j) Recreational operation of an OHV within Mendon City is not permitted.

(k) Access to city streets for the operation of an OHV, tractor, lawn tractor or other suitable vehicle for utility uses (e.g. snow removal, transporting yard and garden equipment, etc) is permitted in Mendon City. Snow manipulated by this activity may not be deposited in the roadway.

3. OHV equipment. An OHV operated on Mendon City Streets must be equipped with:

(a) Brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions.

(b) Headlights and taillights per section 2(g).

(c) An unmodified noise suppression device and United States Forest Service approved spark arrestor. Spark arrestors are not applicable for snowmobiles. This subsection not applicable to vehicles relying solely on electricity for propulsion.

4. Punishment and fines. Any person who violates any provision of this ordinance, upon conviction, is guilty of a Class C Misdemeanor. The fine for any violation of this ordinance is \$75 for the first instance. Fines double for each subsequent violation (e.g. \$150, \$300, \$600, etc.) within a two-year period. Punishments related to this ordinance may not take precedence over punishments and fines charged for violating other Mendon City, county, state or federal ordinances, but may be assessed in addition to fines levied by violating this ordinance.

5. This ordinance is effective immediately upon being adopted and approved by the Mendon City Council.

ADOPTED AND APPROVED by the Mendon City Council this 12th day of February, 2009.

Mendon City

By

(Signature on file)
Michael Morgan, Mayor

Attest:

(Signature on file)
Paul Cressall, City Recorder