

ORDINANCE NO. 2010-01

AN ORDINANCE RELATING TO THE USE AND OPERATION OF OFF-HIGHWAY VEHICLES IN THE CITY OF WENDOVER, TOOELE COUNTY, UTAH

Recitals

- A. The statutes of the State of Utah govern matters respecting the use and operation of off-highway vehicles on public streets in the State;
- B. Section 41-22-10.5 of the Utah Code authorizes municipalities to designate certain streets and highways as open for general or limited use by off-highway vehicles;
- C. It is the policy of the City of Wendover to promote the safety and protection of persons, property and the environment related to the use and operation of off-highway vehicles within the City; and
- D. The City of Wendover, acting through its duly elected City Council has considered the adoption of rules and regulations governing the use of off-highway vehicles on streets subject to the City's jurisdiction, and has determined that the adoption of such rules will benefit the City, its residents, businesses and patrons.

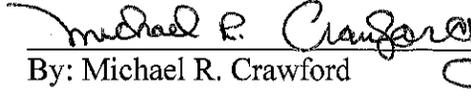
Ordinance Adopted

BE IT ORDAINED BY THE CITY OF WENDOVER, COUNCIL OF THE CITY OF WENDOVER, TOOELE COUNTY, UTAH THAT:

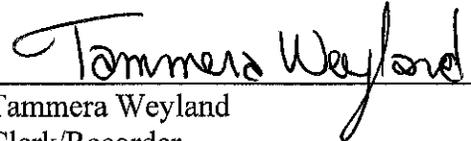
1. Ordinance Adopted. The Ordinance attached hereto as Exhibit "A" is hereby adopted as the Off-Highway Vehicle Ordinance of the City of Wendover, Utah.
2. Governing Law. It is the intent of the City of Wendover that the regulations adopted hereunder be consistent with the current laws, rules and regulations adopted by the State of Utah. In the event any provision herein conflicts with a provision of State law, the provision of State law shall govern.
3. Penalties for Violation. The penalties for violation of the City's Off-Highway Vehicle Ordinance shall be as set forth in Exhibit "A."

4. Effective Date. This ordinance shall become effective on the 30th day after final passage or the 20th day after publication or posting, whichever occurs last.

Passed this 3 day of February, 2010


By: Michael R. Crawford

ATTEST:


Tammera Weyland
Clerk/Recorder

Seal:



Date of first publication/posting: 02/04/10, 2010.

EXHIBIT "A"

**THE CITY OF WENDOVER, UTAH
OFF-HIGHWAY VEHICLES ORDINANCE**

City of Wendover, Utah

Off-Highway Vehicle Ordinance

1-101. Definitions. As used in this Ordinance:

(1) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

(2) (a) "All-terrain type II vehicle" means any other motor vehicle, not defined in Subsection (2), (10), or (21), designed for or capable of travel over unimproved terrain.

(b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, or farm tractors as defined under Section 41-1a-102.

(3) "Motorcycle" means every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.

(4) (a) "Motor vehicle" means every vehicle which is self-propelled and

(b) "Motor vehicle" includes an off-highway vehicle.

(5) "Off-highway vehicle" of "OHV" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle (dirt bikes not requiring licensing under the laws and rules of the State of Utah).

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

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

(8) "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.

(9) "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.

(10) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as defined in Section 41-6a-102.

(11) Definitions adopted by reference. The definitions set forth at U.C.A. § 41-22-2 are incorporated herein and adopted by this reference.

1-102. Designation of Streets.

(1) The following streets within the City of Wendover are designated for use by off-highway vehicles:

- A. Scobie Drive beginning at its intersection with First Street, and extending West to the Utah-Nevada state line;
- B. Pequop Avenue for its entire length, beginning at its intersection with First Street and extending East to its intersection with Ninth Street;
- C. Ninth Street from its intersection with Pequop Avenue and extending North to its intersection with Pilot Avenue;
- D. Aria Boulevard from its intersection with Gardenia Way, extending north and east to the Wendover City Cemetery;
- E. Gardinia Way for its entire length;
- F. Vista Avenue for its entire length; and
- G. Vista Court for its entire length.

The map attached as the last page to this Ordinance identifies, with highlighted blue street markings, the Streets designated for use by off-highway vehicles. In addition to the foregoing, and subject to the other requirements of this Ordinance, other streets within the City may be used for off-highway vehicle operation, but only for purposes of direct access, by the shortest route, to the streets designated in subparagraphs (1) A-G, above.

(2) A person may operate an off-highway vehicle upon Wendover Boulevard only under the following circumstances:

(a) 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;

(b) when an emergency exists, during any period of time and at those locations when the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or other public authority; or

(c) when operating a street-legal all-terrain vehicle in accordance with U.C.A. § 41-6a-1509.

1-103. Adoption of State Traffic Rules. The operator of an off-highway vehicle is subject to and shall comply with all provisions of Utah Code Annotated, Title 41 Chapter 6a, Traffic Code, unless specifically excluded by other provisions of law.

1-104. Speed Limit – Lane of Travel. An OHV shall not exceed ten (10) miles per hour for the street traveled and shall drive to the far right side of the appropriate lane of traffic.

1-105. Operation Within Roadway. An OHV shall be operated on designated City roadways and undeveloped shoulders of roadways. Operating an OHV on cultivated, landscaped, or otherwise developed property is prohibited unless authorized by the property owner. OHV use is prohibited within the boundaries of any City Park or property owned by the Tooele County School District.

1-106. Supervision, Safety Certificate, or Driver License Required – Penalty. The following supervision, licensing and certificate requirements shall apply to all operators and owners of Off-Highway Vehicles in the City.

(1) As used in this section, "direct supervision" means oversight at a distance:

(a) of no more than 300 feet; and

(b) within which: visual contact is maintained; and advice and assistance can be given and received.

(2) A person may not operate and an owner may not give that person permission to operate an off-highway vehicle on any public land, trail, street, or highway of this state unless the person:

(a) is under the direct supervision of a certified off-highway vehicle safety instructor during a scheduled safety training course;

(b) (i) has in the person's possession the appropriate safety certificate issued or approved by the division; and

(ii) if under 18 years of age, is under the direct supervision of a person who is at least 18 years of age if operating on a public highway that is:

(A) open to motor vehicles; and

(B) not exclusively reserved for off-highway vehicle use; or

(c) has in the person's immediate possession a valid motor vehicle operator's license, as provided in U.C.A. Title 53, Chapter 3, Uniform Driver License Act.

(3) (a) A person convicted of a violation of this section is guilty of an infraction and shall be fined not more than \$100 per offense.

(b) It is a defense to a charge under this section, if the person charged:

(i) produces in court a license or an appropriate safety certificate that was:

(A) valid at the time of the citation or arrest; and

(B) issued to the person operating the off-highway vehicle; and

(ii) can show that the direct supervision requirement under Subsection (2)(b) was not violated at the time of citation or arrest.

1-107. Protective Headgear Requirements. Any person under the age of 18 may not operate or ride on an OHV unless the person is wearing a properly fitted and fastened, United States Department of Transportation safety-rated protective headgear designated for motorized vehicle use. 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. Any person convicted of violations of this section is guilty of an infraction and shall be fined not more than \$ 50 per offense.

1-108. Prohibited Uses. No person may operate an off-highway vehicle in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the environment which includes excessive pollution of air, water, or land, abuse of the watershed, impairment of plant or animal life, or excessive mechanical noise.

1-109. Nighttime Operation. Off-highway vehicles are prohibited on City streets between 1 hour after sunset and 1 hour before sunrise. Any off-highway vehicle that operates on a City street during the time from 1/2 hour before sunset and 1/2 hour after sunrise shall be illuminated by appropriate safety head-lights and tail-lights.

1-110. Permission Required for Race or Organized Event. No person may organize, promote, or hold an off-highway vehicle race or other organized event on any land or highway within this state, except as permitted by the appropriate agency or landowner having jurisdiction over the land or highway.

1-111. Recreational Operation. Recreational operation of Off-Highway Vehicles upon the streets of the City is prohibited. For purposes of this section, "recreational operation" shall mean leisurely operation of an OHV without having a practical use or purpose, and may be determined objectively by an OHV passing the same location four or more times within a sixty (60) minute period.

1-112. Registration Requirements. The following registration requirements shall apply to any owner or operator of an Off-Highway Vehicle within the City

(1) Unless exempted under Section 41-22-9, a person may not operate or transport and an owner may not give another person permission to operate or transport any off-highway vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle is registered under this chapter for the current year.

(2) A registration sticker issued by the State of Utah shall be be affixed to the off-highway vehicle for which it is issued in a plainly visible position; and at all times, a registration card shall be kept with the off-highway vehicle and shall be available for inspection by a law enforcement officer.

(3) The registration provisions hereof do not apply to an off-highway vehicle if the off-highway vehicle is: registered in another state that offers reciprocal operating privileges to Utah residents under rules made by the board; or used exclusively for the purposes of a scheduled competitive event sponsored by a public or private entity or another event sponsored by a governmental entity under rules made by the Utah State Board of Parks and Recreation.

1-113. Exemption: Off-Highway Husbandry Vehicles. The provisions of this Ordinance shall not apply to off-highway husbandry vehicles used for agricultural purposes. Said uses shall be governed by the current provisions of the law of the State of Utah.

1-114. Penalties for Violations. Except as otherwise provided, a person who violates the provisions of this chapter is guilty of a class C misdemeanor. The minimum fine for violation of this ordinance shall be Fifty Dollars (\$50.00). Each subsequent violation within a 24 month period shall be increased by a minimum of Fifty Dollars (\$50.00) from the previous violation.

Nevada

LIMESTONE CAVE RD

Utah

Tooele County



OHV RD
DANGER CAVE COMPANY

DANGER CAVE COMPANY

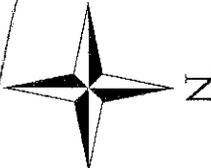
RADIO TOWER RD

Tooele County

City of Wendover, Utah
Off-Highway Vehicle Ordinance
Dated: February 3, 2010
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Wendover City

Airport



Legend

- ATV Authorized Roads
- City Boundary
- State Boundary

