

SANTAQUIN CITY
ORDINANCE 11-01-2021

AN ORDINANCE AMENDING CITY REGULATIONS OF OFF-HIGHWAY VEHICLES (OHVs), PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS the City of Santaquin is a fourth-class city of the State of Utah; and

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

WHEREAS, there has been an increase in traffic accidents and injuries within the city which involve Off-Highway Vehicles being operated by youth; and

WHEREAS, the City Council has determined that it is in the best interest of public safety, health and welfare that amendments be made to the city's OHV regulations.

NOW THEREFORE, be it ordained by the Council of Santaquin City, in the State of Utah, as follows:

SECTION I. Title 6, Chapter 8, Off Highway Vehicles Amendments

1. **Section 6.08.010 Definitions – Off Highway Vehicles, is amended to reflect current Utah Code regulations of Off-Highway Vehicles by including the following terms and definition changes as follows:** (underlined text is added, stricken text is deleted)

ALL-TERRAIN TYPE III VEHICLE: any motor vehicle, not otherwise included as an All-Terrain type I or Type II vehicle and which is designed for or capable of travel over unimproved terrain. All-Terrain Type III vehicle does not include golf carts, nor any vehicle designed to carry a person with a disability, or not specifically designed for recreational use, or farm tractors as defined under Section Utah State Code Section 41-1a-102.

OFF HIGHWAY IMPLEMENT OF HUSBANDRY: Every all-terrain type I vehicle, ~~all-terrain type II vehicle,~~ all-terrain type III vehicle, motorcycle, or snowmobile that is used by the owner or his agent primarily for agricultural operations.

OFF HIGHWAY VEHICLE: Any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, ~~all-terrain type III vehicle,~~ or motorcycle.

Street-legal all-terrain vehicle or Street-legal ATV: an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of Section ~~41-6a-1509~~ to operate on highways in the state in accordance with Section ~~41-6a-1509~~. an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the

requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.

2. **Section 6.08.020 OPERATION OF OFF HIGHWAY VEHICLES ON PUBLIC STREETS**, is amended as follows: (underlined text is added, stricken text is deleted)

~~1. Use On Public Streets:~~ Off highway vehicle use is authorized on public streets excluding all state and federal highways under the following standards.

1. Causing An Annoyance Prohibited: An off highway vehicle operator may not ride an off highway vehicle in a continuous manner along public streets causing unreasonable annoyance to any citizen.
2. Permission From Landowner: ~~No person shall operate or accompany a person operating an off highway vehicle upon privately owned land of any other person, firm, or corporation without permission from the owner or representative.~~ Operation of off-highway vehicles on public streets may only be performed by persons who have a valid motor vehicle operator's license.
3. All off highway vehicles shall be operated at all times in accordance with all applicable state, county, and city regulations.
4. Non-Street legal ATVs shall not exceed fifteen (15) miles per hour while being operated on Streets. Street legal ATVs may operate within posted speed limits.
5. Wherever possible, the off-highway vehicle will be ridden on the outside edge of the asphalt so as not to impede regular traffic.

3. **Section 6.08.030 Speed on Public Streets**, is retitled, "**Permission from Landowners**" and is amended to read as follows: (underlined text is added, stricken text is deleted)

~~All off highway vehicles using the aforementioned streets shall be operated at all times in accordance with all applicable state, county, and city regulations and will not exceed fifteen (15) miles per hour. No person shall operate or allow another person to operate an off-highway vehicle upon privately owned land of any other person, firm, or corporation without permission from the landowner or designated representative.~~

4. **Section 6.08.050 VEHICLE REGISTRATION** is amended as follows: (underlined text is added, stricken text is deleted)

No person shall operate an off highway vehicle on any public land or street without first meeting the registration requirements set forth in Utah Code § 41-22-3.

5. **Section 6.08.060 LICENSE OR SAFETY CERTIFICATE** is amended as follows: (underlined text is added, stricken text is deleted)

A. Any person operating an off highway vehicle is subject to the provisions of Utah Code 41-6a and Utah Code 41-22. Any person operating an off highway vehicle is subject to the following provisions:

1. No person may operate an off-highway vehicle on any public land, or trail, ~~street or highway~~ designated as open to off highway vehicle use or in a manner prescribed by Utah Code unless the person possesses:
 1. A valid motor vehicle operator's license, or

2. The appropriate safety certificate issued by the state of Utah pursuant to Utah Code § 41-22-30.

2. Persons age eight (8) through fifteen (15) years of age shall not operate an off highway vehicle on any public ~~street~~ land or trail designated as open to off highway vehicle use unless the person is under direct supervision with oversight at a distance of not more than one hundred feet (100'), within which visual contact is maintained; and advice and assistance can be given and maintained by an adult of at least eighteen (18) years of age.
- ~~3. No person under the age of eight (8) years old may operate an off highway vehicle on a public street.~~

6. **Section 6.08.080 Safety Equipment is amended as follows:** (underlined text is added, stricken text is deleted)

No person under the age of eighteen (18) may operate or ride upon an off highway vehicle on public land unless the person is wearing a properly fitted and fastened U.S. department of transportation safety rated protective headgear designed for motorized vehicle use pursuant to Utah Code § 41-22-10.8.

1. The owner of an off highway vehicle may not give permission to a person under the age of eighteen (18) years to operate or ride on an off highway vehicle in violation of this section.
2. An operator of an off highway vehicle of husbandry with a valid vehicle registration shall be exempt from the provisions of this section when their vehicle is being used pursuant to off-highway husbandry vehicle standards in Utah State code, Section 41-22-5.5.

7. **Section 6.08.090 Riding Area** is deleted in its entirety and remaining sections under this chapter are renumbered accordingly.

8. **Renumbered Section 6.08.090 Riding After Dark Prohibited is amended as follows:** (underlined text is added, stricken text is deleted)

Non-street legal off highway vehicles may not be operated within city limits between ~~the hours of thirty (30) minutes before official sunrise and thirty (30) minutes after official sunset~~ official sunset and sunrise times.

SECTION II. Contrary Provisions Repealed.

All provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

SECTION III. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

SECTION IV. Severability.

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

SECTION V. Effective Date.

This ordinance shall become effective at 5:00 p.m. on Thursday, _____, 2021. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this ____th day of _____, 2021.

Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted ____
Councilmember Elizabeth Montoya	Voted ____
Councilmember Lynn Mecham	Voted ____
Councilmember David Hathaway	Voted ____

ATTEST:

K. Aaron Shirley, City Recorder