

CHAPTER 2

USE OF ALL-TERRAIN RECREATIONAL VEHICLES (ATV) WITHIN CITY LIMITS

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6-2-1 : DEFINITIONS:

As used in this chapter:

ALL-TERRAIN TYPE I VEHICLE: 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, consistent with Utah Code Ann. § 41-6a-102(2).

ALL-TERRAIN TYPE II VEHICLE: Any motor vehicle 80 inches or less in width, traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a rollover protection system, and designed for or capable of travel over unimproved terrain, and is either an electric-powered vehicle or a vehicle powered by an internal combustion engine with an unladen dry weight of 3,500 pounds or less, consistent with Utah Code Ann. § 41-6a-102(3). This does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed or modified primarily for recreational use on unimproved terrain, or farm tractors as defined under Utah Code Ann. § 41-1a-102.

ALL-TERRAIN TYPE III VEHICLE: Any other motor vehicle that is designed for or capable of travel over unimproved terrain and is not an all-terrain type I vehicle, an all-terrain type II vehicle, a motorcycle, or snowmobile, consistent with Utah Code Ann. § 41-6a-102(4). This does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed or modified primarily for recreational use on unimproved terrain, or farm tractors as defined under Utah Code Ann. § 41-1a-102.

LEGAL ROUTE: Any public street within the city of Monticello except for U.S. Highway 191 and U.S. Highway 491.

MOTORCYCLE: Either (1) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or (2) an auticycle, consistent with Utah Code Ann. § 41-6a-102(46).

OFF-HIGHWAY IMPLEMENT OF HUSBANDRY: Any 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 the owner's agent for agricultural operations, consistent with Utah Code Ann. § 41-6a-102(48).

OFF-HIGHWAY VEHICLE (OHV): Any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle, consistent with Utah Code Ann. § 41-6a-102(49).

OPERATE: To control the movement of or otherwise use an off-highway vehicle, consistent with Utah Code Ann. § 41-6a-102(50).

OPERATOR: Either (1) a natural person who performs in real-time all or part of the dynamic driving task; or (2) hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether such is limited to a specific operational design domain, if any, consistent with Utah Code Ann. § 41-6a-102(51).

OWNER'S OR OPERATOR'S SECURITY, OWNER'S SECURITY, OR OPERATOR'S SECURITY: Any of the following, consistent with Utah Code Ann. § 41-12a-103(10):

- A. An insurance policy or combination of policies conforming to Utah Code Ann. § 31A-22-302, which is issued by an insurer authorized to do business in Utah.
- B. An insurance policy or combination of policies issued or renewed prior to January 1, 2009, that:
 - a. conformed to the minimum coverage limits of Utah Code Ann. § 31A-22-304 prior to January 1, 2009; and
 - b. conform to the current requirements other than the minimum coverage limits of policies issued in accordance with Utah Code Ann. § 31A-22-302.
- C. A surety bond issued by an insurer authorized to do a surety business in Utah in which the surety is subject to the minimum coverage limits and other requirements of policies conforming to Utah Code Ann. § 31A-22-302, which names the department as a creditor under the bond for the use of persons entitled to the proceeds of the bond.
- D. A deposit with the state treasurer of cash or securities complying with Utah Code Ann. § 41-12a-406.
- E. A certificate of self-funded coverage under Utah Code Ann. § 41-12a-407.

- F. A policy conforming to Utah Code Ann. § 31A-22-302 issued by the Risk Management Fund created in Utah Code Ann. § 63A-4-201.

SNOWMOBILE: Any motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires, and equipped with a saddle or seat for the use of the rider, consistent with Utah Code Ann. § 41-22-2(22).

STREET-LEGAL ALL-TERRAIN VEHICLE (STREET-LEGAL ATV): Any all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the requirements of and to operate on highways in the state in accordance with Utah Code Ann. § 41-6a-1509, consistent with Utah Code Ann. § 41-6a-102(77).

6-2-2 : STREET-LEGAL ATV:

A street-legal ATV may be operated on any city street or state highway in city limits that is at least one lane in each direction under the following terms and conditions:

- A. Said allowance must be in accordance with Utah Code Ann. § 41-6a-1509.
- B. Street-legal ATV is legally licensed and registered.
- C. Street-legal ATV is in a safe running condition.
- D. Street-legal ATV is being operated in a safe manner.
- E. Street-legal ATV operator is obeying all state and city traffic laws.
- F. Street-legal ATV operator holds a legal driver's license. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

6-2-3 : TERMS AND CONDITIONS OF OHV USE:

Monticello city streets except for U.S. Highway 191 and U.S. Highway 491 (hereinafter called legal route) are hereby declared open for off highway vehicle use under the following conditions and/or restrictions:

- A. Compliance with Utah Code Ann. § 41-22-37.
- B. OHV may openly travel throughout the city in regards to the restriction listed below.
- C. OHV is legally licensed and registered.
- D. OHV is in a safe running condition.
- E. OHV is being operated in a safe manner.
- F. OHV operator is obeying all state and city traffic laws.
- G. OHV is not driven on 200 West from 200 South to 400 North.
- H. OHV are not permitted to travel along HWY-191 or HWY-491 but may cross at designated intersections not including the intersection at Main and Center Street.

I. An OHV operator holds a legal driver's license and an OHV education certificate issued by the State of Utah. Driver's that are unlicensed must hold an age-appropriate OHV education certificate issued by the State of Utah. Certificates must be available at all times during operation.

- OHV operated by unlicensed drivers can only travel within the city while being accompanied by a licensed driver. Each driver may have their OHV to operate or can share equipment if designed for multiple passengers. Unaccompanied travel by unlicensed drivers is prohibited within City limits.

J. OHV's shall only be operated during daylight hours unless equipped with head and taillights.

a. For OHV equipped with lights, the lights are required to be on during evening or nighttime travel on streets and highways.

K. No three-wheel ATV or OHV type vehicles are allowed on city streets. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

6-2-4 : OFF-HIGHWAY IMPLEMENT OF HUSBANDRY:

Restrictions do not apply to off-highway implements of husbandry used in accordance with state law section 41-22-5.5. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

6-2-5 : PROTECTIVE HEADGEAR REQUIREMENTS:

Per Utah Code Ann. § 41-22-10.8:

- A. A person under the age of eighteen (18) may not operate or ride on an OHV in city limits unless the person is wearing properly fitted and fastened, United States Department of Transportation safety-rated protective headgear designed for motorized vehicle use.
- B. The owner of an OHV may not give permission to a person under the age of eighteen (18) to operate or ride on the OHV in violation of Subsection A.
- C. An operator and passengers of off-highway implements of husbandry operated in the manner prescribed by Utah Code Ann. § 41-22-5.5(3)-(4) are exempt from the requirements of this section. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)
- D. A violation of this section is an infraction punishable by a fine of not more than \$50 per offense.

6-2-6 : OPERATION OF OHVs ON NONDESIGNATED CITY STREETS OR STATE HIGHWAYS IN CITY LIMITS:

An operator may not operate an OHV upon any city street or state highway within city limits not designated as open to off highway vehicle use except:

- A. When crossing said street or highway and the operator comes to a complete

stop before 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;

C. 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 the city police chief or city mayor; or

D. When operating a street legal all-terrain vehicle on a highway in accordance with state law section 41-6a-1509. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

6-2-7 : NO LIABILITY:

In accordance with Utah Code Ann. § 41-22-10.1, liability may not be imposed on any federal, state, county, or municipality relating to the designation or maintenance of any land, trail, street, or highway open for off highway vehicle use. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

6-2-8 : INSURANCE REQUIREMENTS:

In accordance with Utah Code Ann. § 41-12a-301, owner's or operator's security is not required for OHVs registered under Utah Code Ann. § 41-22-3 when operated either:

A On a highway (includes legal route) designated as open for OHV use; or

B In the manner prescribed by Utah Code Ann. § 41-22-10.3(1)–(3). (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

6-2-9 : AUTHORITY TO ENFORCE:

The police department or other legal policing authority is given all rights to write citations to those individuals breaking laws as outlined in this chapter. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

6-2-10 : PENALTIES IMPOSED:

Unless otherwise specified, a person who violates this chapter is guilty of an infraction and will be penalized in accordance with Monticello city ordinances governing the same. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

