

ORDINANCE NO. 2009-15

**ORDINANCE AMENDING ORDINANCE NO. 2008-07
ALLOWING RESTRICTED USE OF OFF-HIGHWAY VEHICLES
IN THE CITY OF SANTA CLARA**

WHEREAS, the City Council has previously adopted Ordinance No. 2008-07; and

WHEREAS, it has been determined that this Ordinance should be amended to allow for restricted use of all-terrain vehicles as herein defined;

NOW, THEREFORE, it is hereby ordained by the Santa Clara City Council as follows: Section 9.04.020 is hereby renewed and shall be known as the “Off-Highway Vehicle Ordinance,” and shall be stated as follows:

9.04.020: **OFF-HIGHWAY VEHICLES:** Off-Highway Vehicles, as hereinafter defined, and subject to the restrictions and requirements of this Ordinance, may be operated within the limits of the boundaries of the City of Santa Clara, as follows:

A. **Definitions:** For purposes of this section, the following terms shall have the following meanings:

ALL-TERRAIN TYPE I VEHICLE: Any motor vehicle fifty two inches (52”) or less in width having an unladen dry weight of eight hundred (800) pounds or less, traveling on three (3) or more low pressure tires, having a seat designed to be straddled by the operator or designed for or capable of travel over unimproved roads.

ALL-TERRAIN TYPE II VEHICLE: Any other motor vehicle not defined herein as an “all-terrain type I vehicle” designed for or capable of travel over unimproved terrain. This term 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 of the Utah Code.

MOTORCYCLE: Every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two (2) tires.

OFF-HIGHWAY VEHICLE: All all-terrain type I and type II vehicles, but shall not include snowmobiles and motorcycles.

B. **Registration of Vehicle:** Unless exempted under section 41-22-9 of the Utah Code, a person may not operate or transport and an owner may not give another person permission to operate and transport, any Off-Highway Vehicle on any public land, trail, street, or highway within the City of Santa Clara unless the Off-Highway Vehicle has been registered in accordance with the requirements of Title 41, Chapter 22 of the Utah Code for the current year.

C. **Equipment Requirements:** All Off-Highway Vehicles, as defined herein, shall be equipped with:

1. Brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions; and
2. Headlights and taillights when operated between sunset and sunrise; and
3. A noise control device.

D. **Protective Headgear:**

1. A person under the age of eighteen (18) may not operate or ride on an all-terrain type I vehicle or motorcycle on any public land, trail, street, or highway within the City of Santa Clara unless the person is wearing properly fitted and fastened, United States department of transportation safety rated protective headgear designed for motorized vehicle use.

2. The owner of an Off-Highway Vehicle or any other person may not give permission to a person who is under the age of eighteen (18) years to operate or ride on an Off-Highway Vehicle in violation of this subsection D.

E. **Restrictions On Privately Owned Lands:**

1. 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 person in charge.

2. It shall be unlawful for any person operating or accompanying a person operating an Off-Highway Vehicle to refuse to immediately leave private land upon request of the owner or person in charge of such land.

3. Subsections E1 and E2 of this section shall not apply to prescriptive easements on privately owned land.

4. No person operating or accompanying a person operating an Off- Highway Vehicle shall obstruct any entrance or exit to private property without the owner's permission.

5. It shall be unlawful for any person to tear down, mutilate, or destroy any sign, signboards, or other notice which regulates trespassing for purposes of operating an Off-Highway Vehicle on privately owned land, or to tear down, deface, or destroy any fence of other enclosure or any gate or bars belonging to any such fence or enclosure.

F. **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.

G. **Supervision, Safety Certificate or Driver's License Required:** 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 within the City of Santa Clara unless the person:

1. Has in his possession a valid motor vehicle operator's license, and the operator is at least 16 years of age.

H. **Designation of Routes:**

1. Within the City of Santa Clara, the following streets are designated as the only Off-Highway Vehicle routes within the City of Santa Clara for the specific purpose of allowing Off-Highway Vehicle operators to gain access to or from a private or public area open for Off-Highway Vehicle use:

The streets which may be used as an Off-Highway Vehicle route shall meet all of the following requirements:

- A. *Shall be used for purposes of Gaining access to the South Hills.*
- B. *Streets shall include: Streets with a speed limit of 25 mph or less.*

2. Except for Off-Highway implements of husbandry used in accordance with section 41-22-5.5 of Utah Code Annotated, a person may not operate an Off-Highway Vehicle on any street within the City of Santa Clara for any purpose other than to gain direct access to or from a private or public area open for Off-Highway Vehicles.

I. **Speed/Regulations:** Any person operating an Off-Highway Vehicle is subject to the provisions of Title 41, Chapter 6 of the Utah Code and shall not exceed the ATV Speed of 15 mph.

J. **Effective Date:** This Ordinance shall become effective upon proper posting as required by law.

DATED this ____ day of _____, 2009.

Rick Rosenberg, Mayor

ATTEST:

Barbara Salmon, Recorder