

Chapter 35B
OFF HIGHWAY VEHICLES

Section 35B-1	Purpose
Section 35B-2	Definitions
Section 35B-3	Roads Designated for OHV Travel
Section 35B-4	Provisions for Use of OHV
Section 35B-5	Prohibited Operation
Section 35B-6	Exceptions
Section 35B-7	Insurance
Section 35B-8	Snow Removal
Section 35B-9	Enforcement
Section 35B-10	Penalty

ARTICLE I
GENERAL

SECTION 35B-1 **Purpose**

This Ordinance is for the purpose of adopting in part the Utah Off-Highway Vehicle Act Title 41 Chapter 22, Utah Code Annotated 1953, as amended, and designating Cedar City roads, streets or highways open for off-highway vehicles and establishing regulations related thereto.

SECTION 35B-2 **Definitions**

“**Off-Highway Vehicle (OHV)**” means: All Terrain Type 1 Vehicles, and All Terrain Type II Vehicles, as defined by Title 41, Chapter 22, Section 2, Utah Code Annotated, 1953 as amended.

“**Cedar City Roads, Streets or Highways and Trails Designated as Being Open for Public Travel for OHV’s**” shall be defined and designated by an “Off-Highway Vehicle Travel Map.” This map shall be maintained by the Cedar City Engineering Department and may be changed, modified or amended by a resolution of the Cedar City Council. These maps will be made available to the public and will be posted in public places.

“**Direct Supervision**” means oversight at a distance:

- (1) of no more than 300 feet; and
- (2) within which:
 - (A) visual contact is maintained; and
 - (B) advice and assistance can be given and received.

“Operate” means to ride in or on and control the operation of an off-highway vehicle.

“Operator” means an individual who operates or is in actual physical control of an off-highway vehicle.

“Owner” means a person, other than a lien holder, having the property in or title to an off-highway vehicle and entitled to its use or possession.

“Register” means the act of assigning a registration number to an off-highway vehicle in accordance with Title 41, Chapter 22, Section 3, Utah Code Annotated, 1953 as amended.

SECTION 35B-3 Roads Designated for OHV Travel

Unless designated as being open for public travel for OHV’s, either by the “Off-Highway Vehicle Travel Map, or by signage on the ground, all Cedar City roads remain closed to travel for OHV’s except for:

1. Off-highway implements of husbandry used in accordance with Title 41, Chapter 22, Section 5.5, Utah Code Annotated, 1953 as amended; and
2. A person may operate an OHV on any Cedar City road or highway, other than State Roads, to gain access to or from a private or public area open for OHVs, by the most direct route from their residence or motel. The State highways on which OHV use is prohibited are:
 - a. SR 56 (200 N. from west city limits to Main Street);
 - b. SR 130 (Main Street) from south city limits beginning at the intersection of Royale Hunte Drive and Cross Hollows Drive to the north City limits;
 - c. SR 14 (Center Street) from Main Street to east city limits;
 - d. SR 289 (Center Street, 1150 W., 200 S., 300 W.) from Main Street west on Center to 1150 West, south to 200 South, east to 300 West, and north to Center Street.

SECTION 35B-4 Provisions for Use of OHV

Any person operating an OHV is subject to all of the provisions of Title 41 Chapter 6, Utah Code Annotated (1953), as amended (Traffic Code), which includes, but is not limited to:

1. Unless otherwise provided for herein, no person under 12 years of age will be allowed to operate an OHV on a Cedar City road, street or highway designated for OHV use.
2. No person between the ages of 12 and 16 may operate and no owner may give

permission to a person between the ages of 12 and 16 to operate an OHV on the designated roads, streets and highways of Cedar City unless such person is accompanied on another OHV and under the direct visual supervision of an adult 18 years of age or older holding a valid driver's license (UCA 41-22-1.5 and 41-22-18). OHV operators between the ages of 12 and 16 must possess an OHV education certificate as issued by the Utah Division of Parks and Recreation (UCA 41-22-30).

3. All operators 16 years of age and older must possess either a valid operator's license as provided in Title 53, Chapter 3, Uniform Driver License Act or an OHV education certificate as issued by the Utah Division of Parks and Recreation (UCA 41-22-29 and UCA 41-22-30).
4. All riders under the age of 18 may not operate or ride an all terrain type I vehicle on the system unless the person is wearing a properly-fitted Snell or DOT approved protective headgear designated for motorized use (UCA 41-2-10.8).
5. All users of roads, streets and highways designated for use by OHV's must obey all traffic and other safety laws and rules as designated (UCA 41-6-44).
6. All users of the Cedar City designated off-highway roads, streets and highways may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing, including when:
 - a. approaching and crossing an intersection or railroad grade crossing;
 - b. approaching and going around a curve;
 - c. approaching a hill crest;
 - d. traveling upon any narrow or winding roadway;
 - e. special hazards exist due to pedestrians, other traffic, weather or road conditions.
7. Unless otherwise stated herein, even when no special hazard exist, an operator of an OHV will not travel at a speed in excess of 25 mph at any time, upon any residential street, alley, highway, or other public ground or place in the city. An OHV may be operated at a speed no greater than 45 mph along non-residential City street or no faster than the posted speed limit, whichever is more restrictive.

SECTION 35B-5 Prohibited Operation

It shall be unlawful for any person to drive or operate any off-highway vehicle in the following ways or under the following circumstances, which are hereby declared to be unsafe and a public nuisance:

1. On a roadway, shoulder or inside bank or slope of any road, street or highway, except as provided in this Article.
2. On direct crossing of a street or highway, unless:
 - a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The off-highway vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - c. The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
 - d. In crossing a divided highway or a street of more than two lanes, the crossing is made only at an intersection of the highway with another public street or highway controlled by a traffic signal (UCA 41-22-10.3).
3. Without being equipped with at least one headlamp, one tail lamp and brakes, all in working order, which conform to standards as prescribed in UCA 41-22-10.7.
4. In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.
5. While under the influence of intoxicating liquor or a controlled substance.
6. Without a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system. Mufflers must have a federally approved spark arrestor. Overall noise emission may not exceed 99 decibels at a distance of 20 inches. Mufflers may not be altered to increase motor noise, or have a cutout, bypass, or similar device (UCA 41-22-10.7).
7. In a direction other than the same direction as other motor vehicles.
8. Within the right-of-way of any road, street or highway while towing a sled, skid or other vehicle, unless the object towed is connected to the off-highway vehicle by a hinged swivel and secure hitch.
9. In any municipal park or recreation area, except when posted as "open" to off-highway vehicles, and only along established paths and trails and within the hours permitted.

10. Upon private property, other than that of the off-highway vehicle owner or operator, without express written permission of the owner.
 - a. It shall be unlawful for any person operating or accompanying a person operating an OHV to refuse to immediately leave private land upon the request of the owner or person in charge of such land.
 - b. No person operating or accompanying a person operating an OHV shall obstruct any entrance or exit to private property with an OHV, trailer or other vehicle without the owner's permission.
 - c. 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 OHV on land; or, to tear down, deface, or destroy any fence or other enclosure or any gate or bars belonging to any such fence or enclosure.
11. Possessing weapons such as firearms and archery equipment in violation of State Law.

SECTION 35B-6 Exceptions

No person may operate an off-highway vehicle on Cedar City roads, streets or highways not designated as open to OHV use, except:

1. When crossing a highway, trail, or road 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. Must also be in compliance with Section 35B-5 (3). (UCA 41-22-10.3)
2. When loading or unloading an OHV from a vehicle or trailer which shall be done with due regard for safety and at the nearest practical point of operation. (UCA 41-22-10.3)
3. 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 public authority (UCA 41-22-10.3)

SECTION 35B-7 Insurance

___ Utah Code Annotated 41-12a-301 (5) specifically states that owner's or operator's security is not required on off-highway vehicles registered under Section 41-22-3 when operated either:

- (i) on a highway designated as open for off-highway vehicle use; or
- (ii) in the manner prescribed by Section 35B-7 above (UCA 41-22-10.3)

SECTION 35B-8 **Snow Removal**

When using Type I and Type II off-highway vehicles for snow removal, the off-highway vehicle must have a mounted blade on the off-highway vehicle. The off-highway vehicle may go from job site to another job site on city streets provided the operator obeys all other sections of the off-highway vehicle ordinance.

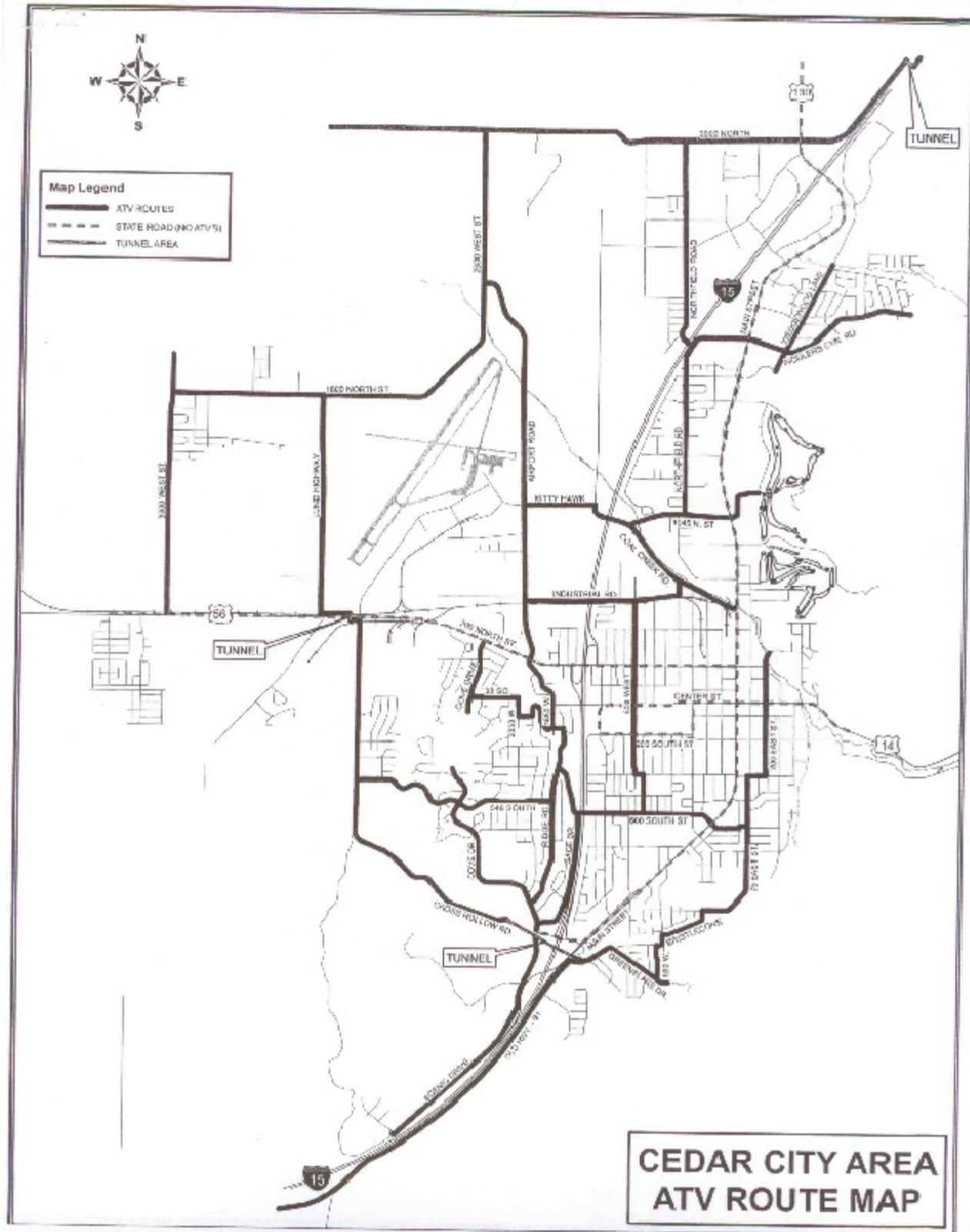
SECTION 35B-9 **Enforcement**

Only peace officers of the state and their respective duly authorized representatives may enforce this section.

SECTION 35B-10 **Penalty**

Unless otherwise specified, penalties for violation of this Ordinance shall be punishable as a Class C Misdemeanor (UCA 41-22-17) with a minimum fine of \$82.00.

(AMENDED BY ORDINANCE 0813-08-1 and 0921-11-1)



**CEDAR CITY AREA
ATV ROUTE MAP**

