

TOWN OF LEEDS

ORDINANCE 2008-11

AN ORDINANCE OF THE TOWN OF LEEDS REGULATING THE OPERATION AND USE OF OFF-HIGHWAY VEHICLES (“OHV”) WITHIN THE TOWN OF LEEDS, STATE OF UTAH

WHEREAS, under Section 41-22-10.5 of the Utah State Code Annotated, a municipality may adopt ordinances designating certain streets and highways as off-highway vehicle routes for the specific purpose of allowing off-highway vehicle operators to gain direct access to or from a private or public area open for off-highway vehicle use; and

WHEREAS, the Town Council of the Town of Leeds passed Ordinance Number 05-08 on November 9, 2005 with a sundown clause to expire 1 year from that date if not renewed; and

WHEREAS, the Town Council held a Public Hearing on September 27, 2006, and received public input and comment regarding Ordinance 2005-08, as directed by that ordinance; and

WHEREAS, in a Town Council Work Meeting held on October 18, 2006, the Town Council reviewed and Ordinance 2005-08 to include comments and concerns; and

WHEREAS, in the interest of public safety, the Mayor and Town Council of the Town believes it is necessary in the best interest of the Town and its citizens to enact reasonable regulations governing the operation and use of off-highway vehicles within the municipal boundaries of the Town

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, UTAH, AS FOLLOWS:

- A. **Policy:** In enacting this Ordinance, it is the policy of the Town of Leeds to promote safety and protection for persons, and property in connection with the use, operation and equipment of off-highway vehicles in the Town.
- B. **Adoption of State Code Provisions:** The provisions of Section 41-22-1, *et seq.*, Utah Code Annotated, regarding off-highway vehicles, are hereby adopted. It is the policy of this state to promote safety and protection for persons, property, and the environment connected with the use, operation, and equipment of off-highway vehicles, to promote uniformity of laws, to adopt and pursue a safety education program, and to develop trails and other facilities for the use of these vehicles.
- C. **Definitions:** The terms used in the Ordinance shall have the same definitions as provided in Section 41-22-2, Utah Code Annotated, in effect on the date of this Ordinance, and as may be subsequently updated by the Utah State Legislature. Definitions listed here for easy reference are:

1. "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having an unladen dry weight of 800 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. "All-terrain type II vehicle" means any other motor vehicle, not defined in Subsection (2), (9), or (20), 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 Annotated.
3. "Off-highway implement of husbandry" means every all-terrain type I vehicle, which is used by the owner or his agent, for agricultural operations. The Motor Vehicle Division issues the sticker required for this designation.
4. Off-Highway Implements of Husbandry may be operated on the streets of the Town if operation of the off-highway implement of husbandry adjacent to a roadway is impractical and the operator uses due care towards conventional motor traffic.

D. **Designation of Streets and Highways:** Pursuant to the authority granted to the Town Council in Section 41-22-10.5, Utah Code Annotated and SB181S01, all Town streets are hereby designated as off-highway vehicle routes to allow off-highway vehicle use, except for those routes which are specifically posted closed to off-highway vehicle use. Main Street, from the southern border of the Town to the northern border, shall also be designated as an official off-highway vehicle route.

E. **Prohibition of OHV Use Except in Accordance With This Ordinance:** A person may not operate an off-highway vehicle, except for off-highway implements of husbandry under Section 41-22-5.5, Utah Code Annotated, when used in accordance with said section, on any street in the Town of Leeds, except in strict compliance with the terms of this Ordinance and the terms of Utah Code Annotated Section 41-22-1, *et seq.*

F. **Speed Limit:** The maximum **speed limit** for off-highway vehicles (OHV) registered as an off-highway vehicle operated within the Town shall be **20 miles per hour**. The maximum **speed limit** for street legal registered off-highway vehicles (OHV) operated within the Town shall be **the lesser of: i) the posted speed limit; or ii) 45 miles per hour**.

G. **Equipment Requirements:** All off highway vehicles (except for off-highway implements of husbandry used only in agricultural operations and not operated on a highway) shall be equipped with:

1. Brakes adequate to control the movement of, and to stop and hold, the vehicle under normal operating conditions;
2. Headlights and tail lights must be on at all times when in operation.

3. A noise control device; and,
4. A spark arrestor device.

H. **Obedience to Traffic Laws Required:** Any person operating an off-highway vehicle shall obey all traffic laws, rules and regulations and shall be subject to the provisions of Title 41, Chapter 6, Utah Code Annotated, unless specifically excluded. Operators of off-highway vehicles without turn signals must use hand signals.

I. **OHV Use by Persons Under Age 8 Prohibited:** Except as otherwise provided in this Ordinance, a person under eight(8) years of age may not operate and an owner may not give another person who is under eight (8) years of age permission to operate an off-highway vehicle on any Town street.

J. **Other General Restrictions on OHV Use:** A person may not operate, and an owner may not give that person permission to operate an off-highway vehicle on any Town street unless the person:

1. Is under the direct visual and voice supervision of a certified off-highway vehicle safety instructor during a scheduled training course; or
2. Has in his/her immediate possession a valid motor vehicle operator's license, as provided I Title 53, Chapter 3, Uniform Driver License Act; or
3. Has in his/her possession the appropriate safety certificate issued or approved by the Utah Division of Parks and Recreation (a "blue card"), **AND**, if under the age of 16 years, is under the direct visual and voice supervision of an adult who is fewer than under 100 feet away, and is at least 18 years of age and holds a valid driver's license.
4. It is a defense to charge under this section, if the person charged produces in court a license or an appropriate safety certificate that was: 1) valid at the time of citation or arrest; and (2) issued to the person operating the off-highway vehicle. The requirements of this section do not apply to an operator of an all-terrain type I vehicle with properly displayed and current off-highway implement of husbandry sticker.

K. **Protective Headgear Requirements – Owner Duty:**

1. A person under the age of 18 may not operate or be a passenger on, an off-highway vehicle on any public land, trail, street, or highway within the Town of Leeds unless the person is wearing properly fitted and fastened, United States Department of Transportation (DOT) safety-rated protective headwear designed for motorized vehicle use. The operator must also have adequate eye protection.

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 18 years to operate or ride on an off-highway vehicle in violation of this section.

L. **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 permission to operate or transport, any off-highway vehicle on any public land, trail, street, or highway within the Town 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.

M. **Restrictions on Use of Privately Owned Lands Without Permission:**

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 1 and 2 above 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.

N. **Penalties for Violation:** Except as otherwise provided, a person who violated the provisions of this ordinance is guilty of a Class C misdemeanor. Any person convicted of violations of this section is guilty of an infraction and shall be fined not more than \$100 per offense.

O. **Repealer:** All provisions of the Leeds Town Ordinance which are in conflict with the terms of this Ordinance are hereby repealed. Ordinance 2006-10 is hereby repealed.

P. **Effective Date:** This Ordinance shall become effective at 12:01 a.m. on the 12th Day of December, 2008.

Q. **The Town of Leeds strongly encourages the following:**

1. A Sand Dunes type flag mounted on the rear rack of all Type 1 OHV's for better visibility.
2. For Type 2 OHV's (side-by-side type) a sand dunes type flag mounted on rear at fender/tailgate height.
3. Liability insurance coverage.

ORDINANCE 2008-11

PASSED AND ADOPTED BY THE LEEDS TOWN COUNCIL, STATE OF UTAH, ON
THIS 10th DAY OF DECEMBER, 2008 BY THE FOLLOWING VOTE:

ROLL CALL VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mayor Trudy Law	<u> X </u>	_____	_____	_____

TOWN COUNCIL MEMBERS:

Frank Lojko	<u> X </u>	_____	_____	_____
Alan Roberts	<u> X </u>	_____	_____	_____
Keith Sullivan	<u> X </u>	_____	_____	_____
Jared Westhoff	<u> X </u>	_____	_____	_____

Aye votes 6 Nay votes _____ Abstentions _____

Ordinance No. 2008-11 was passed X rejected _____

This Ordinance No. 2008-11 was Adopted on December 10, 2008 and becomes effective on
December 11, 2008.

Trudy Law, Mayor
Town of Leeds

ATTEST:

Debbie Shakespeare, Town Clerk/Recorder