

**EUREKA CITY**  
**ORDINANCE NO. 07-12-2016**  
**Off Highway Vehicles (OHV)**

**Sections:**

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**Section 17-4-1. Purpose**

A). 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 designated all of Eureka City Roads, streets or highways as being open for Off Highway Vehicles, and designating certain roads and streets as preferred routes as needed and establishing regulations related thereto.

**Section 17-4-2. Definitions.**

- A). "Off-Highway Vehicle (OHV)" means: All Terrain Type I Vehicles, and All Terrain Type II Vehicles as defined by Title 41, Chapter 22, Section 2, Utah Code Annotated, 1953 as amended.
- B). Eureka City Roads, Streets or Highways and Trails are all designated as being open for public travel for OHV's and other private or public areas open for OHV's use as specified in Section 14-4-3 (2).
- C). "Direct Supervision" means oversight at a distance:
- (1) Of no more than 300 feet; and
  - (2) Within which visual contact is maintained and advice and assistance can be given and received.
- D). "Operate" means to ride in or on and control the operation of an Off-Highway Vehicle.

E). "Operator" means an individual who operates or is in actual physical control of an Off-Highway Vehicle.

F). "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.

G). "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 17-4-3 Roads Designated for OHV Travel**

A). Unless designated as being closed for public travel for OHV's either by this Chapter or by signage on the ground, all Eureka City Roads and Streets shall remain Open for OHV's except for:

- (1) US Highway 6 for which OHV use is prohibited.

### **Section 17-4-4. Provisions for use of OHV.**

A). 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 Eureka City roads, streets or highways 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 on OHV on the designated roads, streets and highways of Eureka 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 41-22-15 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 Eureka City streets or roadways unless the person is wearing a properly-fitted USDOT approved protective headgear designated for motorized use (UCA 41-22-10.8).

- (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 Eureka City designated OHV roads, streets and highways may not operate a vehicle at a speed greater than the posted speed limit or 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 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 the posted or applicable speed limit.

#### **Section 17-4-5. Prohibited Operation**

A). 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 unlawful, unsafe and a public nuisance:

- (1) From one hour after sunset to one hour before sunrise, with the exception of Eureka City Residents exiting or returning to their residents from beyond city limits or persons in need of emergency assistance or supplies.
- (2) On a roadway, shoulder or inside bank or slope of any road, street or highway, except as provided in this Chapter.
- (3) On direct crossing of a street or highway that is not designated as open to OHV use, 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
- (4) 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.
- (5) 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.
- (6) While under the influence of alcohol or drugs

(7) 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 arrester. 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)

(8) In a direction other than the same direction as other motor vehicles.

(9) 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.

(10) 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.

(11) 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.

#### **Section 17-4-6. Exceptions.**

A). No person may operate an off-highway vehicle on Eureka 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. (UCA 41-22-10.3 (1))

(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 (2))

(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(3)).



(4) When operating a street legal all-terrain vehicle on a highway in accordance with Title 41. Chapter 6a, Section 1509, Utah Code Annotated, 1953 as amended.

**Section 17-4-7 Insurance**

A). 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-e when operated either:

- (1) On a highway designated as open for off-highway vehicle use; or
- (2) In the manner prescribed by Section 17-4-6 above (UCA 41-22-10.3)

**Section 17-4-8. Snow Removal.**

A). 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 at all hours provided the operator obeys all other provisions of this Chapter.

**Section 17-4-9. Enforcement.**


A). Only peace officers of the State of Utah and their respective duly authorized representative may enforce this Chapter.

**Section 17-4-10. Penalty.**


A). Unless otherwise specified, penalties for violation of this Chapter shall be punishable as a Class C Misdemeanor, with a minimum fine of \$90.00

**Effective Date.** This ordinance shall become effective on the date of passage.

Passed and approved this 12<sup>th</sup> day of July, 2016.

  
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J. Nicholson Castleton, Mayor

ATTEST:

  
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Patricia Bigler, City Recorder

