

Ordinance No. 2016-018

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 5 CHAPTER 9 OFF-HIGHWAY VEHICLES

WHEREAS UCA § 10-3-702 states "The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. . ." and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

WHEREAS the Providence City Council desires to amend Providence City Code Title 5 Chapter 9 Off-Highway Vehicles by prohibiting snowmobiles on the City streets and other changes identified in the attached code amendment.

- Providence City staff has prepared the attached code amendment.

THEREFORE be it ordained by the Providence City Council

- The attached code amendment shall be approved.
This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 26 day of July 2016.

Council Vote:

Table with 5 columns: Name, (x) Yes, () No, () Excused, () Abstained, () Absent. Rows include Allen, Kirk; Baldwin, Jeff; Drew, John; Giles, Dennis; Sneddon, Roy.

Signed by Mayor Don W Calderwood this 28 day of July 2016.

Providence City

Handwritten signature of Don W. Calderwood, Mayor

Attest:

Handwritten signature of Skarlet Bankhead, Recorder



CHAPTER 9

OFF HIGHWAY VEHICLES

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- 5-9-1: Purpose
- 5-9-2: Definitions
- 5-9-3: Operation on City Streets
- 5-9-4: Equipment
- 5-9-5: Punishment and Fines

5-9-1: PURPOSE. This chapter is intended to regulate the operation of Off Highway Vehicles (OHVs) on the streets of Providence.

5-9-2: DEFINITIONS.

Adult Supervision: Direct visual supervision by a licensed driver who is at least 18 years of age.

Golf Cart: A (3) or (4) wheeled-vehicle with a seating capacity of (2) to (4) persons, originally designed and produced for operation on golf courses.

Implement of husbandry: Every vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.

Off Highway Vehicle or OHV: Any snowmobile, all-terrain vehicle (ATV) or off-road motorcycle as defined by Utah Code 41-22-2. NOTE: This term DOES NOT include any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, any vehicle licensed by the state of Utah for on-highway use, or farm machinery including OHVs registered as an implement of husbandry when operated in accordance with Utah Code 41-22-5.5.

Operate: To control the movement of or otherwise use an off highway vehicle.

Operator: The person who is in actual physical control of an off highway vehicle.

Owner: A person, other than a person with a security interest, having a property interest or title to an off highway vehicle and entitled to the use and possession of that vehicle.

Street: A public right-of-way, including a highway, avenue, boulevard, parkway, road, lane

Utah OHV Education Certificate: An OHV operator's license issued by the State of Utah to OHV operators age 8 and older that have successfully completed a prescribed course of instruction on OHV use. Note: There are different certificates for each type of OHV (motorcycle, ATV, snowmobile, etc).

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2 5-9-3: OPERATION OF OHVS ON PROVIDENCE CITY STREETS:
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- 4 A. Any person operating an OHV or golf cart on the streets of Providence City is subject to the
5 provisions of all applicable traffic ordinances, except where superseded by this ordinance.
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7 B. Any person operating an OHV or golf cart on the Providence City streets must meet one of the
8 following licensure requirements:
9
10 1. Operators age 16 and older must have in their possession a valid state driver's license/learner's
11 permit **OR** Utah OHV Education Certificate for the OHV type they are operating.
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13 2. Operators under the age of 16 must have in their possession a Utah OHV Education Certificate
14 for the OHV type they are operating **AND** be accompanied by an adult. This section pursuant to
15 Utah Code 41-22-30. Operators age 15 may substitute a valid Utah Driver Learner's Permit for
16 the adult supervision requirement.
17
18 3. Golf carts may be operated with a valid state driver's license **OR** learner's permit.
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20 4. Operators whose OHV is registered as an implement of husbandry are exempt from these
21 licensure requirements, provided said operation is in accordance with Utah Code 41-22-5.5.
22
23 C. This ordinance designates all Providence City Streets as OHV routes per Utah Code 41-22-10.5.1
24 with the following exceptions:
25 1. State Road 165
26 2. County Road 238 (200 West, 100 North from 100 West to 200 West, 100 West north of
27 100 North)
28 3. 100 North west of 200 West
29 NOTE: Crossing exception streets is permitted pursuant to Utah Code 41-22-10.3.1.
30
31 D. An OHV shall not be operated on Providence City streets in excess of the posted speed limit.
32
33 E. Operating an OHV on cultivated, landscaped, or otherwise developed property is prohibited
34 unless allowed by the property owner.
35
36 F. OHV use within the boundaries of Providence City parks is restricted to the parking lots.
37
38 G. Operating an OHV on a sidewalk is prohibited.
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40 H. No person under the age of (18) shall operate or ride as a passenger on an OHV within
41 Providence City without wearing protective headgear pursuant to Utah Code 41.22.10.8.
42
43 ~~I. Where an OHV is not equipped with a headlight and taillight, a safety flag defined by the Utah
44 Code 41-22-10.7.d may be substituted in the place of headlights and taillights.~~
45
46 J. Operating an OHV between one half-hour after sunset to one half-hour before sunrise without a
47 headlight and taillight functioning is not permitted. Proper signaling must be used when stopping
48 or turning.
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50 K. Snowmobiles may only ~~cannot~~ be operated on Providence City Streets when sufficient snow or
51 ice is present to preclude damage to roadways and shoulders by the snowmobile's steering and
52 propulsion systems.
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- 5-9-4: OHV EQUIPMENT. An OHV operated on Providence City Streets must be equipped with:
- (a) Brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions.
 - (b) Headlights and taillights ~~or a safety flag per section 2(g)~~.
 - (c) An unmodified noise suppression device and United States Forest Service approved spark arrestor. Spark arrestors are not applicable for snowmobiles. This subsection is not applicable to vehicles relying solely on electricity for propulsion.
- 5-9-5: LICENSING AND INSURANCE. At all times a registration card and proof of liability insurance shall be kept with the OHV and shall be available for inspection by a law enforcement officer.
- 5-9-6: PUNISHMENT AND FINES. Any person who violates any provision of this ordinance, upon conviction, is guilty of a Class C Misdemeanor. The fine for any violation of this ordinance is \$75. Punishments related to this ordinance may not take precedence over punishments and fines charged for violating other Providence City, county, state or federal ordinances, but may be assessed in addition to the fines levied for violating this ordinance.