

Ordinance No. 2012-1

AMENDED ORDINANCE NO. 1999-1 TO DESIGNATE AND REGULATE THE USE OF OFF-HIGHWAY VEHICLES, PURSUANT TO SECTION 41-22-10.1, UTAH CODE ANNOTATED (1953, AS AMENDED)

WHEREAS, San Juan County (hereinafter "County") claims right and ownership of all Class B and D roads designated on the County Road System, pursuant to the rights-of-way granted in accordance with 43 U.S.C. 932 (Public Law 2477 aka "RS 2477"); and

WHEREAS, the County desires to designate said Class B and Class D roads, on a map describing said roads, trails, and highways, as either open or closed to off-highway vehicle (OHV) use; and

WHEREAS, authority to designate such roads, trails and highways is given the County pursuant to Utah Code Annotated, Section 41-22-1, *et seq.*; and

WHEREAS, the County does hereby intend, pursuant to Utah Code Annotated, Section 41-22-10.5, to designate which County Class B and Class D roads are open or closed to public use for the purpose of allowing off-highway vehicle (OHV) operation as part of a county wide system of OHV roads; and

WHEREAS, the County is desirous of co-operating with the public land administrative agencies pursuant to their regulations and in accordance with the laws of the State of Utah to:

1. Develop and maintain trails;
2. Parking and staging / un-loading areas;
3. And other related facilities appropriate to OHV use and to promote safety, enjoyment, and responsible use of all forms of this recreational activity. (Utah Code Annotated, Section 41-22-20 (1953, as amended))

NOW THEREFORE, it is hereby resolved and ordained as follows:

1. DESIGNATION OF ROADS FOR OFF HIGHWAY VEHICLES, DEFINITIONS
 - a. San Juan County does hereby designate which San Juan County Class B and Class D roads are open for public travel for OHV use on a map maintained by the San Juan County Commission and the San Juan County Information Technology Department, entitled "Off-Highway Vehicle Road Map." Such designated roads and corresponding map may be changed, modified, or amended from time to time by San Juan County.

b. Definitions

- i. "Off-highway vehicle" (OHV) in this Ordinance means as any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle.
 - (a) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having an unladen dry weight of 1500 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.
 - (b) "All-terrain type II vehicle" means any other motor vehicle, not defined as an all-terrain type I vehicle, motorcycle or snowmobile, designed for or capable of travel over unimproved terrain. This term includes Class A side-by-side vehicles, but 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, Utah Code Annotated.
 - (c) "Class A side-by-side vehicle" means any motor vehicle 65 inches or less in width, having an unladen dry weight of 2,000 pounds or less, traveling on four or more non-highway tires, and designed for or capable of travel over unimproved terrain.
 - (d) "Motorcycle" means every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.
 - (e) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle.
 - (f) "Public land" means land owned or administered by any federal or state agency or any political subdivision of the state.
 - (g) "Snowmobile" means any motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, runners, or low pressure tires.
 - (h) "Street or highway" means the entire width between boundary lines of every way or place of whatever nature, when any part of it is open to the use of the public for vehicular travel.

2. COMPLIANCE WITH ALL TRAFFIC LAWS

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

- a. No person under eight (8) years of age will be allowed to operate an OHV on the San Juan County Off-Highway Vehicle Road System.
- b. No person between the age of eight (8) and thirteen (13) may operate an OHV on the street or highway that has a paved surface and is designated as open for limited off-highway use to allow off-highway vehicle operators to gain direct access to or from a private or public area open for off-highway vehicle use on the San Juan County Off-Highway Vehicle Road System.
- c. Any person fourteen (14) years of age or older may operate an OHV on the street or highway that has a paved surface and is designated as open for limited off-highway use to allow off-highway vehicle operators to gain direct access to or from a private or public area open for off-highway vehicle use on the San Juan County Off-Highway Vehicle Road System.
- d. Any person between the age of eight (8) through the age of fifteen (15) must possess an OHV education certificate issued by the Utah Division of Parks and Recreation before they may operate an all-terrain type I vehicle, motorcycle or snowmobile on the San Juan County Off-Highway Vehicle Road System. However, this provision does not apply to non-Utah residents.
- e. All operators sixteen (16) years of age or older must possess a valid Utah driver's license before they may operate an all-terrain type II vehicle or an OHV education certificate before they may operate an all-terrain type I vehicle, motorcycle or snowmobile on the San Juan County Off-Highway Vehicle Road System.
- f. All riders under eighteen (18) years of age must wear a properly fitting, safety regulated helmet when operating an all-terrain type I vehicle, motorcycle or snowmobile on the San Juan County Off-Highway Vehicle Road System.
- g. No person under fourteen (14) years of age may operate an all-terrain type I vehicle, motorcycle or snowmobile on any County Class B road as part of the system unless they are accompanied by someone at least sixteen (16) years of age that holds a valid driver's license or possesses a OHV education certificate, and must be no further away from that person than communicating distance at any time.

3. OPERATION OF OHVs ON STREETS AND HIGHWAYS

No person may operate an OHV upon any street or highway not designated as open to OHV use, except:

- a. When crossing a street or highway and the operator comes to a complete stop before crossing and proceeds only after yielding the right-of-way to oncoming traffic and crosses at a right angle.
- b. When loading or unloading any OHV from a vehicle or trailer which shall be done with due regard for safety and at the nearest practical point of operation.
- c. When an emergency exists during any period of time and at those locations where the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or other public authority.

4. REGISTRATION

All vehicles operated on the OHV road system must be either safety inspected and licensed by the Utah Division of Motor Vehicles, or registered as an OHV by the Utah Division of Motor Vehicles, or be duly registered by the appropriate agency in the state in which the owner of the OHV is a resident. Owners of ATVs, off-highway motorcycles or snowmobiles brought into Utah by non-residents, must obtain and display a non-resident off-highway vehicle permit on the machine.

5. VEHICLE EQUIPMENT REQUIREMENT

An OHV shall 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 when operated between sunrise and sunset.
- c. A noise control device.

6. PROHIBITED USES

- a. All traffic and other safety laws and rules apply to operation of OHVs, including the prohibition from use of said vehicles while under the influence of alcohol or drugs. Utah Code Annotated, Section 41-6a-502.
- b. No person may operate an OHV 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 is strictly prohibited

- c. No person shall operate or accompany a person operating an OHV upon privately owned property of any other person, firm, or corporation without permission from the owner, or person in charge of that property.
 - i. It is unlawful for a person to remain on private property upon the request of the owner or person in charge to leave.
 - ii. This section does not apply to prescriptive easements.
- d. It is unlawful for any person to tear down, mutilate, or destroy any sign, sign boards, or other notice which regulates direction, speed or trespassing for purposes of operating an OHV; or to tear down, deface, or destroy any fence or other enclosure or any gate or bars belonging to such fence or enclosure.

7. PENALTIES FOR VIOLATION

Violation of use of OHVs in violation of registration, requirements or traffic codes, shall be penalized according to the violation in the traffic code as found in the Utah State Code. Unless another penalty is provided for in this Ordinance, or elsewhere in the laws of the State of Utah, any person who violates any provision of this Ordinance or the Rules promulgated from this Ordinance upon conviction is guilty of a Class C Misdemeanor.

8. PRIVATE PROPERTY / ROADS

This designation is not intended to include roads on private property, unless those roads are deemed public or are part of the county road system.

9. RESERVATION LANDS

The use of county roads across lands controlled and administered by the Navajo or Ute Tribes are subject to the Rules and Regulations promulgated by the respective tribe. This provision may be modified by Interlocal Agreements as may be entered into from time to time by the county and the tribes.

10. SEVERABILITY AND CONFLICT

In the event that any provision of this ordinance is held invalid, the invalid portion shall be stricken, deemed severable, and shall not affect the remaining portions of this Ordinance. Any provision of state law, which is in conflict with any part of this Ordinance, shall supersede and control.

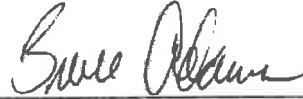
11. REPEALER

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

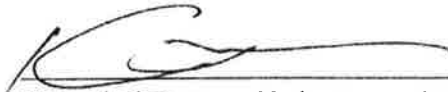
12. **EFFECTIVE DATE**

This Ordinance shall take effect and be enforced from and after the passage and publication according to law.

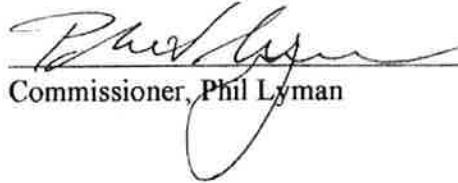
APPROVED and AMENDED by the Board of San Juan County Commissioners on the 6th day of August, 2012.



Commission Chair, Bruce Adams




Commission Vice-Chair, Kenneth Maryboy



Commissioner, Phil Lyman

ATTEST:


Norman L. Johnson, Clerk / Auditor