

ORDINANCE No. 1999-1

AN ORDINANCE TO DESIGNATE AND REGULATE THE USE OF OFF-HIGHWAY VEHICLES, PURSUANT TO UTAH CODE ANNOTATED, SECTION 41-22-10.1 UTAH CODE ANNOTATED, 1953 AS AMENDED.

WHEREAS, San Juan County claims right and ownership of all Class B and Class D roads designated on the County Road System, pursuant to the right-of-ways granted in accordance with Public Law 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 statute 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.

WHEREAS, San Juan County is desirous of co-operating with public land administrative agencies pursuant to their regulations and in accordance with State law to:

1. Develop and maintain trails;

2. Parking areas;

3. And other related facilities appropriate to off-highway vehicle use and to promote the safety, enjoyment, and responsible use of all forms of this recreational activity. (Utah Code Annotated, Section 41-22-20.)

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

1. DESIGNATION OF ROADS FOR OFF-HIGHWAY VEHICLES, DEFINITIONS:

San Juan County does hereby designate which San Juan County Class B and Class D roads as open for public travel for OHV, (defined as all snowmobiles, motorcycles, and all terrain type vehicles, any motor vehicle 50 inches or less in width, having an unladen dry weight of 700 pounds or less, traveling on three or more low pressure tires having a seat designated to be straddled by the operator, and designed for, or capable of travel over unimproved terrain.) and designated on that map, maintained by the San Juan County Commission and the San Juan County Survey Department, and described as "Off-Highway Vehicle Road Map", as may be changed, modified, or amended from time to time by San Juan County.

2. COMPLIANCE WITH ALL TRAFFIC LAWS : Any person operating an off-highway vehicle is subject to all of the provisions of Title 41 Chapter 6 Utah Code Annotated, as amended. (Traffic Code) which include but is not limited to:

a. No person under eight years of age will be allowed to

operate on the San Juan County Off Highway Vehicles Road system.

b. Persons between the age of eight through fifteen must possess an OHV education certificate issued by the Utah Division of Parks and Recreation. This does not apply to non-Utah residents.

c. All operators sixteen years and older must possess a valid driver's license or OHV education certificate.

d. All riders under eighteen years of age must wear a properly fitting, safety regulated helmet.

e. No person under fourteen years of age may operate on any County Class B road or trail as part of the system unless in the company of someone at least sixteen years of age with a valid drivers license or having an OHV Education Certificate in possession, and must be no further away from that person than communicating distance at any time.

3. OPERATION OF VEHICLE ON HIGHWAYS

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

a. When crossing a street or highway and the operator comes to a complete stop before crossing, proceeds only after yielding the right of way to oncoming traffic and cross at a right angle.

b. When loading or unloading any off-highway vehicle from a vehicle 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 when 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 are duly registered by the appropriate agency in the state in which the owner of the vehicle is a resident. Off-highway vehicles which are not registered in the State of Utah, must not be in the State more than fourteen (14) days in any year and must be owned by a non-resident. State safety certification is not required for non-Utah residents.

5. VEHICLE EQUIPMENT REQUIREMENT

An Off-highway vehicle 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 sunset and sunrise.

(c) a noise control device.

6. PROHIBITED USES:

a. All traffic and other safety laws and rules apply to operation of off-highway vehicles, including the prohibition from use of said vehicles while under the influence of alcohol or drugs (UCA 41-6-44).

b. No person may operate an off-highway vehicle 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 water shed, impairment of plant or animal life, or excessive mechanical noise.

c. No person shall operate or accompany a person operating an OHV upon privately owned land of any other person, firm, or corporation without permission from the owner, or person in charge.

(i) It is unlawful for a person to remain on private land upon request of the owner or person in charge to leave the properties.

(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 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 Off-highway vehicles in violation of registration, requirements or traffic codes, shall be penalized according to the violation in the traffic code.

Unless another penalty is provide for in this Chapter, or elsewhere in the laws of the State of Utah. Any person who violates any provision of this Chapter or the Rules promulgated

of this Chapter upon conviction is guilty of Class C misdemeanor.

8. PRIVATE LANDS

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

9. RESERVATION LANDS.

The use of county roads across lands 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 Agreement as may be entered into from time to time by the county and the tribes.

DATED this 7 day of June, 1999.

Advertized on the 5, 12, 19 day of May, 1999

Approved by County Commissioners on the 7 day of June, 1999.

Tyron Lewis
Commissioner: Tyron Lewis

Bill Redd
Commissioner: Bill Redd

Mark Maryboy
Commissioner: Mark Maryboy

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Barbara Ford
Attest