

Ordinance No. 22-5

September 7, 2022

**Rich County Ordinance Designating
Certain Roads for Off-Highway Vehicle Use**

Whereas, Utah Code Annotated § 41-22-10.1 provides that “currently registered off-highway vehicles may be operated on public land, trails, streets, or highways that are posted by sign or designated by map or description as open to off-highway vehicle use by the controlling federal, state, county, or municipal agency;” and

Whereas, Utah Code Annotated § 41-22-10.5 provides that a county may by ordinance designate certain streets and highways as open for general off-highway vehicle use; and

Whereas, the State Legislature has directed counties to pursue opportunities to open public land to responsible off-highway vehicle use, Utah Code Annotated § 41-22-12; and

Whereas, Utah Code Annotated § 41-22-10.4 authorizes snowmobiles to “be operated on streets and highways which have been officially closed for the season to conventional motor vehicle traffic because snow removal is no longer provided for the season;”

Whereas, it is the policy of this County to promote safety and protection for persons, property, and the environment connected with the use and operation of off-highway vehicles.

Therefore, the Board of County Commissioners of Rich County, State of Utah ordains as follows:

Section 1. Amendment of prior ordinance.

Rich County Ordinance 86-5, Designation of Rich County Roads for Off-Highway Vehicle Use, is hereby amended.

Section 2. Definitions.

The County adopts the definitions from Utah Code Section 41-22-2, including:

"Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.

"All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having an unladen dry weight of 1,500 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.

"All-terrain type II vehicle" means any motor vehicle 80 inches or less in width, traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a rollover protection system, and designed for or capable of travel over unimproved terrain, and is: (1) an electric-powered vehicle; or (2) a vehicle powered by an internal combustion engine and has an unladen dry weight of 3,500 pounds or less. "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed for recreational use, or farm tractors as defined under Section 41-1a-102.

"All-terrain type III vehicle" means any other motor vehicle (other than a motorcycle, snowmobile, or all-terrain type I or II vehicle), designed for or capable of travel over unimproved terrain. "All-terrain type III vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed for recreational use, or farm tractors as defined under Section 41-1a-102.

"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.

"Off-highway vehicle" does not include a "street-legal all-terrain vehicle."

"Street-legal all-terrain vehicle" means an all-terrain type vehicle equipped with the devices specified in Utah Code Ann. § 41-6a-1509. A street-legal all-terrain vehicle is permitted on all streets or highways where the use of other street-legal vehicles is permitted.

Section 3. Designation of county roads for use by off-highway vehicles.

(a) Un-paved roads. All unpaved county roads in unincorporated Rich County are designated as open to use by currently registered off-highway vehicles, unless otherwise specifically closed by posted signs.

(b) Paved roads. All paved county roads in unincorporated Rich County are designated as open to use by currently registered off-highway vehicles, unless otherwise specifically closed by posted signs.

(c) State roads and roads in town limits. The designations above apply only to county roads outside town limits. These designations also do not apply to state roads or highways, which are governed separately by state law.

Section 4. Requirements for minors.

A minor operating an off-highway vehicle must comply with the safety and supervision requirements of Utah Code § 41-22-30.

Section 5. Use of snowmobiles on closed roads.

Snowmobiles may be operated on any roadway in un-incorporated Rich County that has been posted as seasonally closed due to snow removal not being provided.

Section 6. Prohibitions.

A person may not operate an off-highway vehicle upon a county road in un-incorporated Rich County that has been closed by the posting of signs to off-highway vehicle use, except as provided in Section 7.

Section 7. Exceptions.

A person may operate an off-highway vehicle upon a road closed to off-highway vehicle use in the following circumstances:

- (a) When crossing a road that has been closed 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 an off-highway vehicle 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 when the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or other public authority; or
- (d) When operating a street legal all-terrain vehicle.

Section 8. Penalty.

Any person violating any terms of this ordinance shall be deemed guilty of an infraction.

Section 9. Severability clause.

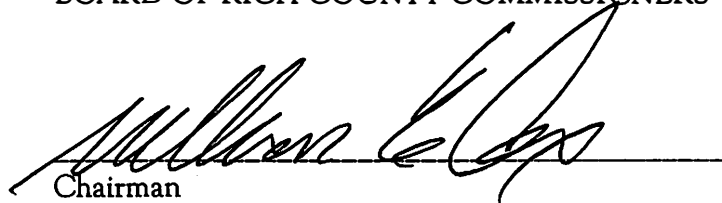
If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect independent from the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 10. Effective date.


This ordinance shall be effective immediately.

APPROVED and ADOPTED this 7 day of September, 2022.

BOARD OF RICH COUNTY COMMISSIONERS


Chairman

ATTEST:



Rich County Clerk

Commissioner Bill Cox voted	<u>yes</u>
Commissioner Sim Weston voted	<u>yes</u>
Commissioner Jonathan Lee voted	<u>yes</u>