

**MONA CITY
ORDINANCE 2021-5**

OFF HIGHWAY VEHICLES

NOW THEREFORE, be it ordained by the Council of Mona City, in the State of Utah, as follows:

SECTION 1:AMENDMENT “6-2-1 DEFINITIONS” of the Mona City Code is hereby *amended* as follows:

AMENDMENT

6-2-1 DEFINITIONS

As used in this chapter:

ALL-TERRAIN TYPE I VEHICLE: Any motor vehicle fifty two inches (52") or less in width, having an unladen dry weight of one thousand five hundred (1,500) pounds or less, traveling on three (3) 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: Any motor vehicle eighty inches (80") or less in width, traveling on four (4) 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 2,500 pounds or less

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 Utah Code Ann. Section 41-1a-102.

ALL TERRAIN TYPE III VEHICLE: Any other motor vehicle, not defined herein, designed for or capable of travel over unimproved terrain. 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 Utah Code Ann. Section 41-1a-102.

MOTORCYCLE: Every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.

OFF-HIGHWAY VEHICLE: Any snowmobile, all terrain type I, II, or III vehicle, or motorcycle.

SAFETY CERTIFICATE: A certificate issued by the state of Utah to a person for completion of an authorized safety education course.

SNOWMOBILE: Any motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

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~~Any other motor vehicle, not defined in UCA section 41-22-2(2), (11) or (22), designed for or capable of travel over unimproved terrain. 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 UCA section 41-1a-102.~~

~~OFF-HIGHWAY VEHICLE: Any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle or motorcycle engaged in off-highway use.~~

SECTION 2: AMENDMENT “6-2-2 STREETS DESIGNATED FOR USE” of the Mona City Code is hereby *amended* as follows:

AMENDMENT

6-2-2 STREETS DESIGNATED FOR USE

All existing city streets are designated for all-terrain vehicle use, excluding the sidewalk located on the west side of old Highway 91 from 300 South to 980 South. As new streets are added due to new construction, they shall become legal unless they are private roads. "City streets" are defined as those streets that are owned and maintained by the city. Streets or roads that are owned and maintained by state or county government existing in the city limits are not subject to this chapter, but are controlled by existing laws to ensure safety and traffic flow is not altered. Persons operating all-terrain vehicles on city streets shall be aware of the permitted streets and roads, and the rules and regulations of the city, state or county to ensure they are within applicable laws.

SECTION 3: AMENDMENT “6-2-4 RULES, REGULATIONS AND REQUIREMENTS” of the Mona City Code is hereby *amended* as follows:

AMENDMENT

6-2-4 RULES, REGULATIONS AND REQUIREMENTS

- A. Muffler Required: Every all-terrain vehicle shall be equipped, maintained and operated to prevent excessive or unusual noise. Every off highway vehicle shall at all times be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation. A person may not use a muffler cutout, bypass or similar device.
- B. Riding Area Designated: Wherever possible or safe, the off road vehicle will be ridden on the outside edge of the asphalt so as not to impede regular traffic.
- C. Vehicle Registration Required: Vehicles must be registered according to state requirements and display the appropriate decals.
- D. Use Restrictions:
 - 1. Off highway vehicles shall be used and operated only on or over such public lands, trails, streets, roads and highways within the city that are designated by this chapter as open to such vehicle use.
 - 2. Off-highway vehicles shall carry no more people than the number of seats designed by the original manufacturer and installed in the off-highway vehicle - one per seat.
 - 3. Off-highway vehicles may only be driven during daylight unless they have originally manufactured equipment headlights and taillights. The lights must be operable and in use anytime an off-highway vehicle is being operated at non-daylight times.
 - 4. Causing an annoyance prohibited: An off highway vehicle operator may not ride an off highway vehicle in a continuous manner along public streets causing annoyance to any citizen.
 - 5. Permission from landowner: No person shall operate or accompany a person operating an off highway vehicle upon privately owned land of any other person, firm, or corporation without permission from the owner or representative.
- E. Operational Requirements:
 - 1. License, Safety Certificate Required: Any person operating an off highway vehicle is subject to the provisions of UCA title 41, chapters 6a and 22. Any person operating an off highway vehicle is subject to the following provisions:
 - a. No person may operate an off highway vehicle on any land, trail, street or highway designated as open to off highway vehicle use or in the manner prescribed by UCA section 41-22-10.3, unless the person possesses:
 - i. A valid motor vehicle operator's license as provided in UCA title 53, chapter 3; or
 - ii. The appropriate safety certificate issued by the division under this chapter.
 - 2. Ages Requiring Accompanying Adult: All operators of off highway vehicles who are ages eight (8) through thirteen (13), inclusive, shall be accompanied

while operating such vehicle within city limits by an adult on an accompanying licensed all-terrain type I or II vehicle, motorcycle or snowmobile (as defined by state statute). All operators of off highway vehicles who are fourteen (14) or fifteen (15) years of age do not need to be accompanied by an adult.

- F. Minimum Operation Age Requirement: No person under eight (8) years of age may operate and no owner may give another person who is under eight (8) years of age permission to operate an off highway vehicle on any public land, trail, street or highway of this state.
- G. Safety Certificate For Specific Ages: No person who is eight (8) years of age or older but under sixteen (16) years of age may operate and no owner may give permission to operate an off highway vehicle on any public land, trail, street or highway of this state unless the person is operating the vehicle under one of the following conditions:
 - 1. He is under the direct supervision of a certified off highway vehicle safety instructor during a scheduled safety training course; or
 - 2. He has in his possession the appropriate safety certificate issued by the division.
- H. Responsibility Of Parents, Guardians: It shall be the responsibility of the parent, parents or guardian of all-terrain vehicle riders between the ages of eight (8) to sixteen (16) to educate, inform and make aware the laws and rules of this chapter, and warn them of the penalties or accidents that could harm them or others if not followed. Copies of this chapter will be made available at the city office.

SECTION 4: **AMENDMENT** “6-2-5 PENALTY” of the Mona City Code is hereby *amended* as follows:

AMENDMENT

6-2-5 PENALTY

~~Unless another penalty is provided for in this chapter, violators shall be guilty of a class C misdemeanor, subject to penalty as provided in MCC 1-4-1.~~

- A. Any person who violates any provision of this chapter is guilty of a class C misdemeanor and subject to penalties as outlined herein:
- B. The penalties for a minor 14 age or older who violates any provision of this chapter are as follows:
 - 1. First Offense:
 - a. Referred to youth court and successfully complete the requirements imposed by youth court.
 - b. If there is no youth court or the minor does not successfully complete the requirements of youth court, then the minor may be fined up to \$50 and/or required to complete up to 5 hours of community service.

- 2. Second Offense:
 - a. A fine up to \$100
 - b. Required to complete up to 10 hours of community service
 - 3. For any third or more offense of this section, the minor may receive penalties for a class C misdemeanor as set for in section 1-4-1 of this code.
 - 4. Regardless of whether it is a first, second or any offense thereafter, in the event that there is an accident and the adult is in violation of this section at the time of the accident, the minor may receive penalties for a class C misdemeanor as set forth in section 1-4-1 of this code.
- C. The penalties for an adult who violates any provision of this chapter are as follows:
- 1. First Offense: A warning shall be given that will be documented through a police report.
 - 2. Second Offense: A fine up to \$100
 - 3. For any third or more offense of this section, the minor may receive penalties for a class C misdemeanor as set for in section 1-4-1 of this code.
 - 4. Regardless of whether it is a first, second or any offense thereafter, in the event that there is an accident and the adult is in violation of this section at the time of the accident, the adult may receive penalties for a class C misdemeanor as set forth in section 1-4-1 of this code.
- D. An adult and a minor may be prosecuted simultaneously for the same incident that led to violations of this chapter.

PASSED AND ADOPTED BY THE MONA CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Micheal Stringer	_____	_____	_____	_____
Councilmember Amy Stanley	_____	_____	_____	_____
Councilmember Frank Riding	_____	_____	_____	_____
Councilmember Jay Mecham	_____	_____	_____	_____
Councilmember Randy Christensen	_____	_____	_____	_____

Presiding Officer

Attest

William M. Mills, Mayor, Mona City

Lyla R. Spencer CMC, Recorder
Mona City