

## CHAPTER 2

# USE OF ALL-TERRAIN RECREATIONAL VEHICLES (ATV) WITHIN CITY LIMITS

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**6-2-1: DEFINITIONS:**

As used in this chapter:

**ALL-TERRAIN TYPE I VEHICLE:** Any motor vehicle fifty inches (50") or less in width, having an unladen dry weight of eight hundred (800) pounds or less, traveling on four (4) 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 other motor vehicle, not defined in the definitions of "all-terrain type I vehicle", "motorcycle", or "snowmobile", of this section, 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 disabled person, any vehicle not specifically designed for recreational use, or farm tractors as defined under Utah law section 41-1a-102.

**LEGAL ROUTE:** Any public street within the city of Monticello except for U.S. Highway 191 and U.S. Highway 491.

**MOTORCYCLE:** Every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two (2) tires.

**OFF HIGHWAY IMPLEMENT OF HUSBANDRY:** Every all-terrain type I vehicle, motorcycle, or snowmobile that is used by the owner or his agent for agricultural operations.

**OFF HIGHWAY VEHICLE (OHV):** Any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle.

**OPERATE:** To control the movement of or otherwise use an off highway vehicle or street legal all-terrain vehicle.

**OPERATOR:** The person who is in actual physical control of an off highway vehicle or street legal all-terrain vehicle.

**OWNER'S OR OPERATOR'S SECURITY, OWNER'S SECURITY, OR OPERATOR'S SECURITY:** Any of the following:

- A An insurance policy or combination of policies conforming to state law section 31A-22-302, which is issued by an insurer authorized to do business in Utah;
- B A surety bond issued by an insurer authorized to do a surety business in Utah in which the surety is subject to the minimum coverage limits and other requirements of policies conforming to state law section 31A-22-302, which names the department as a creditor under the bond for the use of persons entitled to the proceeds of the bond;
- C A deposit with the state treasurer of cash or securities complying with state law section 41-12a-406;
- D Maintaining a certificate of self-funded coverage under state law section 41-12a-407;
- E A policy conforming to state law section 31A-22-302 issued by the risk management fund created in section 63A-4-201.

**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.

**STREET LEGAL ALL-TERRAIN VEHICLE (STREET LEGAL ATV):** Has the same meaning as defined in state law section 41-6a-102 and meets all state law requirements. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

**6-2-2: STREET LEGAL ATV:**

An all-terrain type I or type II vehicle that meets the requirements of the state of Utah may be operated as a street legal ATV on any city street or state highway in city limits that is at least one lane in each direction under the following terms and conditions:

- A Said allowance must be in accordance with state law 41-6a-1509.
- B Street legal ATV is legally licensed and registered.
- C Street legal ATV is in a safe running condition.
- D Street legal ATV is being operated in a safe manner.
- E Street legal ATV operator is obeying all state and city traffic laws.
- F Street legal ATV operator holds a legal driver's license. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

**6-2-3: TERMS AND CONDITIONS OF OHV USE:**

Monticello city streets except for U.S. Highway 191 and U.S. Highway 491 (hereinafter called legal route) are hereby declared open for off highway vehicle use under the following conditions and/or restrictions:

- A The OHV operator is using a legal route to gain direct access to or from a private or public area open for off highway vehicle use.
- B The OHV operator is using a legal route to go to or from an operating hotel, motel, restaurant, gas station, convenience store, grocery store, retail store, trading post, visitor center or financial institution.
- C An OHV is not being used for general transportation unassociated with preparing for or returning from a recreational ride of the OHV that same day.
- D OHV is legally licensed and registered.
- E OHV is in a safe running condition.
- F OHV is being operated in a safe manner.
- G OHV operator is obeying all state and city traffic laws.
- H OHV is not driven on 200 West from 200 South to 400 North.
- I An OHV operator holds a legal driver's license or an OHV education certificate issued by the Utah division of parks and recreation.
- J The OHV when driven day or night must have working headlights and taillights. The headlights must be on at all times the OHV is being driven on any legal route.
- K No three-wheel ATV or OHV type vehicles are allowed on city streets. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

**6-2-4: OFF HIGHWAY IMPLEMENT OF HUSBANDRY:**

Restrictions do not apply to off highway implements of husbandry used in accordance with state law section 41-22-5.5. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

**6-2-5: PROTECTIVE HEADGEAR REQUIREMENTS:**

A person under the age of eighteen (18) may not operate or ride on an OHV in city limits unless the person is wearing properly fitted and fastened, United States department of transportation safety rated protective headgear designed for motorized vehicle use in compliance with state law section 41-22-10.8 regarding protective headgear.

A An operator and passengers of off highway implements of husbandry operated in the manner prescribed by state law subsections 41-22-5.5(3) and (4) are exempt from the requirements of this section. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

**6-2-6: OPERATION OF OHVs ON NONDESIGNATED CITY STREETS OR STATE HIGHWAYS IN CITY LIMITS:**

An operator may not operate an OHV upon any city street or state highway within city limits not designated as open to off highway vehicle use except:

- A When crossing said 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 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 the city police chief or city mayor; or
- D When operating a street legal all-terrain vehicle on a highway in accordance with state law section 41-6a-1509. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

**6-2-7: NO LIABILITY:**

In accordance with state law section 41-22-10.1, liability may not be imposed on any federal, state, county, or municipality relating to the designation or maintenance of any land, trail, street, or highway open for off highway vehicle use. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

**6-2-8: INSURANCE REQUIREMENTS:**

In accordance with state law section 41-12a-301 owner's or operator's security is not required for off highway vehicles registered under state law section 41-22-3 when operated either:

- A On a highway (includes legal route) designated as open for off highway vehicle use; or
- B In the manner prescribed by state law section 41-22-10.3. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

**6-2-9: AUTHORITY TO ENFORCE:**

The police department or other legal policing authority is given all rights to write citations to those individuals breaking laws as outlined in this chapter. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)

**6-2-10: PENALTIES IMPOSED:**

A person violating this chapter is guilty of a class C misdemeanor and will be penalized in accordance with Monticello city ordinances governing the same. (Ord. 2009-14, 5-26-2009, eff. retroactive to 4-13-2009)