

## CHAPTER 9

**OFF HIGHWAY VEHICLES**

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5-9-1: **PURPOSE.** This chapter is intended to regulate the operation of Off Highway Vehicles (OHVs) on the streets of Providence.

5-9-2: **DEFINITIONS.**

Adult Supervision:	Direct visual supervision by a licensed driver who is at least 18 years of age.
Golf Cart:	A (3) or (4) wheeled-vehicle with a seating capacity of (2) to (4) persons, originally designed and produced for operation on golf courses.
Implement of husbandry:	Every vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.
Off Highway Vehicle or OHV:	Any snowmobile, all-terrain vehicle (ATV) or off-road motorcycle as defined by Utah Code 41-22-2. NOTE: This term DOES NOT include any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, any vehicle licensed by the state of Utah for on-highway use, or farm machinery including OHVs registered as an implement of husbandry when operated in accordance with Utah Code 41-22-5.5.
Operate:	To control the movement of or otherwise use an off highway vehicle.
Operator:	The person who is in actual physical control of an off highway vehicle.

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Owner: A person, other than a person with a security interest, having a property interest or title to an off highway vehicle and entitled to the use and possession of that vehicle.

Street: A public right-of-way, including a highway, avenue, boulevard, parkway, road, lane

Utah OHV Education Certificate: An OHV operator's license issued by the State of Utah to OHV operators age 8 and older that have successfully completed a prescribed course of instruction on OHV use. Note: There are different certificates for each type of OHV (motorcycle, ATV, snowmobile, etc).

#### 5-9-3: OPERATION OF OHVS ON PROVIDENCE CITY STREETS:

- A. Any person operating an OHV or golf cart on the streets of Providence City is subject to the provisions of all applicable traffic ordinances, except where superseded by this ordinance.
- B. Any person operating an OHV or golf cart on the Providence City streets must meet one of the following licensure requirements:
  - 1. Operators age 16 and older must have in their possession a valid state driver's license/learner's permit **OR** Utah OHV Education Certificate for the OHV type they are operating.
  - 2. Operators under the age of 16 must have in their possession a Utah OHV Education Certificate for the OHV type they are operating **AND** be accompanied by an adult. This section pursuant to Utah Code 41-22-30. Operators age 15 may substitute a valid Utah Driver Learner's Permit for the adult supervision requirement.
  - 3. Golf carts may be operated with a valid state driver's license **OR** learner's permit.
  - 4. Operators whose OHV is registered as an implement of husbandry are exempt from these licensure requirements, provided said operation is in accordance with Utah Code 41-22-5.5.
- C. This ordinance designates all Providence City Streets as OHV routes per Utah Code 41-22-10.5.1 with the following exceptions:

1. State Road 165
2. County Road 238 (200 West, 100 North from 100 West to 200 West, 100 West north of 100 North)
3. 100 North west of 200 West

NOTE: Crossing exception streets is permitted pursuant to Utah Code 41-22-10.3.1.

- D. An OHV shall not be operated on Providence City streets in excess of the posted speed limit.
- E. Operating an OHV on cultivated, landscaped, or otherwise developed property is prohibited unless allowed by the property owner.
- F. OHV use within the boundaries of Providence City parks is restricted to the parking lots.
- G. Operating an OHV on a sidewalk is prohibited.
- H. No person under the age of (18) shall operate or ride as a passenger on an OHV within Providence City without wearing protective headgear pursuant to Utah Code 41.22.10.8.
- I. Where an OHV is not equipped with a headlight and taillight, a safety flag defined by the Utah Code 41-22-10.7.d may be substituted in the place of headlights and taillights.
- J. Operating an OHV between one half-hour after sunset to one half-hour before sunrise without a headlight and taillight functioning is not permitted. Proper signaling must be used when stopping or turning.
- K. Snowmobiles may only be operated on Providence City Streets when sufficient snow or ice is present to preclude damage to roadways and shoulders by the snowmobile's steering and propulsion systems.

5-9-4: OHV EQUIPMENT. An OHV operated on Providence City Streets must 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 or a safety flag per section 2(g).
- (c) An unmodified noise suppression device and United States Forest Service approved spark arrestor. Spark arrestors are not applicable for

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snowmobiles. This subsection is not applicable to vehicles relying solely on electricity for propulsion.

5-9-5: LICENSING AND INSURANCE. At all times a registration card and proof of liability insurance shall be kept with the OHV and shall be available for inspection by a law enforcement officer.

5-9-6: PUNISHMENT AND FINES. Any person who violates any provision of this ordinance, upon conviction, is guilty of a Class C Misdemeanor. The fine for any violation of this ordinance is \$75. Punishments related to this ordinance may not take precedence over punishments and fines charged for violating other Providence City, county, state or federal ordinances, but may be assessed in addition to the fines levied for violating this ordinance.