

TOWN OF ALTA

ORDINANCE NO. 2009-O-1

**AN ORDINANCE REPEALING PART 11-344(Q) OF THE
CODE OF REVISED ORDINANCES OF THE TOWN OF ALTA
AND ENACTING A NEW PART 11-347
OVER SNOW VEHICLES**

WHEREAS, the Town of Alta (the “Town”) has enacted Title 11-00, Chapter 11-300, Parts 11-300 through 11-346, Transportation, Streets and Public Ways, Streets and Traffic Control; and

WHEREAS, the Town Council finds that it is in the public interest to repeal Part 11-344(Q), Over Snow Vehicles Prohibited, and enact a new Part 11-347, Over Snow Vehicles, in order to promote the public health, safety, and welfare of the Town of Alta; and

WHEREAS, the Town recognizes that dwellings exist within the Town limits that are only accessible by over snow vehicles (“OSV”) during certain times of the year; and

WHEREAS, the Town recognizes the need to regulate OSV travel within the Town boundary and the need to identify owners of OSVs;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ALTA AS FOLLOWS:

Section 1. DEFINITIONS.

- a) Over Snow Vehicle (“OSV”). Any motorized vehicle including but not limited to a snowmobile and snowcat that is specifically designed for, or that by its intended use, is operated in or over snow.
- b) Property owner (as used in this part). The lawful owner(s) and occupant(s), including joint owners, renters, and tenants of real property in the Town that can only be accessed in the winter by an over-snow route, and that has a dwelling or lawfully licensed business constructed on the property.
- c) Dwelling. A building or portion thereof with kitchen and bathroom facilities, which is used for residential occupancy.
- d) Town Marshal. The Marshal or any Deputy Marshal employed by the Town of Alta.

Section 2. REGISTRATION, SAFETY ITEMS REQUIRED, AND FEES.

a) No OSV may be operated within the Town boundaries without having first obtained a registration decal from the Town Marshal. Registration decals must be displayed either on the windshield or adjacent to the State of Utah's off highway vehicle registration sticker. Registration decals are not transferable.

b) Registration decals shall only be issued to a property owner as defined in this Part. The Town Marshal may waive the registration requirement in circumstances where the use of a temporary or loaned OSV is necessary to access a property owner's dwelling or lawfully licensed business, provided the operator of any such OSV complies with all other requirements of this Part. An OSV may not be operated on a temporary basis under this subsection for a period longer than 30 days.

c) No OSV may be registered without the required safety items being present and operational. The following safety items shall be required of all permitted OSVs:

1. All OSVs must be equipped with operable headlights.

2. Snowmobiles must have an orange or yellow fluorescent flag which is at least 8" in length and 6" in height at one end, rectangular or triangular in shape, and affixed to a flexible staff at least 48" in height mounted to the rear of the snowmobile.

3. Snowcats must be equipped with at least one rotating or strobe warning light which is visible from all directions.

4. When any OSV is manufactured with a horn or similar audible device, that device shall be maintained in working order.

5. Any required warning light or headlight shall be activated at all times while an OSV is in motion.

d) When required by state law, a Utah Division of Motor Vehicles off-highway registration must be obtained and displayed on the OSV prior to issuance of the Town registration decal.

e) There shall be no more than four (4) registration decals issued to an individual property owner unless authorized by the Alta Town Marshal.

f) No fees will be required to obtain the Town of Alta registration decal.

g) An OSV registration decal which has been issued by the Town before the date of adoption of this ordinance shall be valid until October 31, 2009 and thereafter shall be invalid.

h) An OSV registration decal issued pursuant to this ordinance shall remain valid until such time as rendered invalid by: subsequently adopted applicable ordinance; judicial suspension or revocation pursuant to Section 5(d) of this Part or other applicable law; or

change in circumstances such that a person is no longer a property owner as defined in this Part. Upon any transfer of ownership of a property, dwelling, or OSV, the Town of Alta OSV registration decal shall become invalid.

Section 3. PROHIBITED ACTS.

- a) No OSV may be operated without a registration decal issued by the Town Marshal.
- b) OSV travel may not be conducted for purposes other than access to and from a property owner's dwelling or lawfully licensed business to which the OSV is registered. Necessary travel to the dwelling or lawfully licensed business of another may only be conducted by use of a permitted OSV under circumstances where no other mode of motor vehicle transportation is possible.
- c) A person under the influence of alcohol or drugs may not operate an OSV. The standard for determining the degree of impairment or intoxication is determined by Utah Code Ann. § 41-6a-502, or any amendment thereto or replacement thereof.
- d) A person may not operate an OSV in any manner prohibited by Salt Lake City watershed regulations or applicable Utah state law.
- e) No OSV may be parked away from a property owner's dwelling or lawfully licensed business to which it is registered in a manner as to block, impede, or otherwise hinder travel of others.
- f) An OSV parked anywhere other than at the property owner's dwelling or lawfully licensed business to which it is registered must be reasonably kept clear of snow or be marked in such a manner to remain visible to other OSV operators, pedestrians, the Town Marshal, and outdoor recreationists.
- g) No person may operate an OSV in a reckless manner or travel at a rate of speed that is inappropriate or unnecessary for navigating the terrain or present conditions.
- h) No person may operate an OSV without operable safety items present and in operation as required by this Part.

Section 4. EXEMPTIONS.

- a) Section 2 of this Part does not apply to the Alta Ski Lift Company provided that all OSVs are clearly marked as property of the Alta Ski Lift Company.
- b) Nothing in this Part restricts the use of or requires Town of Alta registration of OSVs owned and operated by the United States Government, State of Utah or any of its political subdivisions, utility corporations, or other duly authorized personnel as determined by the Town Marshal when said OSVs are operated in the course of public duties.

Section 5. VIOLATIONS.

a) A violation of Section 2 is an infraction. Every subsequent violation of Section 2 by a person previously convicted of a Section 2 violation shall be deemed a Class C misdemeanor.

b) Violations of Section 3 are classified as follows;

1. A violation of Section 3(a) is an infraction.
2. A violation of Section 3(b) is a Class C misdemeanor.
3. A violation of Section 3(c) is a Class B misdemeanor.
4. A violation of Section 3(d) is a Class C misdemeanor.
5. A violation of Section 3(e) is an infraction.
6. A violation of Section 3(f) is an infraction.
7. A violation of Section 3(g) is a Class C misdemeanor.
8. A violation of Section 3(h) is an infraction. Violations of 3(h) may be disposed of with a warning citation provided that corrective actions and/or repairs are demonstrated to the Town Marshal within 14 days of date the warning citation is issued. If corrective actions and/or repairs are not taken within the 14 days, the violation of Section 3(h) will proceed as an infraction.

c) The Town Marshal may impound any OSV found to be in violation of any section of this Part when the violation occurs away from the property owner's dwelling or lawfully licensed business and the Town Marshal may cause the OSV to be stored at a place of safekeeping. The owner of the impounded OSV shall be responsible for all fees and fines associated with recovery, transportation, and storage of the impounded OSV.

d) The Alta Justice Court Judge may order the suspension or revocation of a Town registration decal upon conviction of a violation of this Part and may impose conditions for reinstatement of the registration decal.

Section 6. SEVERABILITY.

a) If any part or provision of this ordinance is declared invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this ordinance.

Section 7. EFFECTIVE DATE.

This ordinance shall become effective immediately upon posting, in accordance with Utah law.

BE IT FURTHER ORDAINED that this ordinance shall repeal Part 11-344(Q), Over-Snow Vehicles Prohibited and enact a new Part 11-347, Over Snow Vehicles.

Adopted on this 14th day of May, 2009.

By: s/ Tom Pollard
Mayor Tom Pollard

ATTEST:

s/Katherine S.W. Black