COTTONWOOD HEIGHTS

ORDINANCE NO. 133

AN ORDINANCE AMENDING COTTONWOOD HEIGHTS CODE CHAPTER 11.04 REGARDING GOVERNMENTAL VEHICLES

WHEREAS, effective 14 January 2005, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") adopted a code of ordinances (the "*Code*") for the City; and

WHEREAS, Code Chapter 11.04 ("*Chapter 11.04*"), entitled "General Provisions," requires all motor vehicles driven upon any road in the City to be registered; and

WHEREAS, the United States of America, the state of Utah, Salt Lake County, the City and other political subdivisions of the state of Utah may from time to time need to drive on City roads, for official governmental purposes, motor vehicles (such as park maintenance vehicles) designed principally for off-road use ("*ORVs*"); and

WHEREAS, consequently, the Council met in regular session on 13 January 2009 to consider, among other things, amending Chapter 11.04 to allow unregistered governmental ORVs to be driven on roads in the City for official governmental purposes such as park maintenance; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so amend Chapter 11.04 as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. ***Amendment of Chapter 11.04***. The Council hereby amends Chapter 11.04 of the Code as shown on the attached exhibit, with additions to current Chapter 11.04 underlined, and deletions to current Chapter 11.04 either ~~stuck through~~ or otherwise noted as deletions.

Section 2. ***Action of Officers***. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. ***Severability***. It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. ***Repealer***. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. ***Effective Date***. This Ordinance, assigned no. 133, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 13th day of January 2009.

COTTONWOOD HEIGHTS CITY COUNCIL

By _____
Kelvyn H. Cullimore, Jr., Mayor

COTTONWOOD HEIGHTS, UTAH 2005 CORPORATE SEAL

ATTEST:

_____
Linda W. Dunlavy, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea ✓	Nay ___
Gordon M. Thomas	Yea ✓	Nay ___
J. Scott Bracken	Yea ✓	Nay ___
Don J. Antczak	Yea ✓	Nay ___
Bruce T. Jones	Yea ✓	Nay ___

DEPOSITED in the Recorder's office this 13th day of January 2009.

POSTED this 14 day of January 2009.

WST\CH\516296.1

Formatted: Font: Times New

Chapter 11.04

GENERAL PROVISIONS

Sections:

11.04.010 Definitions.
11.04.020 Applicability.
11.04.030 Traffic control devices.
11.04.040 Driver's license required.
11.04.050 Registration card; Exception for governmental ORVs.
11.04.060 Police department—Authority.
11.04.070 Police department—Obedience required.
11.04.080 Authority to direct traffic at scene of fire.
11.04.090 Enactment of state motor vehicle code.

11.04.010 Definitions.

Whenever in this title the following terms are used, they shall have the meanings respectively ascribed to them in this section:

A. "Alley" means a public way, not designed for general travel, within a block primarily intended for service and access to abutting property by vehicles.

B. "Authorized emergency vehicles" means vehicles that are designated or authorized as such by the city, the police department or the fire department, and such ambulances and emergency vehicles of the United States, state and municipal governments as may be operated on the streets of the city.

C. "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is over 20 inches in diameter, and including any device generally recognized as a bicycle, though equipped with more than one front or rear wheel.

D. "City" means the city of Cottonwood Heights, Utah.

E. "Crosswalk" means that portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; also, any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

F. "Crosswalk line" means a single white line, not less than six inches in width, painted on a street marking the outlying limits of a pedestrian crossing.

G. "Driver" means every person who drives or is in actual physical control of a vehicle.

H. "Fire department" means the fire department of the city or any other entity providing fire and emergency protection services in the city, including, without limitation, the Unified Fire Authority.

I. "Governmental ORV" means a motor vehicle designed principally for off-road use that is owned and operated for official governmental purposes by the United States of America, the state of Utah, Salt Lake County, the city or another political subdivision of the state of Utah.

J. "Intersection" means: Deleted: I

1. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines or the roadway of two streets that join one another at, or approximately at, right angels, or the area within which vehicles, traveling upon different streets joining at any other angle, come in conflict; or

2. Where a street includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection.

K. "Limited access street, highway or roadway" means every highway, street or roadway, with respect to which owners or occupants of abutting lands and other persons have no legal right of access except at such points and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway. Deleted: J

L. "Low profile motorized vehicle" shall mean any motorized vehicle that is not regulated by the state or by any other city ordinance provision, and is not otherwise permitted upon city or public property. This definition includes, but is not limited to, pocket bikes, miniature motorcycles, go-carts, and any other motor vehicles less than 36 inches in height when in its normal operating position, notwithstanding any flag, antenna, or other attachment or modifications made thereto. Deleted: K

M. "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. Deleted: L

N. "Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor that produces more than five horsepower, and every bicycle with a motor attached. Deleted: M

O. "Motor vehicle" means every vehicle that is self-propelled, but not operated upon rails. Deleted: N

P. "Owner" means a person who holds the legal title to a vehicle or, in the event a vehicle is subject to an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title. Deleted: O

Q. "Park" means the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading. Deleted: P

R. "Pedestrian" means any person afoot. Deleted: Q

S. "Person" means every natural person, firm, partnership, association, corporation, LLC, LP or other entity or artificial person. Deleted: R

T. "Police department" means the police department of the city or any other entity providing law enforcement services to the city including, without limitation, the Salt Lake County sheriff's department. Deleted: S

U. "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not used by other persons. Deleted: T

V. "Railroad" means a carrier of persons or property upon cars operated upon Deleted: U

stationary rails.

W. "Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

X. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

Y. "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Z. "Safety zone" means that area within the crosswalk for the exclusive use of pedestrians, bounded on two sides by the crosswalk lines and on the other two sides by yellow lines or by physical barriers, or otherwise so protected, marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

AA. "Sidewalk area" means that portion of a street or highway between the curb lines of the lateral lines of a roadway and the adjacent property lines.

BB. "Stop" means complete cessation from movement.

CC. "Stop or limit line" means a single white line not less than 12 inches in width behind which vehicles must stop when directed by the police department or a traffic control device.

DD. "Stop, stopping or standing when prohibited" means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

EE. "Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

FF. "Traffic-control device" means all signs, signals, traffic markings and devices of the state placed or erected by authority of a public body or official having jurisdiction, for the purposes of regulating, warning or guiding traffic.

GG. "Traffic engineer" means the traffic engineer of the city or the appointed agent of any entity providing engineering services to the city.

HH. "Transportation engineer" means the transportation engineer of the city or the appointed agent of any entity providing engineering services to the city.

II. "Vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Deleted: V
Deleted: W
Deleted: X
Deleted: Y
Deleted: Z
Deleted: AA
Deleted: BB
Deleted: CC
Deleted: DD
Deleted: EE
Deleted: .
Deleted: FF
Deleted: .
Deleted: GG
Deleted: HH

11.04.020 Applicability.

All vehicles using the roads and highways of the city shall be subject to the provisions of this title. Every person propelling any pushcart or riding an animal upon a roadway, and every person driving an animal-drawn vehicle, shall be subject to such provisions as are applicable to the drivers of vehicles, except those that by their nature have no application.

11.04.030 Traffic control devices.

The traffic engineer, with concurrence of the city shall place and maintain such traffic control devices upon city roads and highways as are necessary to indicate and to carry out the provisions of this title or to regulate, warn or guide traffic. All signs, markings and other devices shall conform to the Utah Manual on Uniform Traffic Control Devices.

11.04.040 Driver's license required.

No motor vehicle subject to the provisions of this title shall be driven upon any road, street, highway or thoroughfare of the city by any person not in possession of a valid operator's license issued by the Driver's License Division of the Department of Public Safety of Utah or of some other state.

11.04.050 Registration card; Exception for governmental ORVs.

A. No motor vehicle subject to the provisions of this title shall be driven upon any road, street, highway or thoroughfare of the city unless properly registered or displaying a temporary permit. The operator shall display the registration card upon the demand of any officer of the police department.

B. Notwithstanding subsection A above, non-registered governmental ORVs being used for official business may be driven on city streets, subject to the following:

1. The vehicle shall be equipped with at least one headlight and one taillight, which shall be kept on whenever the vehicle is traveling on any city street.

2. The vehicle shall be equipped with a appropriate triangular-shaped, orange and black colored, "slow moving vehicle" placard prominently displayed on the rear of the vehicle.

Formatted: Font: Times New

3. The vehicle shall be equipped with at least one amber light that flashes at least once per second and is clearly visible in a complete horizontal circle around the vehicle.

Formatted: Font: Times New

4. The vehicle must prominently display an official logo or other marking that clearly identifies it as a governmental vehicle.

5. The vehicle must be operated by a Utah-licensed operator in a safe manner consistent with all applicable traffic laws, at a speed not exceeding 30 mph under any circumstances.

11.04.060 Police department—Authority.

The police department is authorized to enforce the provisions of this title and all laws regulating the operation of vehicles on the streets and highways of the city.

11.04.070 Police department—Obedience required.

A. It is unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of any officer of the police department or other special officer assigned to traffic duty and vested by law with authority to direct, control or regulate traffic.

B. An officer of the police department shall direct all traffic in accordance with the provisions of this title, or in emergencies, as public safety or convenience may require. Except in case of an emergency, it is unlawful for any person not authorized by

law to direct or attempt to direct traffic.

11.04.080 Authority to direct traffic at scene of fire.

An officer of the fire department in command, or any fireman designated by him, may exercise the powers and authority of an officer of the police department in directing traffic at the scene of any fire or where the fire department has responded to an emergency call for so long as fire department equipment is on the scene in the absence of any officer of the police department, or while assisting the police department in discharging its duties.

11.04.090 Enactment of state motor vehicle code.

A. Class 'B' and 'C' misdemeanors and infractions found in *Utah Code Ann.* Title 41, as amended, as they exist now and as amended or enacted in the future, are hereby adopted and incorporated herein by this reference as violations of city ordinances. Peace officers and any public officials charged with enforcement of the law are hereby authorized to cite violations of the city code by citing to said Title 41.

B. The heading on prosecution documents may designate the plaintiff(s) as state of Utah, the city or any other appropriate party, and such documents will operate as a prosecution in the name of the state or in the name of the city, as may be appropriate.

Formatted: Font: Times New Roman, 10 pt