

**CITY OF MOAB, UTAH
ORDINANCE NO. 2020-15**

**TO ESTABLISH SPEED LIMITS FOR OFF-HIGHWAY VEHICLES
NOT INCLUDING MOTORCYCLES**

WHEREAS, Utah Code defines “Off-highway vehicle” (“OHV(s)”) as “any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.” (Utah Code Annotated § 41-22-2(14).)

WHEREAS, Utah Code § 41-22-2(2)-(4) defines all-terrain vehicles (“ATV(s)”) and states:

(2) “All-terrain type I vehicle” means any motor vehicle 52 inches or less in width, having an unladen dry weight of 1,500 pounds or less, traveling on three 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.

(3)

(a) “All-terrain type II vehicle” means any motor vehicle 80 inches or less in width, traveling on four 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:

(i) an electric-powered vehicle; or

(ii) a vehicle powered by an internal combustion engine and has an unladen dry weight of 2,500 pounds or less.

(b) “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 Section 41-1a-102.

(4)

(a) “All-terrain type III vehicle” means any other motor vehicle, not defined in Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.

(b) “All-terrain type III 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 Section 41-1a-102.

WHEREAS, Utah Code § 41-6a-1509 now permits the operation of street-legal ATVs on City roads (subject to certain requirements);

WHEREAS, there has been a recent increase in motorized tourism in the City of Moab for several years, which has caused an unprecedented level of OHV travel on City roads in 2020;

WHEREAS, this increase in motorized tourism has resulted in a sharp increase in noise impacts to City residents during all hours of the day and night;

WHEREAS, numerous studies have found: noise pollution increases anxiety, depression, high blood pressure, heart disease, and stroke; small increases in unwanted ambient sound have significant health effects; and noise aggravates health conditions by inducing higher levels of stress;¹

WHEREAS, at least one additional study has found that people living in areas with more road traffic noise were 25 percent more likely than those living in quieter neighborhoods to have symptoms of depression;²

WHEREAS, studies have shown that continuous noise in excess of 30 dB disturbs sleep, which is well documented to be a prerequisite for good physiologic and mental functioning in healthy individuals,³ and the U.S. Environmental Protection Agency sound guidance for the protection of human health and welfare in rural areas is 55 dB;⁴

WHEREAS, during operation on streets and roads, most all-terrain vehicles in the state of Utah (not built to California noise standards) produce decibel levels louder than 70 dBA and often between 85 and 100 dBA;⁵

WHEREAS, the City of Moab's noise regulations are located at Chapter 17.74 of the Municipal Code. These regulations establish minimum standards to:

- A. Reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of the City; and

¹ Floud, *Medication use in relation to noise from aircraft and road traffic in six European countries: results of the HYENA study*, <https://pubmed.ncbi.nlm.nih.gov/21084328/>; Schmidt, *Effect of nighttime aircraft noise exposure on endothelial function and stress hormone release in healthy adults* <https://academic.oup.com/eurheartj/article/34/45/3508/435199>; Hahad, *Annoyance to Different Noise Sources is Associated With Atrial Fibrillation*, [https://www.internationaljournalofcardiology.com/article/S0167-5273\(17\)37174-7/fulltext](https://www.internationaljournalofcardiology.com/article/S0167-5273(17)37174-7/fulltext);

² Orban, *Residential Road Traffic Noise and High Depressive Symptoms after Five Years of Follow-up: Results from the Heinz Nixdorf Recall Study*, <https://ehp.niehs.nih.gov/doi/10.1289/ehp.1409400>

³ Jariwala, *Noise Pollution and Human Health: A Review*, https://www.researchgate.net/publication/319329633_Noise_Pollution_Human_Health_A_Review

⁴ Harrison, *Rock Creek Enduro Sound Tests*, Eldorado National Forest, USDA Forest Service Special Report, May 1994.

⁵ Horse Farms Forever, *ATV Engine Noise - the Sound of Science*, <https://www.horsefarmsforever.com/lets-have-a-sound-test/>; Rowley, *Are ATVs A Noisy Nuisance Or A Right?*, <https://shawangunkjournal.com/2014/03/27/news/1403273.html>

B. Prevent excessive, unnecessary, or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the City; and

C. Secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the residents of the City. (Ord. 94-26 (part), 1994);

WHEREAS, the City's Noise Ordinance has been ineffective at reducing the impact of OHV noise because measuring the noise emitted by a moving vehicle on roads and highways is impractical given surrounding ambient noise and equipment limitations;

WHEREAS, the Moab valley is narrow and surrounded by sandstone cliffs which cause noise generated by OHV and noise to reverberate valley-wide, which increases the impact of OHV noise on residents and visitors;

WHEREAS, several popular OHV trails are accessed through residential neighborhoods in the City, including the vast trail systems located in the Sand Flats Recreation Area and those accessed via Kane Creek Boulevard and Spanish Valley Drive, which increases the impact of OHV noise on residents and visitors;

WHEREAS, the noise produced by OHVs in the City impacts other recreational user groups and associated economic activity, including mountain biking, hiking, rafting, and climbing, which economic sectors thrive in natural quiet;

WHEREAS, in the Fall of 2020, the City received a historic number of public comments objecting to noise impacts from OHVs, which public comments are included in the record for the joint meeting of the City and County on October 20, 2020;

WHEREAS, evidence shows that lower speed limits directly correlate with lower noise emitted from vehicles therefore supporting the safety, health, morals and welfare of City residents. For example, speed reduction on roadways (coupled with increased enforcement) is often the most effective and cost efficient means of reducing noise. For example, reducing vehicle speeds from 40 to 30 mph is as effective as removing one-half the vehicles from the roadway;⁶

WHEREAS, a reduction in urban speed limit quickly makes streets quieter, reducing noise as much as 3 dBA. That is approximately a halving of the source of traffic noise: 10 cars travelling at 30km/h make as much noise as only 5 cars at 50km/h. Problems with irritability and concentration problems in children will reduce, as will a number of mental health problems;⁷

⁶ Cowan, *Noise Increase with Vehicle Speed*, <https://www.nonoise.org/resource/trans/highway/spnoise.htm>;
Zambon, Scaling model for a speed-dependent vehicle noise spectrum,
<https://www.sciencedirect.com/science/article/pii/S2095756417301873>;

⁷ "Lower urban speed limits" Authored by European Federation for Transport and Environment
<https://www.transportenvironment.org/sites/te/files/media/11-01-T30.pdf>

WHEREAS, Utah Code § 10-8-30 allows the City to regulate the movement of traffic on streets;

WHEREAS, for the reasons articulated above and under the authority set forth herein, the Moab City Council finds that compelling, countervailing public interests justify imposing a speed limit for OHVs not including motorcycles on City Roads;

NOW, THEREFORE BE IT ORDAINED that the Moab City Council does hereby:

1. Impose a 15 mile per hour (MPH) speed limit for all Off-highway vehicles not including motorcycles on all City Roads (“OHV Speed Limit”).
2. The OHV Speed Limit is effective when appropriate signs giving notice are erected along City streets.
3. As used in this Ordinance:
 - A. “All-Terrain Vehicles” shall mean all-terrain Type I, II, and III vehicles as defined under Utah Code §§ 41-6a-102 and 41-22-2;
 - B. “City Roads” shall have the same meaning as that set forth in Utah Code § 72-3-103.
 - C. “Off-highway vehicles” shall have the same meaning as that set forth in Utah Code § 41-22-2(14).

APPROVED by the City Council in a public meeting on October 20, 2020 by the following vote:

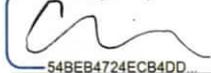
MOAB CITY COUNCIL:

Those voting aye: Kalen Jones, Rani Derasary, Karen Guzman-Newton, Mike Duncan, Tawny Knuteson-Boyd

Those voting nay: None

Those absent: None

DocuSigned by:



Emily Niehaus, Mayor

ATTEST:



Sommar Johnson, Clerk/Recorder