



Frequently Asked Questions: City OHV Noise Regulations

What is an Off-Highway Vehicle?

Utah State law defines "off-highway vehicle" (OHV) 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).) In Utah, "off-highway vehicle" is the broadest category of vehicles that travel off-road.

What is an All-Terrain Vehicle?

An all-terrain vehicle is one type of off-highway vehicle and includes utility terrain vehicles (UTVs) which are also called side-by-sides. Under Utah state law, ATVs are categorized as Type I, II, or III. Type I have three or four wheels and handlebars and you straddle them. Type II are four wheels and have a steering wheel. These are also called UTVs or side-by-sides. Type III are modified Jeeps or "rock crawlers." (Utah Code §41-22-2 (3) and (4).) Sometimes people use the terms OHV, ATV, and UTV interchangeably but they are different terms that have different definitions under state code.

Why is OHV use on Moab city streets an issue or concern?

Noise from off-highway vehicles (OHVs) is a significant community concern. Citizens have expressed to the City that the noise has increased in proportion with each passing year. Moab and Grand County residents are weary of the noise and many say that they are frustrated with how noisy the City has become. Long-time residents have said that they are considering moving away due to the increase in noise and impact on their quality of life.

The City of Moab is in a unique situation regarding OHV noise. The City is located in a valley, so noise echoes off the surrounding walls and is amplified in surrounding neighborhoods. Also, the most popular routes for OHVs (for example Sand Flats and Kane Creek) are accessed primarily through residential neighborhoods.

Why didn't the City focus on education first to solve the issue?

The City, in collaboration with other stakeholders including the Grand County, the Moab Area Travel Council, law enforcement agencies, State Parks, and ATV and motorcycle business owners, has been educating the public on vehicle noise and OHV street-legal equipment and licensing requirements for more than five years. During that time motor vehicle-generated noise in Moab has increased significantly, so the City is now trying something new.

Does the City of Moab's noise ordinance discriminate against certain vehicle types, such as UTVs, motorcycles, or jeeps?

No. By setting vehicle decibel limits, the City is not engaging in discrimination. Discrimination has a specific legal definition under Title VII of the Civil Rights Act. Title VII specifies certain protected categories. Vehicle ownership or operation is not a protected category under Title VII. Moreover, decibel limits for motorcycles and trucks (over 10,000 pounds) are already regulated by federal law. Street motorcycles or off-road motorcycles with engine displacements of 170 cc and lower manufactured in 1986 and thereafter are mandated by federal law to not exceed 80 dBA measured at 50 feet and street motorcycles manufactured from 1983 to 1985 cannot exceed 83 dBA measured at 50 feet. Off-road motorcycles with engine displacements greater than 170 cc manufactured in 1986 and thereafter are mandated by federal law to not exceed 82 dBA measured at 50 feet and street motorcycles manufactured from 1983 to 1985 cannot exceed 86 dBA measured at 50 feet.

Vehicles in excess of 10,000 pounds manufactured in 1988 and thereafter are mandated by federal law to not exceed 80 dBA measured at 50 feet. Vehicles in excess of 10,000 pounds manufactured from 1979 to 1987 are mandated by federal law to not exceed 83 dBA measured at 50 feet.

Vehicles that exceed the sound limits (measured at a distance of 25 feet or more, or 50 feet or more, from the center of the lane of travel) noted here may not be operated on a public roadway in the City of Moab at any time.

Did the City actually work with vehicle owners in revising its noise ordinance, specifically the vehicle noise parts?

Yes. City staff attended all the listening sessions organized by the Moab Area Chamber of Commerce and Grand County. City staff also met with the OHV/ATV community (local business owners, Ride with Respect, and the Motorized Trail Commission). Staff would also like to thank local OHV and ATV business owners for their time in meeting with the City Manager and City Attorney regarding this important issue.

Why doesn't the City just require trailering of louder vehicles?

State law allows "street-legal" ATVs to travel on City streets legally. "A municipality or county may not prohibit or restrict the use of a street-legal all-terrain vehicle on a street or highway where the use of another street-legal vehicle is permitted." (Utah Code Annotated §41-22-10.5(2).) "Except as provided in Subsection (1)(b), an individual may operate an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that meets the requirements of this section as a street-legal ATV on a street or highway." (Utah Code Annotated §41-6a-1509.) Under state law, the City of Moab cannot place restrictions on street-legal ATVs that it does not place on other street-legal vehicles.

Why aren't the vehicle levels in the City's noise ordinance higher, for example 96 decibels A (dBA)? Alternately, why are the dBA levels not down in the 60s or 70s to make town as quiet as possible?

The provisions of the City's Noise Ordinance are based upon: (1) previous input and direction from the City Council; (2) input from the OHV/ATV community; (3) the Environmental Protection Agency's Model Community Noise Control Ordinance; (4) the City's prior Noise Ordinance (Moab Municipal Code Chapter 8.24); (5) the Noise Ordinance from the City of Ogden; (6); the County's draft noise

control ordinance; consultation provided by Les Blomberg of the Noise Pollution Clearinghouse; (7) constraints placed on the City by state and federal law. The provisions of the Ordinance, and specifically some of the decibel limits, are similar to those found in other communities (for example the City of Ogden, Utah). Local business owners felt that their fleets would comply with a 92 dBA stationary tailpipe test. Some local business owners indicated that they are also following a voluntary nighttime curfew for their rental fleets. Additionally, there was a strong sentiment conveyed at these listening sessions that the noise regulations adopted by the City and County be consistent. This Ordinance strives to achieve that goal.

Are the City's dBA limits for motorcycles consistent with federal law?

Yes. The City's Noise Ordinance is consistent with federal law. Under federal law, street motorcycles or off-road motorcycles with engine displacements of 170 cc and lower manufactured in 1986 and thereafter are mandated by federal law to not exceed 80 dBA measured at 50 feet and street motorcycles manufactured from 1983 to 1985 cannot exceed 83 dBA measured at 50 feet. Off-road motorcycles with engine displacements greater than 170 cc manufactured in 1986 and thereafter are mandated by federal law to not exceed 82 dBA measured at 50 feet and street motorcycles manufactured from 1983 to 1985 cannot exceed 86 dBA measured at 50 feet. (40 CFR § 205.152.)

Are OHV users welcome in Moab?

Yes. The City of Moab welcomes visitors of all interests. We do ask and expect everyone to respect our residents, neighborhoods, community, and the surrounding public lands. Noise from OHVs is significantly impacting City neighborhoods and the quality of life for our residents so we have put in place basic, reasonable regulations to help enable residents to enjoy quiet and solitude in their neighborhoods.

We do encourage OHV riders to limit in-town driving by trailering their vehicles to the trailheads whenever possible. Those who do ride OHVs in town are asked to try to avoid driving through neighborhoods and avoid driving at night whenever possible.

We want all visitors to have a fun, safe experience while visiting Moab.

As the Moab Area Travel Council says, "We like that you love it here, but love it like you live here."