



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

NUMBER 223

AN ORDINANCE OF THE SAN LUIS CITY COUNCIL ESTABLISHING REGULATIONS RELATING TO THE SAFE OPERATION OF OFF-ROAD VEHICLES; SETTING BOUNDARIES PREVENTING THE USE OF SAID VEHICLES; ESTABLISHING PENALTIES FOR VIOLATIONS, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AS FOLLOWS:

Section 1 That Article 10-6, Off-Road Vehicle Regulations, is hereby added to the San Luis City Code as follows:

10-6-1 Purpose

The purpose of this ordinance is to ensure and promote the safety and welfare of the residents and visitors of the City of San Luis who wish to drive or ride off-road vehicles, four wheel drive vehicles and any other vehicle on undeveloped land within this city's limits.

10-6-2 Definitions

- A. "Driver" means a person who drives or is in actual physical control of a vehicle.
- B. "Four Wheel Drive Vehicle" means a device in, on or by which a person or property is or may be transported and is equipped with a drive system in which mechanical power is transmitted from the drive shaft to all four wheels.
- C. "Off-road recreational motor vehicle" means a motor vehicle that is designed primarily for recreational non-highway all-terrain travel and that is not operated on a public highway. This Includes vehicles usually known as sand rails, dune buggies, modified golf carts, go-karts, quads, three-wheelers, dirt bikes, and other factory and homemade self propelled vehicles. Off-road recreational motor vehicle does not mean a motor vehicle used for construction, building trade, mining or agricultural purposes.

- D. "Off-road driving" means driving that takes place off paved or public roads or in rugged terrain for the purpose of recreation or otherwise and that usually causes excessive noise, dust or other nuisances.
- E. "Operator" means a person who drives a motor vehicle on a highway, who is in actual physical control of a motor vehicle on a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.
- F. "Residence district" means the territory contiguous to and including a highway not comprising a business district if the property on the highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business.
- G. "Street" or "highway" means the entire width between the boundary lines of every way if a part of the way is open to the use of the public for purposes of vehicular travel.
- H. "Vehicle" means a device in, on or by which a person or property is or may be transported or drawn on a public highway, excluding devices moved by human power or used exclusively on stationary rails or tracks.

10-6-3

Violations

- A. No off-road vehicle shall be operated, or allowed to be operated on any street or highway within the city limits.
- B. No off-road vehicle, four wheel drive vehicle or any other vehicle shall be driven in the manner described in Section 10-6-2 D of this Ordinance, within five hundred feet (500 ft.) of a residence district.
- C. No person under the age of eighteen (18) shall drive an off-road vehicle unless he/she is wearing a protective helmet in an appropriate manner; protective glasses or goggles or a transparent face shield as described in Chapter 9 of Title 28 of the Arizona Revised Statutes.
- D. All vehicles other than quads, three wheelers, dirt bikes and other motorcycles, shall be properly equipped with seatbelts and shall be worn by persons under the age of eighteen (18) while the vehicle is operated in the manner described in Section 10-6-2 D of this Ordinance.
- E. No person under the age of eighteen (18) shall ride as a passenger of an off-road vehicle without wearing the safety equipment as described in Section 10-6-3 C and D of this Ordinance.

- F. No parent, legal guardian or any other adult shall allow any person under eighteen (18) to drive an off-road vehicle in violation of Section 10-6-3 C, D or E of this Ordinance.
- G. No person shall drive any vehicle off-road as described in Section 10-6-2 D of this Ordinance, with reckless disregard for the safety of persons or property as described in Chapter 6 of Title 28 of the Arizona Revised Statute.

Section 2 Penalties for Violations:

A person who violates any section of this ordinance shall be subject to the penalties described in Section 10-3-22 of the San Luis City Code.

Section 3 Severability:

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

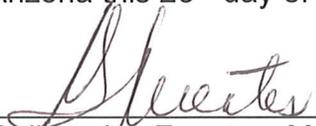
Section 4 Conflicts:

All ordinances and parts of ordinances, in conflict with the provisions of this ordinance or any part of the section of code adopted herein, are hereby repealed.

Section 5 Declaring an Emergency:

Whereas, it is immediately necessary for the preservation of peace, safety and welfare of the City of San Luis, Arizona, an emergency is declared to exist, and this ordinance shall become immediately operative and in force effect from and after its passage, adoption, and posting thereof.

PASSED AND ADOPTED by the Mayor and City Council of the City of San Luis, Arizona this 23rd day of February, 2005.



Guillermina Fuentes, Mayor

ATTEST:



Rosalicia Cordova, City Clerk

APPROVED AS TO FORM:



Glenn Gimbut, City Attorney