

**GRAND COUNTY, UTAH
ORDINANCE NO. 616 (2020)**

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

WHEREAS, Utah Code § 41-22-2 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,” and Utah Code § 41-22-2 further defines each type of all-terrain vehicle (“ATV(s)”);

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

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

WHEREAS, this increase in motorized tourism has resulted in a sharp increase in noise impacts to County 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

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.

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 County's noise regulations are located in Title 11 of the County's Codified Ordinances, which noise regulations establish minimum standards to: reduce the making and creation of excessive, unnecessary, or unusually loud noises in the unincorporated areas of Grand County; 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 and visitors to the unincorporated areas of Grand County; and secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the residents of and visitors to the unincorporated areas of Grand County, Grand County Code Section 11.01.010;

WHEREAS, the County'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 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 and County, including the vast trail systems located in the Sand Flats Recreation Area and those accessed via Kane Creek Boulevard, Spanish Valley Drive, Spanish Trail Road, Westwater Drive, and Murphy Lane, which increases the impact of OHV noise on residents and visitors;

WHEREAS, the noise produced by OHVs in the County also 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 County received a historical 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 County residents. For example, speed reduction on roadways (coupled with increased enforcement) is often the most

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>

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 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

WHEREAS, Utah Code § 17-50-304 allows the County to regulate the movement of traffic on County roads;

WHEREAS, for the reasons articulated above and under the authority set forth herein, the Grand County Commission finds that compelling, countervailing public interests justify imposing a speed limit for OHVs, not including motorcycles, on County B roads;

NOW, THEREFORE BE IT ORDAINED that the Grand County Commission does hereby:

1. Impose a speed limit for Off-highway vehicles, not including motorcycles, on all County B roads, which speed limit is ten miles per hour (10 MPH) lower than the posted speed limit for motor vehicles (“OHV Speed Limit”).
2. The OHV Speed Limit is effective when appropriate signs giving notice are erected along County B roads.
3. Definitions. As used herein:
 - 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. “County roads” and “County B roads” shall have the same meaning as that set forth in Utah Code § 72-3-103;
 - C. “Motor vehicles” shall have the meaning as that set forth in Utah Code § 41-6a-102; and
 - D. “Off-highway vehicles” shall have the same meaning as that set forth in Utah Code § 41-22-2.

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>

APPROVED by the Grand County Commission in a public meeting on October 20, 2020 by the following vote:

GRAND COUNTY COMMISSION:

Those voting aye: Clapper, Woytek, Halliday, McGann _____

Those voting nay: Wells _____

Those absent: Paxman (present/recused) _____

ATTEST:



Mary McGann, Chair



Quinn Hall, Clerk/Auditor