

CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

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75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

75.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. “All-terrain vehicle” or “ATV” means a motorized vehicle with not less than three (3) and not more than six (6) non-highway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Code of Iowa, Sec. 321I.1[1])

2. “Off-road utility vehicle” or “ORV” means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than two thousand pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

(Code of Iowa, Sec. 321I.1(a), 321I.16(a))

(Ord. 2-2013 – Apr. 16 Supp.)

3. “Snowmobile” means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle which has been altered or equipped with runners, skis, belt-type tracks or treads.

(Code of Iowa, Sec. 321G.1[18])

75.03 GENERAL REGULATIONS. No person shall operate an ATV within the City in violation of Chapter 321I of the Code of Iowa or a snowmobile within the City in violation of the provisions of Chapter 321G of

the Code of Iowa or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.

(Code of Iowa, Ch. 321G & Ch. 321I)

75.04 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles may be operated on all streets except prohibited streets as may be designated by resolution of the Council and whenever possible shall be operated on the farthest right hand portion of the traveled portion of the street.

(Code of Iowa, Sec. 321G.9[4a])

2. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4 g])

3. Parks and Other City Land. Snowmobiles shall not be operated, parked or left unattended upon the parking areas or other City-owned property except as may be designated by resolution of the Council, but said snowmobile shall be operated only upon the traveled portion of the streets and public ways. Within City parks, snowmobiles shall be operated only upon areas marked as trails and designated for the purpose of snowmobile travel. A snowmobile shall not be operated on any of the marked trails designated for snowmobiles without a snow cover of at least one-tenth of one inch.

4. Sidewalk or Parking. Snowmobiles shall not be operated, parked or left unattended upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

75.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs and ORVs shall comply with the following restrictions as to where ATVs and ORVs may be operated within the City:

1. ATVs and ORVs must be registered as required by Iowa Code Chapter 321I, in order to be operated on City streets.

(Code of Iowa, Sec. 321I.10(3))

2. Streets. ATVs and ORVs shall not be operated upon any City street which is a primary road extension through the City, to wit:

Iowa Highway 9 and Iowa Highway 71.

However, ATVs and ORVs may cross such primary road extensions at the following intersections:

Peoria Avenue

23rd Street

(Code of Iowa, Sec. 321I.10[1, 3 & 5])

3. Trails. ATVs or ORVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[4])

4. Railroad Right-of-Way. ATVs or ORVs shall not be operated on an operating railroad right-of-way. An ATV or ORV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic, subject to the exception for law enforcement found at Iowa Code section 321I.14(h).

(Code of Iowa, Sec. 321I.14[1h])

5. A person shall not drive or operate an ATV or ORV:

A. At a rate of speed greater than reasonable or proper under all existing circumstances.

B. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

C. Without a lighted headlight and lighted taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead. Every ATV or ORV shall be equipped with brakes.

D. With a firearm in the person's possession, unless it is unloaded and enclosed in a carrying case.

E. With more persons on the vehicle than it was designed to carry.

(Code of Iowa, Sec. 321I.14(1)[a, b & d] & (2))

6. Private Property. ATVs may only be operated on private property with express consent of the owner.

7. Sidewalk or Parking. No ATV or ORV shall be operated upon sidewalks unless engaged in snow removal or maintenance activities, nor shall they be operated upon that portion of the street from the curb to the

sidewalk or property line, commonly referred to as the “right of way,” or any off-street right-of-way, except for the purpose of snow removal, maintenance or landscaping activities.

8. Parks and Other City Land. ATVs and ORVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

9. License. No person shall operate an ATV or ORV on the public streets of the City without a valid motor vehicle operator’s license.

10. Equipment. All ATVs and ORVs must be equipped with lights, muffling devices and other equipment required by the laws of the State of Iowa.

11. Traffic Code Observed. Any operator of any ATV or ORV must observe all state and local traffic control regulations and devices and shall not operate at a speed in excess of that posted, nor at any time operate any ATV or ORV at a speed greater than is reasonable and proper under the existing conditions, if said conditions reasonably require operation at a speed less than the posted speed.

12. Speed Restriction. No ATV or ORV shall be operated in the City at a speed greater than thirty-five (35) miles per hour, even if the posted speed is greater than thirty-five (35) miles per hour.

13. Unattended ATVs and Parking. No owner or operator of an ATV or ORV shall leave an ATV unattended on public property while the motor is running or with keys in the ignition switch. Owners and operators of ATVs or ORVs must obey all parking regulations in the City.

14. Financial Responsibility. The owner or operator of an ATV or ORV must maintain and provide current proof of financial responsibility in accordance with Iowa Code Section 321.20B.

(Ord. 2-2013 – Apr. 16 Supp.)

75.06 HOURS AND PERIODS OF OPERATION. No ATV, ORV or snowmobile shall be operated in the City between the hours of 11:00 p.m. and 6:00 a.m. except for emergency situations or for loading or unloading from a transport trailer, except that an ATV may be operated during prohibited hours for snow removal purposes.

(Ord. 2-2013 – Apr. 16 Supp.)

75.07 NEGLIGENCE. The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or

snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 & 321I.19)

75.08 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321G.10 & 321I.11)

75.09 TOWING. No items shall be towed by an ATV or snowmobile unless coupled to said ATV or snowmobile by a rigid tow bar.