

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.a. *“All-terrain vehicle”* or “ATV” means a motorized vehicle with not less than three and not more than six nonhighway 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.
- 1.b. “Off-road motorcycles” shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to Code of Iowa chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in Code of Iowa 321I., but is exempt from the education instruction and certification program requirements of Code of Iowa sections 321I.25 and 321I.26.

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

2. *“Off-road utility vehicle”* UTV” means a motorized vehicle with not less than four and not more than eight nonhighway tires or rubberized tracks 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. *“Off-road utility vehicle”* includes the following vehicles:
 - (1) *“Off-road utility vehicle — type 1”* means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
 - (2) *“Off-road utility vehicle — type 2”* means an off-road utility vehicle, other than a type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.
 - (3) *“Off-road utility vehicle — type 3”* means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

- b. The operator of an off-road utility vehicle is subject to provisions governing the operation of all-terrain vehicles in Code of Iowa, section 321.234A and Code of Iowa, Chapter 321.I., and administrative rules, but is exempt from the education instruction and certification program requirements of Code of Iowa, sections 321I.25 and 321I.26. An operator of an off-road utility vehicle shall not operate the vehicle on a designated riding area or designated riding trail unless the department has posted signage indicating the riding area or trail is open to the operation of off-road utility vehicles. Off-road utility vehicles are subject to the dealer registration and titling requirements of Code of Iowa, Chapter 321.I. A motorized vehicle that was previously titled or is currently titled under Code of Iowa, Chapter 321 shall not be registered or operated as an off-road utility vehicle.

(Code of Iowa 321I.1 (17))

- 3. "Snowmobile" means a motorized vehicle weighing less than one thousand pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight 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, as defined in section 321I.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads.

(Code of Iowa, 321G.1(27))

- 4. "Street" or Highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three feet each side of the center line of the roadway. Includes roadway, alley, or trail used for vehicular traffic including a state or county highway.

75.03 GENERAL REGULATIONS.

No person shall operate an ATV or UTV 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 shall be operated only upon streets which have not been plowed during the snow season, and which have snow or ice cover of at least four (4) inches, and on such other streets as may be designated by resolution of the Council.

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

- 2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

- A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles

impractical.

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

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

- (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
- (2) The snowmobile is brought to a complete stop before crossing the street;
- (3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and
- (4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

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

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

4. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least four (4) inches.

5. Sidewalk or Parking. Snowmobiles shall not be operated 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.

6. Private Property. No snowmobile shall be operated upon private property without the express consent of the owner thereof.

75.05 OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES.

The operators of ATVs or UTVs shall comply with the following restrictions as to where ATVs or UTVs may be operated within the City:

1. Streets. Vehicles may be operated on City streets in accordance with Section 321.234A of the Code of Iowa. All-terrain vehicles may also be operated on City streets, except Highway 86, pursuant to subsection 7 below.

(Ord. 137 - Mar. 11 Supp.)

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

2. Trails. Vehicles shall not be operated on snowmobile or other trails except as otherwise designated.

(Ord. 137 - Mar. 11 Supp.)

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

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

4. Sidewalk or Parking. ATVs or UTVS shall not be operated 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.
5. Private Property. No ATV or UTV shall be operated upon private property without the express consent of the owner thereof.
6. A. ATV or UTV vehicles may be operated on City streets only if equipped with a safety flag. The safety flag shall extend not less than five feet above the ground, shall have an area of not less than thirty square inches and be Day-Glo in color.
B. ATV or UTV vehicles may be operated on City streets only from sunrise to sunset, unless the vehicle is equipped with lights as required by State law for a motor vehicle. If so equipped, such vehicles may be operated at any time of the day or night.
7. Motor Vehicle License. No person shall operate ATV or UTV vehicle on the streets of the City unless the operator holds a valid motor vehicle operator's license.
8. Traffic Control Regulations. Operators of ATV or UTV vehicles must observe all State and local traffic control regulations and devices and shall not operate such vehicles at speeds in excess of applicable limits, nor at a speed that is greater than is reasonable and proper under the existing conditions. In no event shall such vehicles be operated at a speed greater than 35 miles per hour.
9. Unattended Vehicles and Parking. No operator of an ATV or UTV vehicle shall leave a vehicle unattended on public property with the engine running, or with keys in the ignition switch. Operators of such vehicles shall obey all parking regulations of the City.
10. Registration. The owner or operator of an ATV or UTV vehicle must maintain current vehicle registration as required by Iowa law.

(Subsections 7 through 11 Added by Ordinance No. 137 - Mar. 11 Supp.)

75.06 HOURS OF OPERATION.

No snowmobile shall be operated in the City between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m. except for emergency situations or for loading and unloading from a transport trailer.

75.07 NEGLIGENCE.

The owner and operator of an ATV, UTV, or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV, UTV, or snowmobile. The owner of an ATV, UTV, or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV, UTV, or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV, UTV, or snowmobile at the time the injury or damage occurred. The owner or operator of an all-terrain vehicle must maintain and provide current proof of financial responsibility in accordance with Iowa Code Section 321.20B.

(Ord. 137 - Mar. 11 Supp.)

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

75.08 ACCIDENT REPORTS.

Whenever an ATV, UTV, or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars (\$1,500.00) 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 item shall be towed by a snowmobile unless coupled to said snowmobile by a rigid tow bar.

75.10 DEAD MAN THROTTLE.

No snowmobile shall be operated within the City unless equipped with a "dead man throttle" which, when pressure is removed from the accelerator or throttle, causes the engine to be disengaged from the drive mechanism.