

## CHAPTER 75

# ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES

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**75.01 PURPOSE.** The purpose of this chapter is to regulate the operation of all-terrain vehicles and off-road vehicles 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 and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 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)*

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 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:

*(Code of Iowa, Sec. 321I.1)*

A. "Off-road utility vehicle – type 1" includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. "Off-road utility vehicle – type 2" includes vehicles, other than type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. "Off-road utility vehicle – type 3" includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

**75.03 GENERAL REGULATIONS.** No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I 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, equipment, and manner of operation.

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

**75.04 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. Streets. ATVs and ORVs may be operated only on hard surface streets within the City in accordance with Section 321.234A of the *Code of Iowa* with the following exceptions:

- A. Main Street between 3<sup>rd</sup> Street and 6<sup>th</sup> Street.
- B. Dakota Memorial Park & Campground.
- C. Grass Alleys.
- D. Trails not specifically designated as ATV Trails.
- E. Sidewalks.

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

2. Trails. ATVs and ORVs shall not be operated on snowmobile trails except where designated.

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

3. Operation. The operation of ATVs and ORVs shall be subject to the following regulations:

- A. Operators of ATVs and ORVs within the City shall be of at least 18 years of age.
- B. Operators of ATVs and ORVs shall have a valid Iowa Driver's License.
- C. Operation of an ATV or ORV shall be limited to after sunrise and before sunset.
- D. No person shall operate the ATV or ORV in excess of 25 MPH.
- E. No person shall operate an ATV or ORV in a careless, reckless, or negligent manner endangering the person or property of another or causing injury or damage to same.
- F. No person shall operate an ATV or ORV while carrying more passengers than the vehicle was designed for and has designed seating for.
- G. No person shall operate an ATV or ORV while under the influence of intoxicating liquor, narcotics, or habit forming drugs.
- H. No person shall operate an ATV or ORV with an open container of alcohol as detailed by Section 321.284 of the *Code of Iowa*.
- I. All ATVs and ORVs operated within the City shall be equipped with the following safety features in good working condition:

- (1) A slow moving vehicle or rear tail lights;
- (2) A safety flag that is 30 square inches and displayed so the bottom of the flag is either at least five feet in the air above the ground, or the bottom of the flag shall be above the top of the roofline; an,
- (3) Adequate brakes.

4. Railroad Right-of-Way. ATVs and 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.

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

5. 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.

6. Sidewalk or Parking. ATVs and ORVs shall not be operated or parked 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."

7. Direct Crossing. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway provided all of the following occur:

*(Code of Iowa, Sec. 321I.10[5])*

A. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

B. The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

D. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

E. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city.

**75.05 NEGLIGENCE.** The owner and operator of an ATV and ORV are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV and ORV shall be liable for any such injury or damage only if the owner was the operator of the ATV and ORV at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV and ORV at the time the injury or damage occurred.

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

**75.06 ACCIDENT REPORTS.** Whenever an ATV and ORV is involved in an accident resulting in injury or death to anyone or property damage amounting to \$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)*

**75.07 PERMIT.** No person shall operate an ATV or ORV on any public street or alley unless the ATV or ORV is properly permitted by the City under the following regulations:

1. ATV and ORV owners may apply for a permit from the City Clerk on forms provided by the City.

2. In addition to the application form an ATV or ORV owner shall provide the City with the following:

A. Evidence that the owner of the ATV/ORV has proof of financial liability

- B. Evidence that the ATV or ORV is properly registered with the State of Iowa.
3. Permits shall be issued for a specific ATV or ORV. Upon issuance of a permit the City shall issue the permit holder a sticker that must be affixed to the rear of the ATV or ORV and be, at all times, visible to any peace officer or City official.
4. The fee for a permit shall be \$50.00. Each permit shall be valid for one year beginning on January 1 and expiring on December 31. Permits may be purchased at any time during the year but shall expire on December 31 annually. The permit fee shall not be prorated.
5. A permit may be suspended for up to 60 days by a peace officer upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. The permit holder may request a hearing in front of the City Council to appeal the suspension of their permit. The decision of the City Council shall be final. There shall be no refund of the permit fee should the permit be suspended or revoked.

**75.08 PENALTY.** A violation of the provisions of this chapter shall be deemed to be a municipal infraction, subject to a civil penalty of up to \$750.00 per offense. An offender may also be subject to prosecution under the *Code of Iowa* for any scheduled violation. Any person who commits two violations of this chapter within a 24-month period shall have their permit for the ATV or ORV revoked, with no chance of reissuance for a period of 12 months from the date of revocation.

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