

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 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.

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

2. "Off-road utility vehicle" or "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.

(Code of Iowa, Sec. 321I.1[17])

3. "Operator" means a person who operates or is in actual physical control of an all-terrain vehicle.

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, Sec. 321G.1 [26])

75.03 GENERAL REGULATIONS. No person shall operate an ATV, 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, 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 that have not been plowed during the snow season 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 90 degrees 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 that constitutes an immediate hazard.

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

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

- C. City designated snowmobile route.

3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile 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. 321G.13[1h])

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.
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.

75.05 OPERATION OF ATV’S AND UTV’S. All-terrain vehicles and off-road utility vehicles may be operated on City streets and alleys only in accordance with Section 321.23A of the *Code of Iowa* and this chapter.

1. All-terrain vehicles and off-road utility vehicles are authorized on streets and alleys within the City for the following purposes:
 - A. Streets/Sidewalks. Snow removal when snowplow, blade or snow blower is attached thereto.
 - B. Gardening and/or lawn work. Specifically, gardening projects at your residence or in the parking directly adjacent to your residence. A trailer may be utilized to take limbs to the City brush dump (must take most direct route, no State HYW maybe utilized).
 - C. Special event authorized by the City Council
2. Recreational use of an ATV is not authorized. UTV’s will be allowed to access the following dedicated routes for ingress and egress of the Corporate City Limits:
 - A. North Route: Utopia from the Corporate City Limits South to East Clay Street, 90 degrees across State HWY 4 along East Clay Street to NW 3rd Street
 - B. Connector Route: NW 3rd Street from Clay Street to South Street
 - C. South Route: P28 South from the Corporate City Limits to South Street, SE 6th from the Corporate City Limits to HWY 44, South Street from Soldier Trail to SE 6th Street

- D. Resident UTV's are allowed to utilize the most direct route from their residence to any of these routes
3. Regulations. An ATV or UTV operated on City streets or alleys shall be operated in compliance with the following regulations:
- A. Equipment. The ATV or UTV shall be equipped as required by Sections 321I.12 and 321I.13 of the *Code of Iowa*, including (but not limited to) a functioning muffler, speedometer, headlights, tail lights, and brakes.
 - B. No person shall operate an ATV or UTV on any City street, alley or right-of-way unless such person possesses a valid driver's license or by special permit for disabilities. All operators must be 16 year of age or older. An operator under 18 year of age shall be required to take and pass an IDNR approved ATV Education Course and must carry a valid safety certificate while operating the vehicle as proof that the IDNR approved ATV Education Course was successfully completed.
 - C. Traffic Regulations. Any person operating an ATV or UTV shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.
 - D. Speed. No ATV or UTV shall be operated at a speed in excess of the lesser of 25 miles per hour or the speed posted; nor shall any ATV or UTV be operated at a speed greater than is reasonable and proper for the existing conditions.
 - E. Lights. An ATV or UTV shall be operated with lighted headlights and taillights, at all times.
 - F. Unattended. No person shall leave an ATV or UTV unattended on public property while the motor is running or the keys are in the ignition switch. Owner/operators shall comply with all parking regulations in the City.
 - G. Hours. No ATV or UTV shall be operated in the City between the hours of sunset to sunrise, except for emergency situations or to perform snow removal activities.
 - H. Occupants. The number of occupants shall not exceed the number of seats installed by the manufacturer of an UTV and no more than one person on an ATV.

- I. Seatbelts. No person shall operate an ATV or UTV without wearing a properly adjusted and fastened seatbelt if so equipped.
 - J. Financial Responsibility. The owner of the ATV or UTV must provide proof of current financial responsibility and in accordance with Chapter 321.20B of the *Code of Iowa*. No ATV or UTV shall be operated on city streets unless the operator can provide proof of off-premises liability insurance.
 - K. An ATV or UTV may pull a trailer as a method of transporting cargo. Trailers pulled by an ATV or UTV shall not be used as a means of providing for additional riders or passengers. Any trailer pulled by an UTV shall not exceed in width the width of a standard UTV. Trailers in tow shall have operable taillights and brake lights 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 500 feet ahead.
4. Locations.
- A. Prohibited Streets. ATV's and UTV's shall not be operated upon NE 3rd Street (State HWY 4) or Main Street (State HWY 44).
 - B. Trails. ATV's and UTV's shall not be operated on any recreational, bike, or walking trail unless the trail is specifically designated to allow the use of such vehicles.
 - C. Sidewalks. ATV's and UTV's shall not be operated upon sidewalks unless the vehicle is engaged in snow removal or sidewalk maintenance activities.
 - D. ATV's and UTV's shall not be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk, commonly referred to as the "parking," unless engaged in snow removal, maintenance or landscaping activities for the abutting property owners.
 - E. City Parks and Other Land. ATV's and UTV's shall not be operated in City parks or upon other City owned land unless for special event authorized by the City Council.
 - F. Private Property. ATV's and UTV's shall not be operated on private property without the express consent of the property owner.
5. 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.

75.06 OPERATION ON ROADWAYS. A person shall not operate an ATV's or UTV's under any of the following conditions:

- 1. In a careless, reckless, or negligent manner so as to:
 - A. Endanger any person
 - B. Cause injury or damage to person or property
 - C. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.

75.07 HIGHWAY USE – AGRICULTURAL PURPOSES. ATV's or UTV's shall not be operated on a highway unless one or more of the following conditions apply:

- 1. The operation is between sunrise and sunset and is incidental to the vehicle's use for agricultural purposes. For purposes of this paragraph, "incidental to the vehicle's use for agricultural purposes" includes stopping in the course of agricultural use to obtain fuel for the ATV or UTV or to obtain food or a nonalcoholic beverage for the operator.

(Code of Iowa, Sec. 321.234A)

75.08 REGISTRATION REQUIREMENTS. No person shall operate an ATV or UTV on any public street or alley, for any purpose unless the operator has proof of a valid

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registration with the Iowa Department of Natural Resources. The following conditions apply:

1. The Owner of each All-terrain vehicle or Off-road Utility Vehicle shall be required to provide proof of ownership, including but not limited to bill of sale, IDNR registration or registration from the appropriate out-of-state authority, and proof of liability insurance as required by Iowa Code §§321.20B and 321A.21.
2. All-terrain vehicles or Off-road Utility Vehicles registered in Iowa are required to display their current registration decal and carry their certificate on board.
3. All-terrain Vehicles or Off-road Utility Vehicles registered in another state are required to also display a valid IDNR User Permit in addition to displaying a current registration decal and carrying the certificate on board.
4. Exempt Vehicles. Registration shall not be required for:
 - A. All-terrain Vehicles and/or Off-road Utility vehicles used exclusively as farm implements.
 - B. All-terrain or Off-road Utility Vehicles owned by the United States, this State or another State, or by a governmental subdivision thereof, and used for enforcement, search and rescue, or official purposes, but not for recreational or commercial purposes.
 - C. All-terrain vehicles used in accordance with Iowa Code §321.234A (1)(a).

75.09 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.

(Code of Iowa, Sec. 321G.18)

75.10 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 \$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)

75.11 VIOLATION AND PENALTY. A person who has violated this chapter is guilty of a simple misdemeanor that may be punishable as a criminal citation. Persons violating this section may also be prosecuted and subject to the penalties set out in Section 321I.36 if the *Code of Iowa*. Specifically, scheduled violations are as follows:

1. Equipment Violation – \$50.00
2. Unlawful Operation – \$100.00
3. Excessive Speed – \$100.00
4. Failure to Prove Financial Liability – \$250 to \$500 as specified in Section 321.20B of *Code of Iowa*

Scheduled violations are payable at the office of the City Clerk. If such fine is not paid within thirty (30) days, a \$7 administrative fee will be added and be filed in the same manner as delinquent utility accounts with the DAS.