

## CHAPTER 75

# ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Rules of Operation

75.05 Negligence

75.06 Accident Reports

**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 vehicles” or “ATV” means a motorized vehicle with not less than three and not more than six non-highway tires that is limited to engine displacement of 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.
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.
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, or any combination of runners, skis or tread, and is designed for travel on snow or ice.

*(Ord. 13-03 – Sep. 13 Supp.)*

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

**75.04 RULES OF OPERATION.** The following rules shall apply to the operation of ATVs, ORVs and snowmobiles within the City:

1. ATVs, ORVs and snowmobiles must be registered as required by Iowa Code Chapter 321I, in order to be operated on City streets.
2. Streets. ATVs, ORVs and snowmobiles shall not be operated upon Highway 71. ATVs, ORVs and snowmobiles shall be allowed upon all other City streets.
  - A. Except when executing a left turn, ATVs, ORVs and snowmobiles shall be driven as close as practical to the right-hand edge of any street.
  - B. ATVs, ORVs and snowmobiles shall yield right-of-way to other motor vehicles at all uncontrolled intersections regardless of the dictates of Section 321.319 of the Code of Iowa.
  - C. ATVs, ORVs and snowmobiles can cross Highway 71 at Broadway Street and 202<sup>nd</sup> Street.
  - D. ATVs, ORVs and snowmobiles shall operate in single file.
  - E. Every ATV, ORV and snowmobile shall be equipped with brakes.
3. A person shall not drive or operate an ATV, ORV or snowmobile:
  - 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. While the operator is under the influence of intoxicating liquor, narcotics, or habit forming drugs.
  - D. With a firearm in the person's possession, unless it is unloaded and enclosed in a carrying case.
  - E. 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 (500) feet ahead.
  - F. With more persons on the vehicle than it was designed to carry.
4. Private Property. ATVs, ORVs and snowmobiles may only be operated on private property with the express consent of the owner.

5. Sidewalks, Bike Trails, or Parking. No ATV, ORV or snowmobile shall be operated upon sidewalks and bike trails 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.
6. Trails. ATVs, ORVs and snowmobiles shall not be operated on snowmobile trails except where designated.
7. Parks and Other City Land. ATVs, ORVs and snowmobiles shall not be operated in any City park, playground, or upon any other City-owned property without the express permission of the City.
8. License. No person shall operate ATVs, ORVs or snowmobiles on the public streets of the City without a valid motor vehicle operator’s license.
9. Equipment. All ATVs, ORVs and snowmobiles must be equipped with lights, muffling devices, and other equipment required by the laws of the State of Iowa.
10. Towing and Trailers. No towing and no trailers.
11. Traffic Code Observed. Any operator of any ATVs, ORVs or snowmobiles 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 ATVs, ORVs or snowmobiles 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 ATVs, ORVs or snowmobiles 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, ORVs and Snowmobiles and Parking. No owner or operator of ATVs, ORVs and snowmobiles shall leave ATVs, ORVs and snowmobiles unattended on public property while the motor is running or with keys in the ignition switch. Owners and operators of ATVs, ORVs and snowmobiles must obey all parking regulations in the City.

14. Financial Responsibility. The owner or operator of ATVs, ORVs and snowmobiles must maintain and provide current proof of financial responsibility in accordance with Iowa Code Section 321.20B.

15. Hours of Operation. ATVs, ORVs and snowmobiles shall be operated in the City only from sunrise to sunset 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. 13-03 – Sep. 13 Supp.)*

**75.05 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)*

**75.06 ACCIDENT REPORTS.** Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred dollars (\$200.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with State law.

*(Code of Iowa, Sec. 321G.10)*