

CHAPTER 77

ATV REGULATIONS

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77.01 PURPOSE. The purpose of this chapter is to establish a permit to authorize the operation of all-terrain vehicles (ATVs) on certain streets for the purpose of snow removal, lawn care, and gardening within the City, as authorized and pursuant to Section 321.234A and Chapter 321I of the *Code of Iowa*.

77.02 DEFINITIONS. “Off-road utility vehicle” (ORUV) or “all-terrain vehicle” (ATV) (ATV or ORUV terms may be used interchangeably) means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tires 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. “Off-road utility vehicle” includes the following vehicles:

1. “Off-road utility vehicle – type 1” means an off-road utility vehicle or ATV with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.
2. “Off-road utility vehicle – type 2” means an off-road utility vehicle or ATV, other than a type 1 off-road utility vehicle, with a total dry weight of 2,000 pounds or less, and a width of 65 inches or less.
3. “Off-road utility vehicle – type 3” means an off-road utility vehicle or ATV with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

77.03 GENERAL REGULATIONS. No person shall operate an all-terrain vehicle (ATV) within the City limits, in violation of the provisions of Chapter 321I of the *Code of Iowa* or rules enacted by the Iowa Department of Natural Resources governing the registration, numbering, equipping or manner of operation; or the provisions of this chapter.

77.04 PERMITS. No person shall operate an all-terrain vehicle on any public street, or alley for any purpose unless the operator possesses a City permit to operate an ATV on City streets, issued by the City Clerk. ATV operators may apply for a permit as set out in Section 76.11 of this Code of Ordinances.

77.05 AUTHORIZED USES. ATV operators holding City permits may only operate an all-terrain vehicle on City streets and alleys in compliance with all requirements set out herein and for the following purposes:

1. Snow removal via attached snowplow or blade.
2. Gardening and/or lawn work.
3. Special events authorized by the City Council.

77.06 EQUIPMENT. Any ATV for which a City permit is issued shall be equipped as required by Sections 321I.12 and 321I.13 of the *Code of Iowa*, including (but not limited to): muffler, headlight, tail light and brakes. ATVs shall be equipped with an adequate exhaust system. ATVs shall also be equipped with a bicycle safety flag of fluorescent orange color on a staff holder to put such flag at least five feet above the surface of the street and extend a minimum of two feet above the highest point of the ATV.

77.07 OPERATION.

1. To operate an ATV on any City street, alley, or right-of-way, a person shall be at least 16 years of age and shall have a valid driver's license. While on City streets, operators must have on their person or in the ATV proof of the required insurance.
2. Traffic Code. Any person operating an ATV, including those for which a City permit has been issued, 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.
3. Speed. No ATV shall be operated at a speed in excess of the lesser of 25 miles per hour or that posted, nor shall any ATV be operated at a speed greater than is reasonable and proper for the existing conditions.
4. Unattended ATVs and Parking. No person shall leave an ATV 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.
5. Hours of Operation. ATVs may be operated on City streets only between sunrise and sunset as set by the U. S. Naval Observatory, except for emergency situations or for loading or unloading from a transport trailer; except that ATVs may be operated during prohibited hours to perform snow removal activities.

77.08 LOCATIONS.

1. City Streets. ATV operators holding valid City permits may operate ATVs upon streets under the jurisdiction and within the corporate limits of the City for the purposes listed above. ATVs shall not be operated on any street with a posted speed limit of greater than 25 mph. However, ATVs may cross the aforementioned streets.
2. Trails. ATVs shall not be operated on any recreational, bike or walking trail.
3. Sidewalks. ATVs shall not be operated upon sidewalks unless the operator possess a valid City permit and is engaged in snow removal or sidewalk maintenance activities.
4. Parking. ATVs shall not be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk referred to as the "parking" if the operator possess a valid City permit unless engaged in snow removal, maintenance or landscaping activities for the abutting property.
5. City Parks, Playgrounds, or Private Property. ATVs shall not be operated on private property without prior permission or in City parks or upon other City-owned land unless for a special event authorized by the City Council and the operator possesses a valid City permit.

77.09 ACCIDENT REPORTS. Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever an ATV is involved in an accident

resulting in injury or death to anyone, or property damage amounting to \$1,500.00 or more, and shall file an accident report within 48 hours, in accordance with State law.

77.10 VIOLATION AND PENALTY.

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of \$100.00 and revocation of the City permit for a period of six months.
2. Any person guilty of violating this chapter two times shall be subject to a fine of \$300.00 and permanent revocation of the City permit.
3. Persons violating this chapter may also be prosecuted and subject to the penalties set out in Section 321I.36 of the *Code of Iowa*.

77.11 ANNUAL REVIEW. The City Council shall annually review this chapter to determine if the same warrants amendment or repeal.

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