

ORDINANCE NO. 675

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SERGEANT BLUFF, IOWA, BY AMENDING CHAPTER 75 PROVISIONS PERTAINING TO ALL-TERRAIN VEHICLES AND SNOWMOBILES

BE IT ENACTED by the City Council of the City of Sergeant Bluff, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 75 is hereby repealed and the following adopted in lieu thereof:

CHAPTER 75 ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose	75.06 Operation of All-Terrain Vehicles
75.02 Definitions	75.07 Location Restrictions for All-Terrain Vehicles
75.03 General Regulations	75.08 Negligence
75.04 Operation of Snowmobiles	75.09 Accident Reports
75.05 Registration of All-Terrain Vehicles	75.10 Penalties for Violations
	75.11 Use of ATV as Authorized Emergency Vehicle

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 flotation-tire vehicle, with not less than three and not more than six low pressure tires, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand (1,000) 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 motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of

this chapter governing the operation of all-terrain vehicles.

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

3. "Off-road utility vehicle" means a motorized flotation-tire vehicle, with not less than four and not more than eight low-pressure tires, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than one thousand eight hundred (1,800) 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. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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

4. "Snowmobile" means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) 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 which has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

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 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.

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

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

5. 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 one-tenth of one inch.

6. 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 REGISTRATION OF ALL-TERRAIN VEHICLES. No person shall operate an ATV on any public street or alley unless the ATV is registered by the City of Sergeant Bluff. Registration rates shall be determined by resolution of the City Council. Such registration shall permit the use of the ATV upon the City's public streets. The following requirements for registration shall apply:

1. ATV owners must register an ATV with the City using forms provided by the City.

2. The City of Sergeant Bluff shall not approve and register an ATV until the owner has completed an application including all required information,

3. The owner of ATV must register the ATV and obtain a permit from the local DNR in Sioux City, Iowa at their own expense, and the permit from the DNR shall be attached to the ATV and displayed in a visible manner on the rear of the vehicle.

4. Upon registration of an ATV, the owner will receive a City of Sergeant Bluff ATV decal that must be attached at the rear of the registered ATV so that the City decal is clearly visible.

75.06 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs upon the streets of the City shall comply with the following restrictions:

1. All-terrain vehicles (ATV) may only be operated upon the streets of the City by persons who are 16 years of age or older and are possessing a valid Iowa operator's license, except as prohibited in this chapter. Operators under the age of 18 must comply with the age-related operation guidelines of the DNR including having a valid ATV education certificate in their position.

2. While operated on a City street, the number of passengers permitted on vehicle shall not exceed the number of seats or the maximum number of intended passengers designed for the vehicle to carry.

3. ATV operators must observe all state and local traffic control regulations and devices.

4. While on City streets, operators must have on their person, in or attached to the vehicle proof of the required insurance.

5. ATVs may be operated only during the hours of 9:00 a.m. to 9:00 p.m.

6. ATVs shall be equipped with operational brakes and may not be operated without a lighted headlight and lighted taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernable persons and vehicles at a distance of five hundred feet ahead.

7. ATVs shall not be operated at a speed in excess of the reasonable or proper speed for existing circumstance and the posted speed limit up to a maximum of 25 miles per hour.

8. When operating an ATV as authorized in this chapter, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a Sergeant Bluff City ATV decal, representing proof of registration.

9. ATVs may not be operated with a firearm in the person's possession, unless it is unloaded and enclosed in a carrying case.

10. No owner and operator of an ATV shall leave an ATV unattended on a public street or property while the motor is running or with keys in the ignition switch.

11. Owners and operators must obey all parking regulations in the City.

75.07 LOCATION RESTRICTIONS FOR ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. If the operator and the vehicle comply with the provisions of this chapter, ATVs and off-road utility vehicles may be operated on all streets within the corporate limits of the city with the exception of the following areas:

A. The Interstate 29 interchange, including all entrance and exit ramps, and the overpass of First Street from City limit to the intersection of First Street and Sergeant Square Road.

B. The underpass area below Interstate 29 on Eighth Street.

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

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

3. Railroad Right-of-Way. ATVs shall not be operated on an operating railroad right-of-way. An ATV 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])

4. Parks and Other City Land. ATVs 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. ATVs 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."

6. Private Property. ATVs may only be operated on private property with express consent of the owner.

75.08 NEGLIGENCE. The owner and operator of an ATV or snowmobile may not operate such vehicle in a careless, reckless, or negligent manner so as to endanger the person or property of another to cause injury or damage thereto. 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 & 321I.19)

75.09 ACCIDENT REPORTS. Whenever an ATV 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)

75.10 PENALTIES FOR VIOLATIONS. Any person who violates this chapter is guilty of a simple misdemeanor and the standard penalty shall apply. Additionally, any person who violates this chapter shall have his/her permit revoked for the following periods of time:

1. First Offense: Loss of permit for six (6) months.
2. Second Offence: Loss of permit for one (1) year.
3. Third Offense: Permit permanently revoked.

75.11 USE OF ATV AS AUTHORIZED EMERGENCY VEHICLE. An ATV may be used as an authorized emergency vehicle by a peace officer, or any fire or emergency services personnel in the line of duty. Any such user is excepted from compliance with the requirements of this chapter and may act in accordance with Iowa Code section 321.231.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the City Council of the City of Sergeant Bluff on the 9th day of October, 2018, and approved this 9th day of October, 2018.



MAYOR/MAYOR PRO TEM

Attest:



CITY CLERK

First Reading: September 11, 2018

Vote for passage: 5-0

Second Reading: September 25, 2018

Vote for passage: 4-0

Third Reading: October 9, 2018

Vote for passage: 5-0

Passed, Approved, and Adopted October 9, 2018.

I, Michelle Colvert, City Clerk, do hereby certify that the above and foregoing was published as Ordinance No. 675 on October 18, 2018.

