

ORDINANCE NO. 728
AN ORDINANCE AMENDING PROVISIONS PERTAINING TO ALL-TERRAIN VEHICLES AND SNOWMOBILES IN CHAPTER 75 OF CODE OF ORDINANCES OF THE CITY OF SERGEANT BLUFF WOODBURY COUNTY, IOWA

BE IT ORDAINED by the City Council of the City of Sergeant Bluff, Iowa, that: Chapter 75 of the Code of Ordinances of the City of Sergeant Bluff, Iowa, is repealed and the following adopted in lieu thereof:

CHAPTER 75
ALL-TERRAIN VEHICLES AND SNOWMOBILES

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

75.01 PURPOSE.

The purpose of this chapter is to regulate the operation of all-terrain vehicles, off-road motorcycles, utility 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 with not less than three and not more than six nonhighway 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 two hundred (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" 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)

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 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.

1. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle within the City in violation of all applicable provisions 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.

2. No person shall operate an ATV, off-road motorcycle, off-road utility vehicle or snowmobile in violation of all applicable rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

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

4. 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, 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 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. Emergency Exception. Snowmobiles may be operated on prohibited streets only 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])

3. Direct Crossing. Snowmobiles may make a direct crossing of a street provided all of the following occur:

A. 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;

B. The snowmobile is brought to a complete stop before crossing the street;

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

D. 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])

4. 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])

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 given permission to 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.

The owner of an ATV must register the ATV and obtain a permit from the local Department of Natural Resources, and the registration decal shall be displayed on the all-terrain vehicle. The registration certificate shall be carried either on the vehicle or on the person of the operator when in use.

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 be operated by persons who have a valid driver's license and are at least eighteen years of age.
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 financial liability coverage in effect for the vehicle and carry proof of such financial liability coverage in accordance with Iowa Code section 321.20B.
5. ATVs shall not be operated:
 - A. at a speed in excess of the reasonable or proper speed for existing circumstances and the posted speed limit up to a maximum of 35 miles per hour;
 - 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; or
 - C. while under the influence of intoxicating liquor or narcotics or habit-forming drugs.
6. When operating an ATV as authorized in this chapter at all times while the ATV is operated on a street shall display lighted headlamps as provided in Iowa Code sections 321.415, 321.385, and 321.386.
7. ATVs may not be operated with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case except as otherwise provided under Iowa Code section 321I.14(2).

8. No owner and operator of an ATV shall leave an ATV unattended on a public street or any other property while the motor is running or with keys in the ignition switch.
9. Owners and operators must obey all parking regulations in the City.
10. ATVs may not be operated upon the streets of the City without suitable and effective muffling devices and shall comply with Iowa Code section 321I.12.
11. ATVs must be equipped with brakes.

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, off-road motorcycles, 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.
(Code of Iowa, Sec. 321I.10[4])
2. Direct Crossing. ATVs may make a direct crossing of a street provided all of the following occur:
 - A. 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;
 - B. The ATV is brought to a complete stop before crossing the street;
 - C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
 - D. In crossing a divided street, the crossing is made only at an intersection of such street with another street.
2. 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])
3. 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.
4. 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."
5. Private Property. ATVs may only be operated on private property with express consent of the owner.
6. Operator's Residence. ATVs may be operated on the operator's residence.

75.08 RESPONSIBLE OPERATION AND 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.

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. In all other respects, The Code of Ordinances of the City of Sergeant Bluff shall remain in effect as previously adopted.

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 and approval and publication as provided by law.

Passed by the City Council of the City of Sergeant Bluff on the 9th day of August, 2022, and approved this 9th day of August, 2022.

MAYOR JON WINKEL

Attest:

DANNY CHRISTOFFERS, CITY CLERK

First Reading: 7/12/2022

Vote for passage: 5-0

Second Reading: 7/26/022

Vote for passage: 5-0

Third Reading: 8/9/2022

Vote for passage: 5-0

Passed, Approved, and Adopted 9th day of August, 2022.

I, Danny Christoffers, City Clerk, do hereby certify that the above and foregoing was published as Ordinance No. 728 on the 18th day of August, 2022.

DANNY CHRISTOFFERS, CITY CLERK