

To Whom it May Concern:

1/27/2021

Enclosed you will find approximately 708 of hand signatures as well as 760 electronic signatures collected through the website "Change.org" 323 electronic signatures are from Dyersville residents, as well as most Dyersville business owners. The data collection of the website changed the location of many Dyersville residents; therefore, we invite you to look at the list and see how many Dyersville residents were missed on the electronic petition.

Also enclosed is an ATV/UTV ordinance proposal that we invite to look through.

The reason for the petition is to bring revenue back to Dyersville. We need to help strengthen our business during this historic pandemic. We need to allow Dyersville businesses the same economic opportunity that other local towns and business have been able to profit from.

The strength of Dyersville tourism industry has historically been founded on welcoming visitors to experience our historic sites (Dyer Botsford Museum, Toy Show Museum, Field of Dreams...etc) , by opening up the ATV/UTV usage in Dyersville, we can draw in people just passing through to stop at our small businesses and help them thrive.

We are willing to work on a designated route; but we want to keep in mind that we need this route to benefit all the small businesses from the ones at Southside Plaza to the businesses downtown. Our first and foremost main concern is safety, we want this to be a fun, safe way to access our beautiful town of Dyersville.

**PERMITTED LOCATIONS:** The following people have signed a petition requesting to be allowed to operate their ATV/ UTV's in the city limits of Dyersville with the prohibited usage of ATV/UTV's on 9<sup>th</sup> St. SE; with the exception to cross directly over 9<sup>th</sup> St. SE at the intersection of 9<sup>th</sup> Ave SE at the lights.

Prohibiting usage on 9th St. (136) and on 2nd AVE SE (old Hawkeye road) starting at 9th street going east out of town.

(the way into town would be: if you want to come in through town you have to use Floyd road. and enter town from the North side).

Also, with this route, Dyersville residents are able to drive to any of these routes from their residence in the closet route possible.

Thank you for considering this proposal,

Ashley Wohlers, Matt Gaul, Manessa Gaul, Blake Burkle.

Proposed ordinance:

ATV/UTV Usage in Dyersville:

**PURPOSE.** The purpose of Chapter 75A is to regulate and authorize the operation of All-Terrain Vehicles (ATVs) and Utility Vehicles (UTVs) within the City of Dyersville as authorized and pursuant to Section 321.234A and Chapter 321I of the Code of Iowa.

**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 nonhighway tires or rubberized 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.

1. “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 one thousand two hundred pounds or less and a width of fifty 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 two thousand pounds or less, and a width of sixty-five 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 two thousand pounds or a width of more than sixty-five inches, or both.

2. All-terrain vehicle or “ATV” means a motorized flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, or a two-wheeled, off-road motorcycle, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than seven hundred fifty (750) pounds.

**EQUIPMENT.** Any ATV operated within the City 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. ATV’s shall also be equipped with a bicycle safety flag of fluorescent orange color on a staff holder to put such flag at least six feet (6’) above the surface of the street and extend a minimum 1 foot above the highest point of the ATV.

**OPERATION.**

1. Minimum Age. To operate an ATV on any city street, alley or right of way a person shall be at least eighteen (18) 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 the City 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 thirty-five (35) 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. Lights. No ATV shall be operated without a lighted headlight and taillight from 5am to 10pm and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.

5. Hours of Operation. ATV's may be operated on City streets only between 5am and 10pm as, except for emergency situations or for loading or unloading from a transport trailer; except that ATV's may be operated during prohibited hours to perform snow removal activities.

1. Prohibited Trails. ATV's shall not be operated on any recreational, bike or walking trail.

2. Sidewalks. ATV's shall not be operated upon sidewalks unless the operator is engaged in snow removal or sidewalk maintenance activities.

3. "Parking". ATV'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 referred to as the "parking" unless engaged in snow removal, maintenance or landscaping activities for the abutting property

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**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 one-hundred dollars (\$100.00).

2. Any person guilty of violating this ordinance two times shall be subject to a fine of three-hundred dollars (\$300.00).

3. Persons violating this ordinance may also be prosecuted, and subject to the penalties set out in, Section 321I.36 of the Code of Iowa.

### **RESPONSIBILITY OF OWNER**

1. The owner of an ATV shall not permit the vehicle to be used or operated in violation of this chapter.

2. The owner of an ATV operated in violation of this chapter shall be subject to a civil penalty as a municipal infraction in an amount not to exceed five hundred dollars (\$500.00).

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