

ORDINANCE NO. 836

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF DYERSVILLE, IOWA, BY ADDING CHAPTER 75A – ALL-TERRAIN VEHICLES

**CHAPTER 75A
ALL-TERRAIN VEHICLES**

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75A.01 PURPOSE. The purpose of Chapter 75A is to regulate and authorize the operation of All-Terrain Vehicles (ATV) and Off-Road Utility Vehicles (ORUV) on certain streets within the City of Dyersville as authorized and pursuant to Section 321.234A and Chapter 321I of the Code of Iowa. This Chapter does not modify or in any way affect the Operation of Snowmobiles under Section 75.04, Dyersville Code of Ordinances.

75A.02 DEFINITIONS. As used in this Chapter, unless context otherwise requires:

1. All-terrain vehicle or “ATV” means a motorized flotation-tire vehicle with not less than three (3) and not more than (6) non-highway, low pressure tires, that is limited in engine displacement to 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. For the purpose of this Ordinance, All-terrain vehicle does not include Off-Road Motorcycle as defined by Iowa Code §321I.1(16) or Section 75.02(2), Dyersville Code of Ordinance.
2. “*Off-road utility vehicle*” (ORUV) means a motorized vehicle with not less than four and not more than eight non- highway 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. “*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; or
 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.

75A.03 GENERAL REGULATIONS. No person shall operate an ATV or ORUV within the city limits of the City 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 section 75A.04, 75A.06, 75A.07, 75A.08, and 75A.09 of this Code.

75A.04 AUTHORIZED USES. An ATV or ORUV may be operated on city streets and alleys in compliance with all requirements set out herein and only those date and events approved by Resolution.

75A.06 EQUIPMENT. Any ATV or ORUV 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, brakes, and brake lights. For ATVs, a single rearview mirror must be on either side of the vehicle. For ORUVs, there must be a single center review mirror or a side mirror. ATVs and ORUVs shall be equipped with an adequate exhaust system. ATVs and ORUVs 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 (5') above the surface of the street and extend a minimum 2 feet above the highest point of the ATV and ORUV.

75A.07 OPERATION.

1. **Minimum Age.** To operate an ATV or ORUV 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.
2. **Traffic Code.** Any person operating an ATV or ORUV 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 or ORUV shall be operated at a speed in excess of 35 miles per hour or the posted speed limit, whichever is less.
4. **Manner.** No ATV or ORUV shall be operated in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage therein. No ATV or ORUV shall be operated so as to cause unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground. No ATV or ORUV shall be operated while under the influence of intoxicating liquor or narcotics or habit-forming drugs. In addition, no ATV or ORUV operator or passenger shall operate or occupy an ATV or ORUV with an open container of an alcoholic beverage.
5. **Street Crossings.** An ATV or ORUV may make a direct crossing of a highway as long as:
 - a. The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The ATV or ORUV is brought to a complete stop before crossing;
 - c. The operator of the ATV or ORUV yields to the right-of-way to all oncoming traffic which constitutes an immediate hazard;

- d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway; and
 - e. The crossing is not made from or to a street, roadway, or highway prohibited under Section 75A.08.
6. **Railroad Right-of-Way.** No ATV or ORUV shall be operated upon an operating railroad right-of-way. An ATV or ORUV may only be driven directly across a railroad right-of-way at an established crossing and, notwithstanding any other provision of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.
7. **Lights.** No ATV or ORUV shall be operated without a lighted headlight and 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 feet ahead.
8. **Unattended Vehicles and Parking.** No person shall leave an ATV or ORUV unattended on public property while the motor is running, or the keys are in the ignition switch. All ATV and ORUV owners and/or operators shall comply with all parking regulations in the City.
9. **Number of Occupants.** No ATV or ORUV shall be operated with more persons on the vehicle than it was designed to carry. All seating must be factory installed.
10. **Hours of Operation.** ATV or ORUV may be operated on City streets only during those times allowed for under Section 75A.04.
11. **Registration Requirements.** No person shall operate, maintain, or give permission for the operation of an ATV or ORUV unless the ATV or ORUV is registered in accordance with applicable Federal and State Laws. The operator of an ATV or ORUV must carry the registration certificate either in the ATV or ORUV or on the person of the operator when the ATV or ORUV is in use.
12. **Proof of Insurance.** No ATV or ORUV shall be operated under this Section unless financial liability coverage, as defined in Iowa Code Section 321.1(24B), is in effect for the ATV or ORUV and unless the operator has in the ATV or ORUV the proof of financial liability coverage.
13. **Accidents.** Whenever an ATV or ORUV driven under this Chapter is involved in an accident resulting in injury or death to any person or to property damage amounting to \$1,500 or more, the operator of the vehicle or a person acting for the operator shall immediately notify the Dyersville Police Department.
14. **Off-Road Motorcycles.** The operation of Off-Road Motorcycles as defined under Iowa Code §321I.1(16) or Section 75.02(2), Dyersville Code of Ordinance, is prohibited.
15. **Golf Carts.** The operation of golf carts as defined under Iowa Code § 321.247 is prohibited.

75A.08 LOCATIONS.

1. **Prohibited City Streets.** No ATV or ORUV shall be operated upon the following City streets:
 - a. Highway 20;
 - b. 9th Street SE/Highway 136;
 - c. 11th Street NE/Highway 136;
 - d. 11th Street SE/Highway 136;
 - e. Beltline Road from 2nd Street NE to 11th Street SE/Hwy 136;
 - f. Beltline East Road NE;
 - g. 23rd Avenue SE;
 - h. 15th Avenue SE;
 - i. Aquatic Drive SE;
 - j. 12th Street NE;
 - k. 3rd Avenue NE; and
 - l. 5th Ave NE.
2. **Prohibited Trails.** ATVs and ORUVs shall not be operated on any recreational, bike, or walking trail.
3. **Sidewalks.** ATVs or ORUVs shall not be operated upon sidewalks.
4. **Parking.** No ATV or ORUV shall be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk.
5. **City Parks and other land owned by the City.** No ATV or ORUV shall be operated in City parks or upon other city owned land unless for a special event authorized by the Police Chief or City Administrator.

75A.09 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 or more shall be guilty of a misdemeanor and shall be subject to a fine up to but not in excess of Six Hundred and Twenty-Five Dollars (\$625.00).
3. Persons violating this ordinance may also be prosecuted and subject to the penalties

as set out in Chapter 321, 321I, and 321J, Code of Iowa.

75A.10 INSPECTIONS – WARNING – TERMINATION OF USE. A peace officer may stop and inspect any ATV or ORUV operated or parked within City Limits to determine if the vehicle is registered, numbered, or equipped as required by the Code of Iowa, the Iowa Administrative Code, and/or this Chapter. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the vehicle is not in compliance, the officer may issue a warning memorandum to the operator and forward a copy to the DNR. The warning memorandum shall indicate the items found which are not in compliance and shall direct the owner or operator of the vehicle to correct the items and return a copy of the warning memorandum with the proof of compliance to the DMS within 14 days. If the proof of compliance is not provided within 14 days, the owner and/or operator will be in violation of Iowa Code Chapter 321I and this Chapter. A person who receives a warning memorandum for an ATV or ORUV must stop using the vehicle as soon as possible and shall not operate it until the ATV or ORUV is in compliance.

75A.11 RESPONSIBILITY OF OWNER

1. The owner of an ATV or ORUV shall not permit the vehicle to be used or operated in violation of this chapter.
2. The owner of an ATV or ORUV 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).
3. The owner of an ATV or ORUV acquired on or after January 1, 2000, other than an exempt vehicle, must apply to the County Recorder of the county in which the owner resides, or the ATV or ORUV is registered, for a certificate of title for the vehicle.

SECTION 2. SERVERABILITY 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 3. EFFECTIVE DATE-SUNSET PROVISION.

1. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.
2. This ordinance shall remain in effect only until 11:59 p.m. on June 30, 2022, and as of that date and time this ordinance is repealed unless an extension or reauthorization of this ordinance is approved. Failure to extend or reauthorize shall result in the automatic reversion of to the original language of Chapter 75, Code of Dyersville, attached and by this reference incorporated herein.

Passed and approved by the City Council of the City of Dyersville, Iowa, the ____ day of _____, _____.

James A. Heavens, Mayor

ATTEST:

Tricia L. Maiers, City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____