

ORDINANCE 2018-297

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES PERTAINING TO
CHAPTER 75, ALL-TERRAIN/OFF-ROAD VEHICLES AND SNOWMOBILES**

BE IT ORDAINED by the City Council of the City of Sac City, Iowa, that:

Section 1. CHAPTER MODIFIED. Chapter 75 of the Code of Ordinances of the City of Sac City, Iowa, is repealed and the following adopted in lieu thereof:

CHAPTER 75

ALL-TERRAIN/OFF-ROAD VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles

75.06 Hours of Operation

75.07 Negligence

75.08 Accident Reports

75.09 Dead Man Throttle

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles, snowmobiles and to allow the operation of golf carts on certain streets within the City, providing the following restrictions are met and observed.

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 (3) and not more than six (6) 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. 321 I.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. 321 I.1)

3. "Off-road utility vehicle" means a motorized flotation-tire vehicle, with not less than four (4) and not more than six (6) 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 have more than one thousand eight hundred (1,800) pounds and that has a seat that is of bench design, not intended to be straddled by the operator, and a steering wheel 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. 321 I.1)

4. "Snowmobile" mean 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 all 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 3211 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 or in violation of this chapter.

(Code of Iowa, Ch. 321G & Ch. 321 I)

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. Unplowed Streets. Snowmobiles shall not be operated on the following designated streets except when the same have not been plowed during the snow season and are impractical.

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

- a. Main Street from Twentieth Street to Third Street.
 - b. North Sixteenth Street from Ingersoll to Main Street.
 - c. South Sixteenth Street from Main Street to south City limits.
 - d. Hobbs Street from North Sixteenth Street to North Twelfth Street.
 - e. Early Street from North Sixteenth Street to North Twelfth Street.
 - f. North Twelfth Street from Hobbs Street to Main Street.
 - g. South Twelfth Street from Main Street to Gishwiller Street.
 - h. South Eleventh Street from Main Street to Gishwiller Street.
 - i. Gishwiller Street from South Sixteenth Street to Oak Street.
 - j. Robbins Street from South Twelfth Street to South Eleventh Street.
 - k. Lee Street from South Twelfth Street to South Eleventh Street.
 - l. South Ninth Street from Main Street to Gishwiller Street.
 - m. Audubon Street from South Twelfth Street to South State Street.
 - n. South Sixth Street from Audubon Street to Main Street.
 - o. North Sixth Street from Main Street to Sioux Street.
 - p. North Fifth Street from Sioux Street to Main Street.
 - q. South Fifth Street from Main Street to Platt Street.
 - r. Williams Street from North Sixth Street to North Third Street.
 - s. Sioux Street from North Fifth Street to North Third Street.
 - t. North Third Street from Sioux Street to Main Street.
 - u. South Third Street to Tourgee Street.
 - v. All of West State Street.
 - w. All of East State Street.
 - x. All of Tourgee Street.
 - y. Park Avenue from East Main Street to Highland Avenue.
 - z. All of Oakland Cemetery area.
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.
3. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated by the Sac City Council.

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

- 4. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground, cemetery, or upon any other City-owned property without the express permission of the City. However, should the Raccoon be blocked by debris or obstructions, snowmobiles may exit onto City park land and, once beyond the obstruction, immediately enter directly back onto the river.
- 5. 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 OPERATION OF ALL-TERRAIN VEHICLES OR OFF-ROAD UTILITY VEHICLES ON ROADWAYS. If an All-Terrain or Off-Road Utility Vehicle is properly registered pursuant to Iowa Code Section 321I.3, the same may be operated on any roadway under the jurisdiction of the City of Sac City, such operation further limited to the hours from official sunrise to official sunset of the same day, as established by the National Weather Service.

75.05A UNLAWFUL OPERATIONS OF ALL-TERRAIN VEHICLES OR OFF-ROAD UTILITY VEHICLES.

- 1. A person shall not drive or operate an All-Terrain or Off-Road Utility Vehicle:
 - a. At a rate of speed in excess of the posted speed limit, nor greater than reasonable or proper under all existing circumstances.
 - 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.
 - c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
 - d. Without a lighted headlight and taillight
 - e. On any state roads located within the City;
 - f. In any tree nursery or planting in a manner which damages or destroys growing stock;
 - g. On any public land, ice, or snow, in violation of official signs prohibiting such operation in the interest of safety for persons, property, or the environment. The Police Chief may post an official sign in an emergency for the protections of persons, property, or the environment.
 - h. In any park, cemetery, wildlife area, preserve, refuge, game management area, or any portion of a meandered stream, or any portion of the bed of a non-meandered stream, which has been identified as navigable stream or river by rule adopted by the department and which is covered by water, except on designated riding areas and designated riding trails. This paragraph does not prohibit the use of ford crossing on public roads or any other ford crossing when used for agricultural purposes; the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a stream bed; or the operation of all-terrain vehicles on ice.
- 2. A person shall not operate or ride in an All-Terrain or Off-Road Utility Vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case.
- 3. A person shall not operate an All-Terrain or off-road utility vehicle:
 - a. With more persons on the vehicle than it was designed to carry;

- b. Paragraph "a" does not apply to a person who operates an all-terrain or off-road utility vehicle as part of a farm operation as defined in Iowa Code Section 352.2.
- 4. A person shall not operate an all-terrain or off-road utility vehicle on a designated riding area or designated trail unless the riding area or trail is signed as open to off-road utility vehicle operation.
- 5. A person shall not operate a vehicle other than an all-terrain or utility vehicle on a designated riding area or designated trail unless the riding area or trail is signed as open to such other use.
- 6. A person shall not operate an all-terrain or off-road utility vehicle unless the operator is 18 years of age or older and has a valid Iowa Driver's License; unless the vehicle is duly registered; and unless the operator has proof of insurance complying with that required of the operator of a motor vehicle pursuant to applicable Iowa Statutes, Rules, and Regulations, including by not limited to Iowa Code Sections 321.20B and 321I.9(3).

75.05B EXEMPT VEHICLES. Registration shall not be required for all-terrain vehicles used exclusively to conduct agricultural operations pursuant to Iowa Code section 321I.9(3).

75.06 OPERATION OF GOLF CARTS. The operation of golf carts on certain streets are allowed within the City, providing the following restrictions are met and observed.

1. REQUIREMENTS.
 - a. VALID MOTOR VEHICLE LICENSE REQUIRED. No golf cart shall be operated on the streets of the City unless the operator thereof has within his or her possession at all times while operating said golf cart a valid motor vehicle license.
 - b. PASSENGER LIMITATIONS. No golf cart shall be operated upon any street of the City unless:
 - i. All passengers are of the age of six (6) years or older.
 - ii. The number of passengers (excluding the driver) may not exceed one (1) if the cart is limited to front seats or may not exceed three (3) if the cart includes rear seats.
2. DESIGNATED STREETS. No golf cart shall be operated upon any street within the City that is a primary road extension; however, crossing such primary road extension is permitted. Golf cart travel on the following roads is forbidden:
 - a. Main Street/D36;
 - b. All state road located within the City;
 - c. Any street with a speed limit above 25 mph.
3. EQUIPMENT REQUIRED. All golf carts are operated upon City streets shall be equipped with all the following:
 - a. Slow-moving vehicle sign;
 - b. Bicycle safety flag;
 - c. Adequate brakes.
4. SPEED LIMIT. No golf cart shall be operated at a speed in excess of twenty (20) mph on any street within the City.
5. TIME OF OPERATION. Golf carts may be operated on the streets only from sunrise to sunset, with those hours being determined by information provided by the National Weather Service.
6. REGISTRATION REQUIRED. Registration is required with the police department of the City. The police department shall conduct an inspection of the golf cart prior to registration to verify that the golf cart complies with the provisions of this chapter. The permit will be a two (2) year permit. A registration fee of ten dollars (\$10) is required for the permit.
7. MOTOR VEHICLE LAWS APPLY. The motor vehicle laws provided for in the Code of Iowa apply to the operation of golf carts to the extent practically applicable.

75.07 HOURS OF OPERATION. No ATV or snowmobile shall be operated in the City between the hours of 10:00pm and 7:00am except for emergency situations or for the loading and unloading from a transport trailer.

75.08 NEGLIGENCE. 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 of 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 dollars (\$1,000.00) 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 DEAD MAN THROTTLE. No snowmobile shall be operated within the City unless equipped with a "dead man throttle" which, when pressure is removed from the accelerator or throttle, causes the engine to be disengaged from the drive mechanism.

75.11 PENALTIES. Violation of this Ordinance shall constitute a simple misdemeanor punishable by a minimum fine of \$65.00, a maximum fine of \$625.00, plus applicable surcharges and court costs, and/or up to thirty (30) days in jail.

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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 full force and effect from and after its final passage, approval and publication as provided by law.

Passed and adopted this 22nd day of January, 2019.

First Consideration: December 11, 2018

Second Consideration: January 8, 2019

Third Consideration: January 22, 2019

Scott Bundt
Mayor

Sandy Tellinghuisen
City Clerk