
AGENDA ITEM SUMMARY

Subject: Follow up discussion of draft ordinance Chapter 75 allowing use of UTV's and ATV's on city streets.

Background Summary:

At the 2nd workshop in October we further discussed the idea of permitting the use of UTV's, ATV's and Golf Carts on city streets in the community. The discussion ultimately led to the request of drafting an ordinance that would permit the use of UTV's on city streets, but not on trails, parks and private property. Use of state highways is already prohibited by state law with the exception of crossing them at a 90 degree angle. Consideration of the use of ATV's was to be limited to street use during snow events and time around those events. Golf carts were not going to be considered at this time largely due to limitations on lighting on front and rear of the units.

It was suggested a committee made up of Police Chief Anderson, City Administrator Steve Diers, Councilmembers Phoebe Pittman and DeLaine Freese as well as citizens Chuck Meyer and Craig Hamm meet to review the finer points of a proposed ordinance that allow usage.

Over the course of the next couple weeks Chief Anderson drafted an ordinance that was reviewed by Diers and ultimately provided to the full committee for review. We met as a committee shortly thereafter and made additional changes to the proposed ordinance. The copy included in the packets represents those changes and has some additional slight modifications to ultimately be considered. City attorney Slotter will be reviewing this in more detail and will provide any comments prior to Monday's Workshop meeting.

Topics from discussion include but are not limited to:

- Must be 18 y.o. with valid DL to operate
- Bi-annual licensing with the City; developing special rate for group events.
- Provide proof of insurance; similar limits and coverages as vehicles
- UTV & ATV operation allowed from 5a.m. to 10p.m.
(Snowmobiles are already part of Chapter 75. Only change there is limiting riding time to Midnight on all nights. Currently Saturday is allowed until 1a.m.)

CHAPTER 75

ALL-TERRAIN VEHICLES, OFF ROAD UTILITY VEHICLES AND SNOWMOBILES

75.01 Purpose
75.02 Definitions
75.03 General Regulations
75.04 Unlawful Operation of UTVs and ATVs

75.05 Exempt Vehicles and Operators

75.06 Operation of Snowmobiles
75.07 Snowmobile Hours of Operation
75.08 Negligence
75.09 Accident Reports
75.10 Penalties

75.01 PURPOSE. This ordinance shall designate the roadways within the City of Charles City when and where registered all-terrain vehicles and registered off-road utility vehicles may operate. This ordinance regulates the operation of snowmobiles within the City.

75.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. “All-terrain vehicle, ATV” as defined by Iowa Code Section 321I.1(1)(a), means a motorized vehicle with not less than three and not more than six nonhighway 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.

2. “Off-road utility vehicle, UTV” as defined in Iowa Code Section 321I.1(17)(a), means a motorized vehicle with not less than four and not more than eight nonhighway tires 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:

A. “Off-road utility vehicle – Type 1” means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.

B. “Off-road utility vehicle – Type 2” means an off-road utility vehicle, 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.

C. “Off-road utility vehicle – Type 3” means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

3. “Roadway,” as defined in Iowa Code Section 321I.1, means that portion of a highway/street improved, designed, or ordinarily used for vehicular travel, but does not include the ditch, nor does it include any area or roadway inside any City park.

4. “Snowmobile” means the same as defined in Iowa Code Section 321G.1. “Snowmobile” does not include an all-terrain vehicle or off-road utility vehicle which has been altered or equipped with runners, skis, belt-type tracks, or treads.

75.03 GENERAL REGULATIONS. If an all-terrain vehicle or an off-road utility vehicle is properly registered pursuant to Iowa Code Section 321I.3 or 321I.5, it may be operated on any roadway in the City of Charles City pursuant to the restrictions in this ordinance. Operators of all-terrain and off-road vehicles must follow all applicable State laws.

1. All-terrain vehicles and off-road utility vehicles may be operated on any roadway in the City of Charles City with restrictions as provided in this ordinance with a speed limit of 35 mph or less. ~~unless operation on such roadway is prohibited by another provision of this ordinance.~~

2. All-terrain vehicles and off-road utility vehicles cannot be operated on the following roadways except to cross at an approximate right angle:

A. Highway 18 or Highway 14.

3. All-terrain vehicles (ATV) may only be operated only upon streets within 24 hours of a snow event, on the public streets and alleys for the purpose of using the most direct route from one area of operation to another, and only when engaged in the activity of snow removal. They shall have a blade or bucket fixed to the ATV. But no ATVs shall be driven on the street or alleys solely for entertainment or pleasure. An all-terrain vehicle (ATV) may stop at service stations or convenience stores along the designated roadway.

4. All-terrain vehicles and off-road utility vehicles cannot be operated in any City park, ~~or~~ in the ditch, ~~and or otherwise~~ in violation of the restrictions imposed by the Iowa Code.

5. All-terrain vehicles (ATV) and off-road utility vehicles (UTV) may only be operated on City roadways between the hours of 5 a.m. and 10 p.m.

6. In addition, the operation shall be prohibited at such location in the City of Charles City and at any such time as the Charles City Police Chief in ~~his/her~~their-discretion decides that in the interest of public safety the operation shall be prohibited.

7. At all times of operation, the driver and any passengers shall properly wear any seatbelts that were installed on the vehicle by the manufacturer or that are on the vehicle. No removal of any factory installed seatbelts is authorized.

8. A person shall not operate an all-terrain vehicle (ATV) or off-road utility vehicle (UTV) unless the operator is 18 years of age or older and has a valid Iowa driver's license.

9. All off road utility vehicles (UTV) must be registered with the City of Charles City and meet all requirements before such registration will be issued. A registration sticker will be posted in a manner to be visible from the rear of the vehicle. These vehicles must also be registered with the State of Iowa as prescribed in Iowa code. The City will establish a group rate for one-time sponsored events held in the city. The sponsor or event planner will seek permission from the City Council for such group rate to apply. The registration prices will be set by council through resolution.

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

75.04 UNLAWFUL OPERATION OF ATV'S AND UTV'S. A person shall not operate an all-terrain vehicle (ATV) or off-road utility vehicle (UTV) under any of the following conditions:

1. At a rate of speed greater than 35 miles per hour, or the posted speed limit, whichever is less.

2. In a careless manner such that it creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping; or simulates a race or causes any wheel or wheels to unnecessarily lose contact with the ground or causes the vehicle to unnecessarily turn abruptly or sway.

3. Without a lighted white light to the front and lighted red light to the rear, both of which shall be installed and operated in accordance with industry standards and practices for the vehicle. All off road utility vehicles (UTV) must be equipped with working brake lights on the rear of the vehicle.

4. While the operator is under the influence of intoxicating liquor or narcotics or drugs.

5. Without liability insurance (or other proof of financial responsibility as provided in Iowa Code Chapter 321A) in an amount not less than that required by Iowa Code Chapter 321A for motor vehicles and shall carry proof of insurance on board. An owner or driver cited for a violation, who produces to the Clerk of Court prior to the person's court appearance as indicated on the citation proof that financial

liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issues shall be dismissed by the court. Upon dismissal, the court or Clerk of Court shall assess the costs of the action against the defendant named on the citation.

6. A person shall not operate an all-terrain vehicle or off-road utility vehicle on any designated riding area or designated trail unless the riding area or trail is signed as open to all-terrain vehicle or off-road utility vehicle operation. They shall not be operated on any part of the Charley Western trail.

7. Railroad Right-of-way. An all-terrain vehicle (ATV) or off-road utility vehicle (UTV) shall not be operated on an operating railroad right-of-way. They 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.

75.05 EXEMPT VEHICLES AND OPERATORS.

This ordinance does not apply to any exemption under the Iowa Code for all-terrain vehicles and off-road utility vehicles operated pursuant to Iowa Code Section 321I.9 (government) or Iowa Code Section 321.234A (incidental to us by government, public utilities, licensed engineers and licensed surveyors).

75.06 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 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-quarter 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.

75.07 SNOWMOBILE HOURS OF OPERATION. No snowmobile shall be operated upon the streets of the City or upon the Cedar River within the corporate limits of the City, between the hours of 12:00 a.m. and 6:00 a.m., however, to the following exceptions: During periods of local emergency, the Chief of Police may suspend these restrictions, and clubs and social groups of snowmobile operators may obtain permits for the operation of snowmobiles outside these prescribed hours of operation from the Police Chief by making advance application. The Police Chief shall have the authority to prescribe the hours of operation in each permit granted

75.08 NEGLIGENCE. The owner and operator of an ATV, UTV, 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, UTV 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 75.11 PENALTIES. Violation of this ordinance shall constitute a simple misdemeanor except for any State codes which may vary in this determination.

City	UTV	ATV	Notes	Golf	Notes
Adel	Allow	Allow	UTV/ATV on streets w/<35mph,sunrise to sunset, other restrictions, insurance req'd, valid driver's license,	Allow	City permit req'd, prohibited streets, driver >=16 years, sunrise to sunset
Nevada	Not	Not		Minimal	To and from parades, and events, permit from Chief
Eldridge	Not	Not		Not	
Knoxville	Allow	Not	Valid license, >=18 years of age (yoa), sunrise to sunset, many other restrictions, city permit req'd	Allow	Valid license, >=18 yoa, sunrise to sunset, many other restrictions, city permit req'd
Webster City	Allow	Allow	ATVs on unplowed streets,no operate between 11pm-7am. UTV-city permit, >=18 yoa, valid license, ins req'd, many other restrictions	Allow	City permit, >=18yoa, insurance req'd, equipment reqmnts,
Sioux Center	Allow	Allow	city permit, only for certain reasons (employment, to business property, snow plowing, disabilities, special events, no operate bwtween 11pm and 6am unless snow removal	Allow	valid license, city permit, equipment requirements
Decorah	Minimal	Not	Only with special permission, special events,emergencies	Not	
Hiawatha	Minimal	Minimal	Only with special permission, special events, emergencies	Not	
Clear Lake	Allow	Work	ATV for snow removal, etc. UTV with permit. >=18 yoa, city permit, insurance req'd, valid license, sunrise to sunset(UTV may be operated after dark for loading/unloading and emergency situations.	Allow	With permit. >=18 yoa, city permit, insurance req'd, valid license, sunrise to sunset
Washington	Allow	Work	city permit, >= 18 yoa, valid license,other restrictions, operate from sunrise to sunset. ATV for snow removal, other restrictions and allowances	Allow	city permit, >= 18 yoa, valid license,other restrictions, operate from sunrise to sunset
Creston	Not	Not		Not	
Denison	Allow	Not	>=18 yoa, insurance req'd, sunrise to sunset	Allow	Valid license, sunrise to sunset
Mason City	Work	Work	Basically for snow removal only	Not	
Waverly	Work	Work	City permit, snow removal and college use, special events, many other restrictions	Allow	Restrictions on where can operate
Nashua	Allow		City permit, >= 18 yoa, valid license, sunrise to sunset, other restrictions	Allow	City permit, >= 18 yoa, valid license, sunrise to sunset, other restrictions
DeWitt	Allow	Work	>=18 yoa, valid license, city permit, from sunrise to sunset, other restrictions. ATV for snow and work only	Allow	>=18 yoa, valid license, city permit, from sunrise to sunset, other restrictions