

### AN ORDINANCE RELATING TO OPERATION OF SNOWMOBILES, ALL TERRAIN VEHICLES AND OFF ROAD UTILITY VEHICLES ON CITY STREETS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARNAVILLO, IOWA:

Section 1. Chapter 75, the Chapter heading, and all sections of the Code of Ordinances are amended by deleting the heading and sections and inserting in lieu thereof the following:

#### CHAPTER 75

#### ALL TERRAIN VEHICLES, OFF ROAD UTILITY VEHICLES, AND SNOWMOBILES

75.01	Purpose	75.06	Operation of UTVs
75.02	Definitions	75.07	Hours of Operation
75.03	General Regulations	75.08	Speed Limit
75.04	Operation of Snowmobiles	75.09	Negligence
75.05	Operation of ATVs	75.10	Accident Reports

**75.01 PURPOSE.** The purpose of this chapter is to regulate the operation of off all terrain vehicles, road 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 vehicle, with not less than three and not more than six non-highway 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.

(Ord. 13-2012 – Sep. 12 Supp.) (Code of Iowa, Sec. 321I.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. 321I.1)

3. "Off-Road Utility Vehicle" or "UTV" 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:

- a. 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.

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. 321I.1[18])

- 4. “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[20])

### **75.03 GENERAL REGULATIONS.**

- 1. No person shall operate an ATV, UTV or snowmobile within the City in violation of the provisions of Chapters 321I and 321G of the Code of Iowa or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.

(Code of Iowa, Chs. 321I and 321G)

- 2. UTVs shall be registered with the Iowa Department of Natural Resources and may not be operated without a properly displayed registration decal.
- 3. No ATVs, UTVs or snowmobiles may be operated in violation of the following:
  - a. In a careless, reckless, or negligent manner so as to endanger the person or property of another or cause injury or damage thereto.
  - b. While under the influence of intoxicating liquor or narcotics or habit-forming drugs as prescribed under chapter 321J of the Code of Iowa.
  - c. Without a lighted headlight, taillight, and turn signals (if so equipped by the manufacturer) to render clearly discernible persons and vehicles at a distance of five hundred feet ahead and back and have a minimum one mirror to allow visibility to a minimum distance of 200 feet behind the vehicle.
  - d. Without an approved helmet for riders under the age of 16 years old.
  - e. Without a seatbelt or harness as so equipped by the manufacturer for the operator and riders of a UTV.

- f. Without a valid IDNR Certification for Off-Road UTV education court for operators under the age of 18.
- g. Any person operating a UTV, ATV or snowmobile with a firearm in the operator's possession, shall abide by any applicable state laws during the time this ordinance is in effect.
- h. A person shall not operate a UTV, ATV or snowmobile with more persons on the vehicle than it was designated to carry.

**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 may be operated upon the following designated streets:
  - a. Washington Street;
  - b. Monroe Street;
  - c. Harrison Street between Washington Street and Monroe Street, except on Main Street;
  - d. Centre Street between Main Street and Monroe Street, and Centre Street between the west City limits and Washington Street;
  - e. Niagara Street between Washington Street and Main Street;
  - f. Clayton Street between Washington Street and Monroe Street, except on Main Street.
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. *Residents.* Residents of the City may take the most direct route from their places of residence to the designated route.
  - c. *Direct Crossing.* Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:
    - i. 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;

- ii. The snowmobile is brought to a complete stop before crossing the street;
- iii. The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and
- iv. 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. Trails. Snowmobiles shall not be operated on all ATV or UTV trails except where so designated.  
(Code of Iowa, Sec. 321G.9[4 g])
4. 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.
5. Liability Insurance. No person shall operate a snowmobile on City streets or any other City-owned property unless there is in effect for the snowmobile an owner’s policy of liability insurance which is issued by an insurance carrier authorized to do business in Iowa to, or for the benefit of, the person named in the policy as insured and the insuring of the person named as the insured and any person using the snowmobile with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance or use of an insured snowmobile in the amounts not less than the minimum limits specified for motor vehicles in Section 321A.21 of the Code of Iowa. Proof of insurance must be in possession of the operator of the snowmobile during all times of operation.

**75.05 OPERATION OF 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. ATVs may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the Council for the operation of registered ATVs. In designating such streets, the Council may authorize to stop at service stations or convenience stores along a designated street.  
(Ord. 07-2010 – Oct. 10 Supp.) (Code of Iowa, Sec. 321I.10[1 & 3])
2. Trails. ATVs shall not be operated on snowmobile trails except where designated.  
(Code of Iowa, Sec. 321I.10[3])
3. 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[h])

4. 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.
5. 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.”
6. Snow Removal. ATVs shall be allowed on streets and sidewalks when used for snow removal purposes.
7. Liability Insurance. No person shall operate an ATV on City streets or any other City-owned property unless there is in effect for the ATV an owner’s policy of liability insurance which is issued by an insurance carrier authorized to do business in Iowa to, or for the benefit of, the person named in the policy as insured and the insuring of the person named as the insured and any person using the ATV with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance or use of an insured ATV in the amounts not less than the minimum limits specified for motor vehicles in Section 321A.21 of the Code of Iowa. Proof of insurance must be in possession of the operator of the ATV during all times of operation.

### **75.06 OPERATION OF OFF ROAD UTILITY VEHICLES:**

1. The operators of UTVs shall comply with the following restrictions as to where they may be operated within the City:
  - a. Streets. UTVs may be operated on any public streets within the City according to the route as allowed by resolution of the City Council and where signs have been erected designating allowable streets along the route. Operation of UTVs on streets within the City is also subject to the requirements of Section 321I.10 of the Code of Iowa. Crossings of State Highways on the designated route must receive Iowa Department of Transportation approval prior to such travel, if required by the Code of Iowa.
  - b. Traffic Laws Applicable. While being operated on City streets, UTVs are deemed to be motor vehicles subject to all provisions of this Code of Ordinances relating to the operation of motor vehicles, except as may be modified by this chapter. No person shall operate a UTV on City streets without a valid driver’s license (driver’s permits are not sufficient for this requirement).
  - c. Liability Insurance. No person shall operate a UTV on City streets or any other City-owned property unless there is in effect for the UTV an owner’s policy of liability insurance which is issued by an insurance carrier authorized to do business in Iowa to, or for the benefit of, the person named in the policy as insured and the insuring of the person named as the insured and any person using the UTV with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance or use of an insured UTV in the amounts not less than the

minimum limits specified for motor vehicles in Section 321A.21 of the Code of Iowa. Proof of insurance must be in possession of the operator of the UTV during all times of operation.

- d. Exceptions. UTVs may be operated on prohibited streets only under the following circumstances:
- i. Direct Crossing. UTVs may make a direct crossing of a prohibited street provided:
    - 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 UTV is brought to a complete stop before crossing the street;
    - 3. The driver yields the right-of-way to all oncoming 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. 321I.10, 321G.9[2])
  - e. Railroad Right-of-Way. UTVs shall not be operated on an operating railroad right-of-way. A UTV 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.10, 321G.13 [1h])
  - f. Trails. UTVs shall not be operated on snowmobile trails except where so designated.  
(Code of Iowa, Sec. 321G.9[4f and g])
  - g. Parks and Other City Land. UTVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.
  - h. Sidewalk or Boulevard. UTVs 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.
  - i. Ride to Right. All operators of UTVs shall ride as near the right-hand side of the traveled portion of the street or alley as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction, and shall ride in the direction of normal traffic.
  - j. Near Church, School or Funeral Home. Operation is prohibited at any time in the immediate vicinity of a church or funeral parlor if services are being held or in the immediate vicinity of a school if school is in session.

**75.07 HOURS OF OPERATION.** No snowmobile, ATV or UTV shall be operated in the City between the hours of twelve o'clock (12:00) midnight and sunrise as established by the National Weather Service except for emergency situations, to return to the property of the owner from the trail by the most direct route or for loading and unloading from a transport trailer.

**75.08 SPEED LIMIT.** A snowmobile, ATV or UTV shall not be operated within the City at a speed in excess of 15 mph.

**75.09 NEGLIGENCE.** The owner and operator of an ATV, UTV or snowmobile is liable for any injury or damage occasioned by the negligent operation of the ATV, UTV or snowmobile. The owner of an ATV, UTV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV, UTV or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV, UTV or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 & 321I.19)

**75.10 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 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 within forty-eight (48) hours, in accordance with State law and the requirements of the City as stated herein.

(Code of Iowa, Sec. 321G.10)

Section 2. This Ordinance shall be in full force and effect from and after its passage and publication as by law provided.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Chad Schmelzer, Mayor

ATTEST:

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Melissa Atkinson, City Clerk/Administrator