

ORDINANCE NO. 2022-002

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEW SHARON, IOWA, BY AMENDING PROVISIONS RELATING TO ALL-TERRAIN VEHICLES, OFF-ROAD UTILITY VEHICLES AND SNOWMOBILES

BE IT ENACTED by the City Council of the City of New Sharon, Iowa:

SECTION 1. SECTION MODIFIED. Section 75.05 of the Code of Ordinances of the City of New Sharon, Iowa, is repealed and the following adopted in lieu thereof:

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

SECTION 2. SECTION MODIFIED. Section 75.05 of the Code of Ordinances of the City of New Sharon, Iowa, is repealed and the following adopted in lieu thereof:

75.05 OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES. The operators of all-terrain vehicles and off-road utility vehicles shall comply with the following restrictions as to where all-terrain vehicles and off-road utility vehicles may be operated within the City:

1. Streets. All-terrain vehicles and off-road utility vehicles may be operated may be operated on the roadway portion of all streets within the corporate limits of the City with the exception of the following:

- A. Market Street
- B. Main Street.

(Code of Iowa, Sec. 321I.10[3])

2. Railroad Right-of-way. All-terrain vehicles and off-road utility vehicles shall not be operated on an operating railroad right-of-way. All-terrain vehicles and off-road utility vehicles 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[1h])

3. Parks and Other City Land. All-terrain vehicles and off-road utility vehicles shall not be operated in any park, playground, cemetery or upon any other City-owned property without the express permission of the City, except that a person may operate an all-terrain vehicle or off-road utility vehicle in accordance with this

chapter at the City brush dump for the sole purpose of transporting brush and other vegetation which is allowed at the brush dump.

4. Sidewalk or Parking. All-terrain vehicles and off-road utility vehicles 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" unless the all-terrain vehicle or off-road utility vehicle is actively engaged in snow-removal.

5. Direct crossing. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of street where operation is prohibited provided all of the following occur:

A. The crossing is made at an angle of approximately ninety degrees to the direction of the street where operation is prohibited and at a place where no obstruction prevents a quick and safe crossing.

B. The off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the street.

C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

D. The crossing is made from a street designed as a street where operation of off-road utility vehicles is allowed to a street designed as a street where operation of off-road utility vehicles is allowed.

(Code of Iowa, Section 321I.10[5])

6. Passengers. A person shall not operate an all-terrain vehicle or off-road utility vehicle with more persons on the vehicle than it was designed to carry.

(Code of Iowa, Section 321I.I[3a])

SECTION 2. SECTION MODIFIED. Section 75.08 of the Code of Ordinances of the City of New Sharon, Iowa, is repealed and the following adopted in lieu thereof:

75.08 HOURS OF OPERATION. No person shall operate an all-terrain vehicle, off-road utility vehicle or snowmobile in the City from sunset to sunrise, except that an all-terrain vehicle or an off-road utility vehicle may be operated at other times so long as it is actively engaged in snow removal.

SECTION 3. SECTION REPEALED. The Code of Ordinances of the City of New Sharon, Iowa, is amended by repealing Section 75.09.

SECTION 4. SECTION MODIFIED. Section 75.10 of the Code of Ordinances of the City of New Sharon, Iowa, is repealed and the following adopted in lieu thereof:

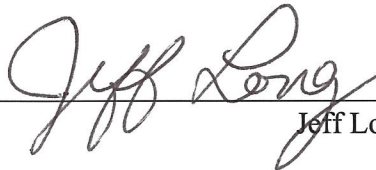
75.10 LICENSE REQUIRED. The operator of any off-road utility vehicle or snowmobile must be eighteen years of age and must have a valid Class C, or higher, Iowa Driver License or an equivalent Driver License issued by another state. The operator shall carry their Driver License with them at all times while operating an off-road utility vehicle or snowmobile.

SECTION 5. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. 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 7. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the 3 day of August, 2022, and approved this 3 day of August, 2022.

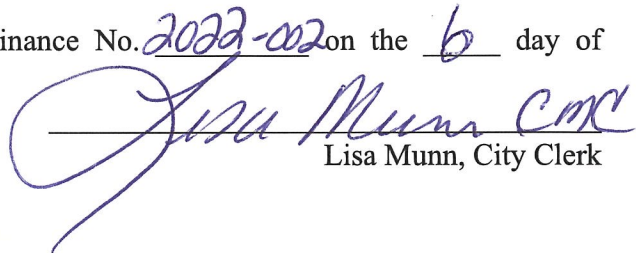


Jeff Long, Mayor

Attest:


Lisa Munn, City Clerk

I certify the foregoing was published as Ordinance No. 2022-002 on the 6 day of August, 2022.



Lisa Munn, City Clerk