

ORDINANCE NO. 2020-002

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 Section 75.02 of the Code of Ordinances of the City of New Sharon, Iowa, is repealed and the following adopted in lieu thereof:

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

1. “All-terrain vehicle” 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.

(Code of Iowa, Sec. 321I.1[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. “Offroad motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under chapter 321, but which contains design features that enable operation over natural terrain.

(Code of Iowa, Sec. 321I.1[16])

3. “Off-road utility vehicle” means a motorized vehicle with not less than four and not more than eight nonhighway 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.

(Code of Iowa, Sec. 321I.1[17])

4. “Operate” means to ride in or on, other than as a passenger, use, or control the operation of an all-terrain vehicle in any manner, whether or not the all-terrain vehicle is moving.

(Code of Iowa, Sec. 321I.1[18])

5. “Operator” means a person who operates or is in actual physical control of an all-terrain vehicle.

(Code of Iowa, Sec. 321I.1[19])

6. “Owner” means a person, other than a lienholder, having the property right in or title to an all-terrain vehicle. The term includes a person entitled to the use or possession of an all-terrain vehicle subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(Code of Iowa, Sec. 321I.1[20])

7. “Person” means an individual, partnership, firm, corporation, association, and the state, its agencies, and political subdivisions.

(Code of Iowa, Sec. 321I.1[21])

8. “Railroad right-of-way” means the full width of property owned, leased, or subject to easement for railroad purposes and is not limited to those areas on which tracks are located.

(Code of Iowa, Sec. 321I.1[41])

9. “Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

(Code of Iowa, Sec. 321I.1[26])

10. “Snowmobile” means a motorized vehicle weighing less than one thousand pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight 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, as defined in subsection 1, which has been altered or equipped with runners, skis, belt-type tracks, or treads.

(Code of Iowa, Sec. 32GI.1[26])

SECTION 2. SECTION MODIFIED. Section 75.03 of the Code of Ordinances of the City of New Sharon, Iowa, is repealed and the following adopted in lieu thereof:

75.03 GENERAL REGULATIONS. No person shall operate an all-terrain vehicle, offroad motor cycle, or off-road utility vehicle within the City in violation of Chapter 321I 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.

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

SECTION 3. 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. All-terrain Vehicles Prohibited. All-terrain vehicles are prohibited from being operated within the City.
2. Streets. 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])

3. Railroad Right-of-way. All-terrain vehicles and off-road utility vehicles shall not be operated on an operating railroad right-of-way. An off-road utility vehicle 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])

4. 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

Cityowned property without the express permission of the City, except that a person may operate an 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.

5. 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 off-road utility vehicle is actively engaged in snowremoval.

6. Direct crossing. An 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])

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

(Code of Iowa, Section 321I.1[3a])

SECTION 4. SECTION MODIFIED. Section 75.06 of the Code of Ordinances of the City of New Sharon, Iowa, is repealed and the following adopted in lieu thereof:

75.06 NEGLIGENCE. The owner and operator of an all-terrain vehicle, off-road utility vehicle, and snowmobile are liable for any injury or damage occasioned by the negligent operation of the all-terrain vehicle, off-road utility vehicle, or snowmobile. The owner of an all-terrain vehicle, off-road utility vehicle, or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the all-terrain vehicle, off-road

utility vehicle, or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the all-terrain vehicle, off-road utility vehicle, or snowmobile at the time the injury or damage occurred.

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

SECTION 5. SECTION MODIFIED. Section 75.07 of the Code of Ordinances of the City of New Sharon, Iowa, is repealed and the following adopted in lieu thereof:

75.07 ACCIDENT REPORTS. Whenever an all-terrain vehicle, off-road utility vehicle 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)

SECTION 6. 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 off-road utility vehicle may be operated at other times so long as it is actively engaged in snow removal.

SECTION 7. NEW SECTION. The Code of Ordinances of the City of New Sharon, Iowa, is amended by adding Section 75.09, entitled REGISTRATION REQUIREMENTS, which is hereby adopted to read as follows:

75.09 REGISTRATION REQUIREMENTS.

1. No person shall operate an all-terrain vehicle, off-road utility vehicle, or snowmobile in the City without a valid permit issued under this Section. The permit issued under this section shall be carried with the operator at all times, and a permit sticker provided by the City must be affixed to the lower left rear corner of the vehicle so that the sticker is visible from the rear of the vehicle.
2. Every owner of an off-road utility vehicle, or snowmobile which is to be operated within the City shall first apply for to the City for a permit. An all-terrain vehicle shall not be eligible for a permit. No permit may be issued by the City until all the following requirements are met:

A. The off-road utility vehicle or snowmobile must first be inspected by the Chief of Police or the Chief of Police's designee, to ensure that all safety standards and equipment requirements of Iowa Code Chapters 321, 321G, and 321I are met by the vehicle.

B. The off-road utility vehicle must be registered with the Iowa Department of Natural Resources as required by Iowa Code Section 321I.4, and must display a current a current registration sticker.

C. The owner must provide proof that the off-road utility vehicle or snowmobile is covered by liability insurance with an annual limit of at least \$300,000.00 (three-hundred thousand dollars).

D. A permit application fee of \$25.00 shall be paid at the time of application. The permit fee is non-refundable.

3. Each permit shall be valid for one year, beginning on January 1, and each permit shall expire on December 31.

4. If a person is found to have operated an all-terrain vehicle, off-road utility vehicle, or snowmobile in violation of this Chapter or Iowa Code Chapters 321, 321J, 321G or 321I, any permit issued under this section shall be suspended for a period of two months for the first violation, two years for a second violation, and permanently for a third or subsequent violation. If the person does not have a valid permit, or if their permit would otherwise expire, the person shall be ineligible for a permit for the prescribed times.

SECTION 8. NEW SECTION. The Code of Ordinances of the City of New Sharon, Iowa, is amended by adding Section 75.10, entitled LICENSE REQUIRED, which is hereby adopted to read as follows:

75.10 LICENSE REQUIRED. The operator of any off-road utility vehicle or snowmobile must be sixteen 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 9. NEW SECTION. The Code of Ordinances of the City of New Sharon, Iowa, is amended by adding Section 75.11, entitled PENALTIES, which is hereby adopted to read as follows:

75.11 PENALTIES. A violation of this Chapter shall be a simple misdemeanor, and shall be subject to the following penalties:

1. For a first offense, a fine of not less than \$100.00 (one hundred dollars).
2. For a second offense, a fine of not less than \$200.00 (two hundred dollars).
3. For a third or subsequent offense, a fine of not less than \$300.00 (three hundred dollars).

A person convicted under this Section shall not be sentenced to a term in jail. A violation of this chapter may be initiated by the filing of a uniform citation and complaint. The owner of an all-terrain vehicle, off-road utility vehicle, or snowmobile shall be guilty of a violation of this Chapter if the all-terrain vehicle, off-road utility vehicle or snowmobile is operated in violation of this chapter.

SECTION 10. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 11. 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 11. 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 ____ day of _____, 2020, and approved this ____ day of _____, 2020.

Jeff Long, Mayor

Attest:

Lisa Munn, City Clerk

I certify the foregoing was published as Ordinance No. _____ on the ____ day of _____, 2020.

Lisa Munn, City Clerk