

CHAPTER 75

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

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75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles, off-road 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 flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) 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 twelve hundred (1,200) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

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

2. "Off-Road Utility Vehicle" or "ORV" means a motorized vehicle with not less than four (4) and not more than eight (8) non-highway tires or rubberized tracks and has a bucket or bench seat design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

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

3. "Snowmobile" means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis or tread, and is designed for travel on snow or ice.

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

75.03 GENERAL REGULATIONS. No person shall operate an ATV, ORV or snowmobile within the City in violation of the provisions of Chapter 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, Ch. 321G)

75.04 OPERATION OF SNOWMOBILES. Currently there are no authorized snowmobile trails within the City limits of the City of Guthrie Center.

75.05 OPERATION OF ATV'S AND ORV'S. All-Terrain Vehicles and Off-Road Utility Vehicles may be operated on City streets and alleys only in accordance with Section 321.234A of the *Code of Iowa* and this chapter.

1. All-Terrain Vehicles (ATVs) and Off-Road Utility Vehicles (ORVs) are authorized on streets and alleys within the City of Guthrie Center for the following purposes:
 - A. Snow removal when snowplow, blade or snow blower are attached thereto.
 - B. Gardening and/or lawn work.
 - C. Legitimate business purposes.
 - D. Special event authorized by the City Council.
2. Recreational use of an ATV or ORV is not authorized.
3. Regulations. An ATV or ORV operated on City streets or alleys shall be operated in compliance with the following regulations:
 - A. Equipment. The ATV or ORV shall be equipped as required by Sections 321I.12 and 321I.13 of the *Code of Iowa*, including but not limited to a muffler, headlights, tail lights and brakes. An ATV or ORV shall also be equipped with a bicycle safety flag of fluorescent orange color on a staff holder to put such flag at least five feet (5') above the surface of the street or a slow moving vehicle sign.
 - B. No person shall operate an ATV or ORV on any City street, alley or right-of-way unless such person possesses a valid driver's license or by special permit for disabilities. All operators must be eighteen (18) years of age or older. Sixteen (16) and seventeen (17) year old persons are authorized to operate an ATV or ORV by this Chapter if approved and they possess a valid driver's license and have a valid Iowa Department of Natural Resources approved ATV education certificate in their possession.
 - C. Traffic regulations. Any person operating an ATV or ORV shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.

- D. Speed. No ATV or ORV shall be operated at a speed in excess of the lesser of twenty-five (25) miles per hour or the speed posted; nor shall any ATV or ORV be operated at a speed greater than is reasonable and proper for the existing conditions.
- E. Lights. An ATV or ORV shall be operated with lighted headlights, taillights and brake lights from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.
- F. Unattended. No person shall leave an ATV or ORV unattended on public property while the motor is running or the keys are in the ignition switch. Owner/operators shall comply with all parking regulations in the City of Guthrie Center.
- G. Hours. No ATV or ORV shall be operated in the City of Guthrie Center between the hours of 10:00 p.m. and 6:30 a.m., except for emergency situations or for loading or unloading from a transport trailer; or to perform snow removal activities.
- H. Occupants. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle.
- I. Financial Responsibility. The owner of the ATV or ORV must provide proof of current financial responsibility and in accordance with Chapter 321.20B of the *Code of Iowa*. The owner shall maintain such financial responsibility.
- J. No ATV or ORV shall be operated on City public streets unless the operator can provide proof of off-premises liability insurance coverage in effect, and providing coverage for the ATV or ORV being operated.
- K. An ATV or ORV may pull a trailer as a method of transporting cargo. Trailers pulled by an ATV or ORV shall not be used as a means of providing for additional riders or passengers. Any trailer pulled by an ORV shall not exceed in width the width of a standard ORV. Trailers in tow shall have operable taillights and brake lights from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.

4. Locations.
 - A. Prohibited Streets. ATVs and ORVs shall not be operated upon State Street (State Hwy 44) and 5th Street (State Hwy 25). ATVs and ORVs may cross such prohibited streets, however.
 - B. Trails. ATVs and ORVs shall not be operated on any recreational, bike or walking trail unless the trail is specifically designated to allow the use of such vehicles.
 - C. Sidewalks. ATVs and ORVs shall not be operated upon sidewalks unless the vehicle is engaged in snow removal or sidewalk maintenance activities.
 - D. Parking. ATVs and ORVs shall not be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk, commonly referred to as the "parking", unless engaged in snow removal, maintenance or landscaping activities for the abutting property owner(s).
 - E. City Parks and Other Land. ATVs and ORVs shall not be operated in City parks or upon other City owned land unless for a special event authorized by the City Council.
 - F. Private Property. ATVs and ORVs shall not be operated on private property without the express consent of the property owner.
 - G. ATVs and ORVs shall not be operated in any area surrounding any church from one half hour before to one half hour past church services
 - H. Stopping at a convenience store for the purpose of refueling is authorized.
5. Violation and Penalty. Persons violating this section may also be prosecuted and subject to the penalties set out in Section 321I.36 of the *Code of Iowa*.

75.06 REGISTRATION REQUIREMENTS. No person shall operate an ATV or ORV on any public street or alley, for any purpose unless the operator has proof of a valid registration with the City Clerk of Guthrie Center and with the Iowa Department of Natural Resources. The following conditions apply:

1. ATV and UTV owners may apply for registration with the City Clerk of Guthrie Center on the form provided by the City.
2. The Clerk shall not issue a permit until the owner has provided the following:
 - A. Proof of ownership (bill of sale, title, registration)
 - B. A valid Iowa Driver's License
 - C. Proof of Liability Insurance as required by Iowa Law
 - D. A current Iowa Department of Natural Resources registration
3. All registrations shall be issued for a specific vehicle. Holders shall be issued a registration number and will purchase 3" minimum reflective numbers to affix to the left side rear fender or similar component of the vehicle.
4. The fee for registration is twenty five dollars (\$25.00). Registration will be granted for one (1) year valid from January 1 through December 31. Registration may be purchased anytime during the year, the cost shall not be prorated and said registration will be valid until December 31st.
5. Application for registration renewals are available for the following calendar year October 1 through December 31st.
6. A registration may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the registration. There will be no refund of the registration fee due to suspension/revocation.

75.07 CITY CELEBRATION AND EVENTS WAIVER. The requirements of Section 75.05 shall be waived temporarily for the operation of ATVs, ORVs and golf carts used by officials, workers, participants and volunteers while carrying out duties related to and during city or school celebrations, parades and events. Operational approval shall be granted and authorized by Resolution of the City Council for each specific vehicle and time period prior to each event.

75.08 NEGLIGENCE. The owner and operator of an ATV or ORV are liable for any injury or damage occasioned by the negligent operation of said ATV or ORV.

(Code of Iowa, Sec. 321G.18)

75.09 ACCIDENT REPORTS. Whenever an ATV or ORV is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred dollars (\$200.00) 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.

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