

ORDINANCE NO. 970

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRY, IOWA,
REPEALING CHAPTER 75, ALL-TERRAIN VEHICLES AND SNOWMOBILES
AND REPLACING WITH CHAPTER 75, ALL-TERRAIN VEHICLES, OFF-ROAD UTILITY VEHICLES AND
SNOWMOBILES**

BE IT ENACTED by the City Council of the City of Perry, Iowa:

SECTION 1. CHAPTER REPEALED. The Code of Ordinance of the City of Perry, Iowa, 2001, is amended by repealing the current Chapter 75, entitled ALL-TERRAIN VEHICLES AND SNOWMOBILES.

SECTION 2. CHAPTER ADDED. The Code of Ordinance of the City of Perry, Iowa, 2001, is amended by adding a new Chapter 75, entitled ALL-TERRAIN VEHICLES, OFF-ROAD UTILITY VEHICLES AND SNOWMOBILES, which is hereby adopted to read as follows:

SEE ATTACHED CHAPTER 75 ALL-TERRAIN VEHICLES, OFF-ROAD UTILITY VEHICLES AND SNOWMOBILES

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of the ordinance are hereby repealed.

SECTION 4. 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 5. WHEN EFFECTIVE. This document shall be in full force and effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Perry, Dallas County, Iowa on the 3rd day of October, 2022.

First Reading: September 19, 2022 MCU


Second Reading: October 3, 2022 MCU

Final Reading: October 3, 2022 MCU



John Andorf, Mayor

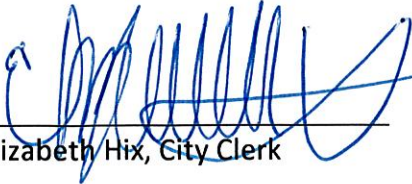
ATTEST:



Elizabeth Hix, City Clerk

Clerk's Certification

I certify that the foregoing was published as Ordinance No. 970 on the 13th day of October, 2022.

A handwritten signature in blue ink, appearing to read 'Elizabeth Hix', is written over a horizontal line. The signature is stylized and extends to the right, crossing the line.

Elizabeth Hix, City Clerk

CHAPTER 75

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

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of a Snowmobile

75.05 Operation of All-Terrain Vehicles

75.06 Operation of Off-Road Utility Vehicles

75.07 Negligence

75.08 Accident Reports

75.09 Violation of Regulations

75.01 PURPOSE: The purpose of this chapter is to regulate the operation of all-terrain vehicles, off-road utility vehicles and snowmobiles within the City.

75.02 DEFINITIONS: For use in this chapter the following 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 one thousand cubic centimeters or less 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)

2. "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. "Off-road utility vehicle" includes the following vehicles:

(1) "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.

(2) "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.

(3) "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.

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

3. "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 section 321I.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

4. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

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

5. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three feet each side of the center line of the roadway.

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

75.03 GENERAL REGULATIONS: No person shall operate an all-terrain vehicle, off-road motorcycle 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)

75.04 OPERATION OF SNOWMOBILES: The operations of snowmobiles shall comply with the following restrictions as to where and when snowmobiles may be operated within the City:

1. **STREETS:** Upon city streets which have not been plowed during the snow season or on such street as designated by the governing body of a municipality.

(Code of Iowa, Ch. 321G.9[a])

- a. From any designated snowmobile trail to the nearest fueling station using the most direct and accessible route.

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:

- i. The crossing is made at an angle of approximately 90 (ninety) degrees 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 that constitutes an immediate hazard.
- 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-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f])

4. **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-tenth of one inch.

5. **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" or the "right of way (ROW)" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.
6. **OBEDIENCE TO TRAFFIC LAWS:** Any person operating a snowmobile shall strictly obey all traffic signs and signals and all other traffic rules and regulations regulating the operation of motor vehicles and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic. No person shall leave a machine unattended while the motor is running or with the keys in the ignition switch.
7. **CITY USE:** Snowmobiles may be operated on any street, park or other city land when operated by on on-duty City of Perry staff member or contractor performing duties on the City's behalf.

75.05 OPERATION OF ALL-TERRAIN VEHICLES: All-terrain vehicles are not permitted on any City of Perry street, park or other city land with the following exception:

1. **CITY USE:** All-terrain vehicles may be operated on any street, park or other city land when operated by on on-duty City of Perry staff member or contractor performing duties on the City's behalf.

75.06 OPERATION OF OFF-ROAD UTILITY VEHICLES: The operation of off-road utility vehicles shall comply with the following restrictions as to where and when off-road utility vehicles may be operated within the City:

1. **STREETS:** Off-road utility vehicles shall not be operated on roadways as defined in Iowa Code Section 321.234A, 321I.10, or upon the following listed streets:
 - a. Iowa Highway 141 within the city limits
 - b. Iowa Highway 144 within the city limits and referred to as 1st Street within city limits.
2. **TRAILS:** Off-road utility vehicles shall not be operated on any recreational bike trail or lane within the city limits.
3. **PARKS AND OTHER CITY LAND:** Off-road utility vehicles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.
4. **SIDEWALK OR PARKING:** 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" or the "right of way (ROW)" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.
5. **OPERATION AND EQUIPMENT REQUIREMENTS:**
 - a. As required per Chapter 321I of the Code of Iowa and Iowa Code Section 321.385.
 - b. The operator must be at least eighteen (18) years of age, have a valid driver's license, and have proof of financial liability coverage.
 - c. The off-road utility vehicle must have a current registration.
 - d. Off-road utility vehicles shall display lighted headlamps at all times.
 - e. **Seat Belts:** Drivers and/or passengers of the off-road vehicle must properly wear the

manufacturers equipped safety restraints/belts.

- f. Child Restraint Devices: Child restraint devices are required when applicable and most properly be utilized as defined in Chapter 321.446 of the Code of Iowa.
 - g. Roll-over Protection: The off-road vehicle must be equipped with the manufacturer installed roll-over protection.
6. **OBEDIENCE TO TRAFFIC LAWS:** Any person operating an off-road utility vehicle shall strictly obey all traffic signs and signals and all other traffic rules and regulations regulating the operation of motor vehicles and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic. No person shall leave a machine unattended while the motor is running or with the keys in the ignition switch.
7. **CITY USE:** Off-road utility vehicles may be operated on any street, park or other city land when operated by an on-duty City of Perry staff member or contractor performing duties on the City's behalf.

75.07 NEGLIGENCE: The owner and operator of an all-terrain vehicle and/or a snowmobile are liable for any injury or damage occasioned by the negligent operation of the all-terrain vehicle. The owner of an all-terrain vehicle shall be liable for any such injury or damage only if the owner was the operator of the all-terrain vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the all-terrain vehicle at the time the injury or damage occurred.

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

75.08 ACCIDENT REPORTS: If an all-terrain vehicle or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,500.00 (one thousand five hundred dollars) 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 VIOLATION OF REGULATIONS: Any persons failing to abide by the applicable provisions of the Iowa statutory laws listed in this chapter, Chapter 321I of the Code of Iowa, Chapter 321G of the Code of Iowa, Iowa Senate File 2130 or the Natural Resource Commission of the Department of Natural Resources governing the registration, equipment and manner of operation are subject to a municipal infraction and/or a simple misdemeanor.