

CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

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75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain 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) and not more than six (6) low pressure 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 (1,000) 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 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" means a motorized flotation-tire vehicle, with not less than four and not more than eight low-pressure tires, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than one thousand eight hundred (1,800) pounds and 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. 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)

(Ord. 826 - Jan. 10 Supp.)

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)

(Ord. 800 – Dec. 07 Supp.)

75.03 GENERAL REGULATIONS. No person shall operate an ATV, 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)

(Ord. 800 – Dec. 07 Supp.)

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 shall be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

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

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:

(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 snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming 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. 321G.9[2])

3. Railroad Right-of-way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile 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. 321G.13[1h])

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

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

5. 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.

6. 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.

75.05 OPERATION OF ALL-TERRAIN VEHICLES. Any operator of an ATV shall be a minimum of eighteen (18) years of age and shall possess a valid Iowa driver's license, except as otherwise provided by this chapter or the Iowa Code. All operators of ATV's shall comply with the following restrictions as to where ATVs may be operated within the City.

1. Prohibited Streets and Other Restricted Areas of Operation. No ATV shall be operated upon the City street which is a primary road extension through the City. Primary road extensions are those streets that are also a State highway. ATVs are also prohibited from operating on the following streets within the City of Glenwood:

A. Locust Street;

B. Other restrictions shall include the following:

(1) Trails. An ATV shall not be operated on snowmobile trails except where designated.

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

(2) Railroad Right-of-Way. ATVs shall not be operated on a railroad right-of-way, unless being done so by a railroad employee for work purposes. ATVs may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provision 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])

(3) 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.

(4) 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."

(5) An ATV shall not be parked upon any City sidewalk.

2. Operation.

A. Traffic Code. Any person operating an ATV shall 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 or the direction of a Fire Department officer during an emergency.

B. Speed. An ATV shall not be operated at a speed in excess of 25 miles per hour or the posted speed limit, whichever is less, nor shall any ATV be operated at a speed greater than is reasonable and proper for the existing conditions.

C. Equipment. An ATV operated upon streets within the City of Glenwood shall be operably equipped with the following:

(1) Slow moving vehicle sign;

(2) A bicycle safety flag, the top of which shall be a minimum of 5 feet from ground level;

- (3) Adequate brakes;
- (4) Headlights;
- (5) Taillights;
- (6) Brake lights; and
- (7) Street ready tires.

D. Riders. A person operating an ATV shall not ride other than on a permanent seat which is designed to be a part of the ATV and permanently attached thereto. No person operating an ATV upon a public street or alley shall allow a passenger on the ATV who has not yet obtained the age of fourteen (14) years. An ATV shall not be used to carry more persons at one time than the actual number for which it is designed and equipped.

E. Permits. A person shall not operate an ATV on any public street or alley for any purpose unless the operator possesses a City of Glenwood permit to operate an ATV on the City streets, issued by the Glenwood Police Chief or authorized designee.

(1) ATV owners may apply for a permit from the Glenwood Police Chief on forms provided by the City;

(2) The Police Chief shall not issue a permit until the owner/operator has provided the following:

a. Evidence that the operator is at least eighteen (18) years of age and possesses a valid driver's license; and

b. Proof that the owner/operator has liability insurance covering operation of ATVs on City streets.

F. The applicant for a permit to operate an ATV on the City streets, as a part of the application, shall verify the ATV complies with Iowa law and the provisions of this chapter.

G. The operator of an ATV shall prominently display the Glenwood permit on a rear fender or similar component of the ATV.

H. All permits issued shall identify the name and address of the owner of the ATV.

I. The fee for a permit to operate an ATV on the City streets and alleys shall be established from time to time by resolution of the Glenwood City Council.

3. Motor Vehicle Law. Persons authorized to operate ATVs pursuant to this chapter shall obey all statutes and ordinances governing the operation of motor vehicles to the extent practically applicable.

4. ATV Insurance. Financial responsibility required. The owner/operator of every ATV being operated upon the streets and alleys of the City of Glenwood, Iowa, shall have in effect liability insurance covering operation of the ATV in the identical limits required of automobiles by the financial responsibility provisions of Section 321A, *Code of Iowa* and carry proof of liability with the vehicle during operation.

(Section 75.05 – Ord. 893 – Dec. 19 Supp.)

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

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

75.07 ACCIDENT REPORTS. Whenever an ATV 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)

75.08 VIOLATION AND PENALTY.

1. Any person guilty of violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of one hundred dollars (\$100.00) and revocation of the City of Glenwood permit for a period of two (2) months. Any person having their permit revoked shall automatically and without further notice forfeit their permit fee.

2. Any person guilty of violating any of the provisions of this chapter two (2) times in a twelve (12) month period shall be subject to a fine of two hundred dollars (\$200.00) and revocation of the City of Glenwood permit for a period of two (2) years.

3. Any person guilty of violating any of the provisions of this chapter three (3) times or more, within a twelve-month period, shall be

subject to a fine of three hundred dollars (\$300.00) and permanent revocation of the City of Glenwood permit.

(Section 75.08 – Ord. 893 – Dec. 19 Supp.)

(Ch. 75 – Ord. 744 – Nov. 04 Supp.)

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