

ORDINANCE NO. 600

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY
OF JEFFERSON, IOWA, 2017, BY AMENDING CHAPTER 75
TO ALLOW OPERATION OF OFF-ROAD UTILITY VEHICLES

Be it enacted by the City Council of Jefferson, Iowa:

SECTION 1. Chapter Amended. Chapter 75 of the Code of Ordinances of the City of Jefferson, Iowa, 2017, is repealed and the attached Chapter 75, entitled All-Terrain Vehicles, Off-Road Utility Vehicles, and Snowmobiles, is adopted in lieu thereof.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Severability. 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 4. When effective. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Finally passed by the Council on October 13, 2020, and approved on October 13, 2020.



Matt Gordon, Mayor

Attest:



Roxanne Gorsuch, City Clerk

I hereby certify that the foregoing ordinance was published in The Jefferson Herald on
October 22, 2020.



Roxanne Gorsuch, 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 Snowmobiles

75.05 Hours of Operation

75.06 Thaw Ban

75.07 Operation of Off-Road Utility Vehicles

75.08 Negligence

75.09 Accident Reports

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

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 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.

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

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. “Off-road utility vehicle” includes the following vehicles:

A. “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.

B. “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.

C. “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)

4. “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 which has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

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

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

6. “Operator” means a person who operates or is in actual physical control of a vehicle.

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

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

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

8. “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.

(Code of Iowa, Sec. 321I.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 operators of snowmobiles shall comply with the following restrictions as to how snowmobiles may be operated within the City:

1. Streets and Alleys. Snowmobiles may be operated upon streets or alleys only if covered with snow and only for the purpose of using the most direct roadway for ingress to and egress from the City or for an emergency when travel by conventional motor vehicles is impractical due to snow. No snowmobiles shall be driven on streets or alleys solely for entertainment or pleasure.

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

2. Speed. While operating a snowmobile the speed of any snowmobile shall be no faster than ten miles less than the posted speed for the street, or twenty miles per hour, whichever is less.

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[4f])

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 HOURS OF OPERATION. Snowmobiles shall be operated only between the hours of 8:00 a.m. and 10:00 p.m., except that a snowmobile operating outside of the City limits after 10:00 p.m. may proceed by the closest permitted street and most direct street directly home after such time.

75.06 THAW BAN. Snowmobiles shall not be operated during a publicized thaw ban in areas posted to prohibit such operation.

75.07 OPERATION OF OFF-ROAD UTILITY VEHICLES. Off-road utility vehicles complying with the Code of Iowa and this Code of Ordinances may be operated on City streets and alleys subject to the following restrictions:

1. No off-road utility vehicle shall be operated on any public street, highway, or alley between sunset and sunrise.

2. No off-road utility vehicle shall be operated on any interstate highway, federal highway, or State highway.

3. The operator of an off-road utility vehicle shall possess a valid driver's license and be at least 16 years of age.

4. The owner of every off-road utility vehicle being operated upon City streets and alleys shall have in effect liability insurance covering the off-road utility vehicle in the same limits as required of automobiles by the financial responsibility provisions of Chapter 321A of the Code of Iowa.

5. Every person operating an off-road utility vehicle on the public highways, streets, roads, and alleys of the City shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.
6. All laws regarding the use of seatbelts and child restraints shall be obeyed.
7. No person may ride on any portion of an off-road utility vehicle not designed to carry passengers. No person may stand on or ride in the cargo area of an off-road utility vehicle while it is in motion.

75.08 NEGLIGENCE. The owner and operator of an all-terrain vehicle, off-road utility vehicle, or 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)

75.09 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 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)