

ORDINANCE NO. 2021-06

AN ORDINANCE AMENDING TITLE III, CHAPTER 14 OF THE PEOSTA MUNICIPAL CODE - OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES

BE IT ORDAINED by the City Council of the City of Peosta, Iowa:

SECTION 1. That the Code of Ordinances, City of Peosta, Iowa, is hereby amended by repealing the current Title III, Chapter 14 in its entirety and substituting in lieu thereof the following:

3-14-1 Purpose. The purpose of this chapter is to permit the operation of all-terrain vehicles ("ATVs") and off-road utility vehicles/utility terrain vehicles ("UTVs") on certain streets in the City. This chapter applies whenever an ATV or UTV is operated on any street or alley of the City of Peosta, Iowa.

3-14-2 Definitions.

1. "All-terrain vehicle" or "ATV" is defined as 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 (1,000) cubic centimeters and in total dry weight to less than one thousand two hundred pounds (1,200) and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. "All-terrain vehicle" includes off-road motorcycles.
2. "Off-road utility vehicle" or "utility terrain vehicle" or "UTV" is defined as 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" is defined as an off-road utility vehicle with a total dry weight of one thousand two hundred (1,200) pounds or less and a width of fifty inches or less;
 - B. "Off-road utility vehicle—type 2" is defined as an off-road utility vehicle, other than off-road utility vehicle—type 1, with a total dry weight of two thousand (2,000) pounds or less, and a width of sixty-five (65) inches or less;
 - C. "Off-road utility vehicle—type 3" is defined as an off-road utility vehicle with a total dry weight of more than two thousand (2,000) pounds or a width of more than sixty-five (65) inches, or both.

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

3-14-3 General Regulations.

1. No person shall operate an ATV or UTV within the City in violation of the provisions of Chapter 321 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. 321)

2. No owner shall permit a person to operate an ATV or UTV within the City unless the person is at least eighteen (18) years of age and possesses a valid driver's license.
3. No ATV or UTV shall be operated on a City Street at speed in excess of twenty-five (25) miles per hour or the posted speed limit, whichever is less.

3-14-4 Places of Operation. The operators of ATVs and UTVs shall comply with the following restrictions as to where ATVs and UTVs may be operated within the City:

1. Streets. ATVs and UTVs may be operated on all City streets unless prohibited by this Section. ATVs and UTVs may stop at service stations or convenience stores along any permitted street.
2. Prohibited City Property During School Hours. ATVs and UTVs shall not be operated upon the city property of Peosta City Hall Parking lot and the Peosta Community Center Parking lot Monday through Friday for the purpose of Peosta Elementary School morning drop off and afternoon pickup of children.
3. Time Of Operation. All-terrain vehicle and off-road utility vehicle operation may begin at 5:00 a.m. and must cease at sunset.
4. Exceptions to Prohibited Streets. Employees of the City of Peosta, since it is political Subdivision can legally operate a UTV/ATV on prohibited streets for the purpose of construction or maintenance per State Code 321.234A.
5. Railroad Right-of-Way. An ATV or UTV 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.

3-14-5 Negligence. The owner and operator of an ATV or UTV are liable for any injury or damage occasioned by the negligent operation of the ATV or UTV.

3-14-6 Accident Reports. Whenever an ATV or UTV is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars (\$1,500.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer as required under Iowa Code Sections 321.11 and 321.266.

(Code of Iowa, Sec. 321.11)

3-14-7 Equipment. ATVs and UTVs operated upon City streets shall be equipped with at least the following:

1. Adequate brakes;

(Code of Iowa, Sec. 321.13)

2. Headlights

3. Taillights;

4. Rear mirrors; or

5. Side mirrors;

6. Safety belts (UTVs only); and

7. Muffler system limiting engine noise to not more than eighty-six (86) decibels and/or no modified exhaust.

(Code of Iowa, Sec. 321.12)

A violation of subsections 3 is a simple misdemeanor punishable as a scheduled fine under Iowa Code Section 805.8B.

3-14-8 Unlawful Operation.

1. No ATVs or UTVs shall be operated or parked upon City sidewalks, trails, City parks, or other City land.

2. No ATVs or UTVs shall be operated on private property without the express consent of the owner.

3. No ATV or UTV shall be operated while under the influence of intoxicating liquor, narcotics, or habit-forming drugs.

(Code of Iowa, Sec. 321.14[1c])

4. No person shall operate an ATV or UTV in a careless, reckless, or negligent manner endangering the person or property of another or causing injury or damage to the same.

(Code of Iowa, Sec. 321.14[1b])

5. No ATV or UTV shall be operated in violation of the traffic laws of the City of Peosta and the State of Iowa.

6. No ATV or UTV shall carry more passengers than which the ATV or UTV is designed.

7. No person shall ride in a UTV unless seated in a designated seat and secured with a safety belt.

8. No seat shall be used by more than one person at a time.

9. No cargo, materials, supplies, or other items may be transported on the ATV or UTV without being properly restrained.

10. No owner shall permit a person to operate an ATV or UTV unless the person is at least eighteen (18) years of age and possesses a valid driver's license.

11.No ATV or UTV shall be operated without a lighted headlight and taillight 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 (500) feet ahead.

(Code of Iowa, Sec. 321.14[1d])

12.No person shall leave an ATV unattended on public property while the motor is running or the keys are in the ignition switch.

13.No person shall operate an ATV or UTV on any trail unless the trail is designated as open for operation of that vehicle.

14. An ATV shall only have one person riding, which shall be the operator.

15. Proof of insurance and registration must be maintained during operation.

3-14-9 Parking. ATVs and UTVs may be parked in City parking lots or on any City street where vehicle parking is permitted, except no ATV or UTV may be parked on any primary road extension.

3-14-10 ATVs and UTVs Permit. No owner shall allow a person to operate an ATV or UTV on any public street or alley, for any purpose, unless the vehicle is registered with the Department of Natural Resources.

1. Proof of Ownership. The owner of each ATV or UTV shall be required to provide proof of ownership, including Iowa Department of Natural Resources registration and proof of liability insurance with appropriate minimum standards as required by Iowa Code 321.20B.

2. Current Registration. ATV or UTV vehicles registered in Iowa are required to display their current Iowa Department of Natural Resources registration decal.

3-14-11 Suspension Violation of this ordinance may result in the suspension of permit to operate all-terrain and off-road utility vehicles within the city limits of Peosta.

3-14-12 Penalty Except those provisions specifically provided under state law as a felony, an aggravated misdemeanor or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Iowa Code, a violation of this Chapter shall be a municipal infraction subject to the following penalties:

1. For a first offense, a fine of one hundred twenty-five dollars (\$125.00).

2. For a second and each subsequent offense within a two (2) year period, a fine of at least two hundred fifty dollars (\$250.00), but not more than seven hundred fifty dollars (\$750.00).

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

SECTION 3. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.


SECTION 4. This ordinance shall be effective after its passage and publication as required by law and shall sunset on year after the date of publication unless reauthorized by the City Council of Peosta.

PASSED AND APPROVED this 14th day of September, 2021.



James Merten, Mayor

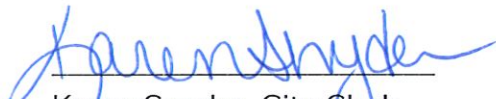
Attest:



Karen Snyder, City Clerk

First Reading: August 24, 2021
Second Reading: September 14, 2021
Third Reading: Waived

I hereby certify that the above Ordinance Number 2021-06 was posted at Peosta City Hall, Peosta Post Office and the Dubuque County Library/NICC-Peosta Branch on September 17, 2021.



Karen Snyder, City Clerk