

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, 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" or "ATV" means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 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. 321I.1)

2. "Off-road utility vehicle" or "UTV" means a motorized vehicle, with not less than four and not more than eight non-highway 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.

(Code of Iowa, Sec. 321I.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 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)

75.03 GENERAL REGULATIONS FOR ATVS AND UTVS.

1. A person shall not operate an ATV or UTV on City of Wapello streets unless the operator has a valid driver's license and is at least 16 years of age.

2. Such operation shall be allowed between the hours of 4:00 a.m. and 10:00 p.m.

3. All persons operating an ATV or UTV shall be insured pursuant to the provisions of Iowa Code Section 321.20B. All ATV's or UTV's shall be registered with the State of Iowa, and have the registration decal visible at all times.

75.04 OPERATION OF ALL-TERRAIN VEHICLES AND OFF ROAD UTILITY VEHICLES. 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 complying with the *Code of Iowa* and this Code of Ordinances, are authorized to operate on all City streets and alleys in accordance with Iowa Code Section 321I.10(3). In designating such streets, the Council may authorize ATVs and UTVs to stop at service stations, convenience stores, stores, or other buildings providing services, including restaurants, along a designated street.

(Code of Iowa, Sec. 321I.10[1 & 3])

2. Trails. ATVs or UTVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[4])

3. Railroad Right-of-Way. ATVs and UTVs shall not be operated on an operating 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.

(Code of Iowa, Sec. 321I.14[1h])

4. 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.

5. Sidewalk or Parking. ATVs or UTVs 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."

6. Direct Crossing. An ATV or UTV may make a direct crossing of a highway provided all of the following occur:

(Code of Iowa, Sec. 321I.10[5])

A. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

B. The ATV or UTV is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

D. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

E. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city.

75.05 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 the following specified streets, but for the purpose of traveling from one destination to another and not solely for the purpose of entertainment or pleasure:

A. Across Highway 61, from the west (being an extension of the County Road lying south of the Nursing Home, now known as Locust Street), east

one block to 5th Street, thence north one block to Oak Street, thence east three blocks to South Main Street, thence north to Highway 99, thence continuing north on same street (now referred to as North Main Street) to Mill street, thence west one block to North Prairie Street, thence north to Marshall Street, thence west two blocks to North Cedar Street, thence north and west to Highway 61 (said street being the street which goes in a north and westerly direction around the north side of the fairgrounds).

B. At the intersection of North Main Street and Highway 99 East out of town to cross the bridge over the Iowa River.

C. On alleys – only for the purpose of getting to a permitted street.

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[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.

75.06 NEGLIGENCE. The owner and operator of a UTV, ATV, or snowmobile are liable for any injury or damage occasioned by the negligent operation of the UTV, ATV, or snowmobile. The owner of an UTV, ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the UTV, ATV, or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the UTV, ATV, or snowmobile at the time the injury or damage occurred. This ordinance does not relieve the operator's obligations, liabilities, and responsibilities to safely and legally traverse on City streets and roadways.

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

75.07 ACCIDENT REPORTS. Whenever a UTV, ATV, 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)

75.08 EXEMPT VEHICLES AND OPERATORS. This ordinance does not apply to any exemption under the Iowa Code for ATVs and UTVs operated pursuant to Iowa Code Sections 321.234A, 321I.9 (government and farm implements), 321I.14(3)(b)(farm operators), or 352.2.

(Ch. 75 – Ord. 2019-02 – Jan. 21 Supp.)