

ORDINANCE 489-16

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WALCOTT,
IOWA, BY REPLACING CHAPTER 75 PERTAINING TO ALL-TERRAIN VEHICLES**

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

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of Walcott, Iowa, is amended by deleting Chapter 75 as currently enacted, and entitled All-Terrain Vehicles, which is hereby adopted to read as follows:

CHAPTER 75

ALL-TERRAIN VEHICLES

75.01	Purpose	75.08	Traffic Code
75.02	Definitions	75.09	Permits
75.03	General Regulations	75.10	Violation of Penalty
75.04	Operation of All-Terrain Vehicles	75.11	Negligence
75.05	Equipment	75.12	Accident Reports
75.06	Hours of Operation	75.13	Annual Review
75.07	Speed		

75.01 PURPOSE.

The purpose of this chapter is to regulate the operation of all-terrain vehicles 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 one thousand (1,000) cubic

centimeters and in total dry weight to less than one thousand two hundred (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)

75.03 GENERAL REGULATIONS.

No person shall operate an ATV within the City in violation of Chapter 321I 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)

75.04 OPERATION OF ALL-TERRAIN VEHICLES.

ATVs may be operated upon the streets of the City as herein stated by persons who are eighteen (18) years of age or older and are possessing a valid Iowa Operator's License. While operated on a City street, passengers shall not be permitted on an ATV (a single occupant only). While on City streets, operators must have on their person or in the ATV proof of the required insurance.

The operators of ATV shall comply with the following restrictions:

1. Streets. ATVs may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the Council for the operation of registered ATVs. In designating such streets, the Council may authorize ATVs to stop at service stations or convenience stores along a designated street. ATVs shall not be operated upon any City Streets with a posted speed limit of greater than 25 mph.

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

2. Trails. ATVs shall not be operated on recreational, bike or walking trails or upon any snowmobile trail except where designated.

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

3. Railroad Right-of-way. ATVs shall not be operated on an operating railroad-of-way. An ATV 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 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. Crossing. ATVs may cross streets other than those established by Council Resolution provided that:

- a. 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;
- b. The ATV is brought to a complete stop before crossing the street;
- c. The driver/operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

75.05 EQUIPMENT.

ATVs operated upon City Streets shall be equipped with at least the following:

1. A slow-moving vehicle sign.
2. A bicycle safety flag, the top which shall be a minimum of five (5) feet from the ground level and a minimum of two (2) feet above the highest point of the ATV.
3. A muffler, headlights, taillights and adequate brakes to stop and hold the ATV in a stopped position.
4. An adequate exhaust system.

75.06 HOURS OF OPERATION.

ATVs may be operated on City Streets only ½ hour after sunrise and ½ hour before sunset, local time, except for emergency situations or for loading or unloading from a transport trailer, except that ATVs may be operated during prohibited hours to perform snow removal activities if that ATV is properly equipped for such snow removal.

75.07 SPEED.

No ATVs shall be operated at a speed in excess of the lesser of the twenty five (25) mph or that posted, nor shall any ATV be operated at a speed greater than is reasonable and proper for the existing conditions.

75.08 TRAFFIC CODE.

Any person operating an ATV, including those for which a City of Walcott permit has been issued, shall strictly 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. No persons shall leave an ATV unattended on public property while the motor is running or the keys are in the ignition switch.

75.09 PERMITS.

No person shall operate an ATV on any public street or alley for any purpose unless the ATV has passed a safety inspection by the Walcott Police Department and the operator possesses a City of Walcott permit to operate an ATV upon City Streets, issued by the Police Chief or Designated Officer.

1. ATV owners may apply for a permit from the Walcott 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 owner possesses a valid Driver's License and is at least eighteen (18) years of age.
 - b. Proof the owner/operator has liability insurance (minimum limit of \$300,000.00 coverage) covering operation of ATVs on City Streets.
 - c. All permits issued shall uniquely identify the name and address of the owner.
 - d. The annual fee for such permits shall be set by resolution.
 - e. The permits expire annually on December 31, regardless of the date of issue.
 - f. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit, has abused the privilege of being a permit holder or has violated an applicable state, county or city law. There will be no refund of the permit fee. The suspension or revocation, including description of a violation, shall be provided in writing to the owner of the ATV. The suspension or revocation may be appealed to the City Council within ten (10) days of the date of mailing of the written notice of suspension or revocation of the permit. The owner shall request the appeal in writing and submit the same to the City Clerk within the prescribed time period.

75.10 VIOLATION AND PENALTY.

1. Any person guilty of violating the provisions herein shall be subject to a misdemeanor and shall be subject to a fine of one hundred dollars (\$100.00) and revocation of the City of Walcott permit for a period of six months.
2. Any person guilty of violating this ordinance two times shall be subject to a permanent revocation of the City of Walcott permit.
3. Persons violating this ordinance may also be prosecuted, and subject to the penalties set out in Section 321I.1 of the Code of Iowa.

75.11 NEGLIGENCE.

The owner and operator of an ATV are liable for any injury or damage occasioned by the negligent operation of the ATV. The owner of an ATV shall be liable for any such injury or damage only if the

owner was the operator of the ATV at the time of the injury or damage occurred or if the operator had the owner's consent to operate the ATV at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18)

75.12 ACCIDENT REPORTS

Whenever an ATV 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 and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321G.10 & 321I.11)

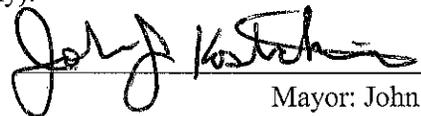
75.13 ANNUAL REVIEW. The City Council shall annually review Chapter 75 to determine if the ordinance warrants amendment or repeal.

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

SECTION 3. 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 4. WHEN EFFECTIVE. This ordinance shall be effective after the final passage, approval and publication as provided by law.

Passed and approved by the Walcott City Council the 18th day of July, 2016 (first and second readings held 20th day of June, and 5th day of July, 2016, respectively).



Mayor: John Kosticheck

Attest:


Lisa Rickertsen, City Clerk

I certify that the foregoing was published as Ordinance No. 489-16 on this 27th day of July, 2016.



Lisa Rickertsen, City Clerk