

## Chapter 10.80

### ALL-TERRAIN VEHICLES

(Chapter 10.80 rewritten at its entirety)

Amd. 19-09, eff. 07/22/19

**Section:**

<b>10.80.010</b>	<b>Purpose.</b>
<b>10.80.020</b>	<b>Definitions.</b>
<b>10.80.030</b>	<b>General Regulations/Operation of ATV's Permitted.</b>
<b>10.80.040</b>	<b>Location Restrictions for ATVs.</b>
<b>10.80.050</b>	<b>Exceptions.</b>
<b>10.80.055</b>	<b>Other Authorized Uses.</b>
<b>10.80.060</b>	<b>Permits.</b>
<b>10.80.070</b>	<b>Equipment.</b>
<b>10.80.080</b>	<b>Operation.</b>
<b>10.80.090</b>	<b>Speed.</b>
<b>10.80.100</b>	<b>Hours of Operation.</b>
<b>10.80.110</b>	<b>Traffic Code.</b>
<b>10.80.120</b>	<b>Negligence.</b>
<b>10.80.130</b>	<b>Accident Reports.</b>
<b>10.80.140</b>	<b>ATV Insurance</b>
<b>10.80.150</b>	<b>Violation and Penalty.</b>
<b>10.80.160</b>	<b>Annual Review.</b>
<b>10.80.170</b>	<b>Repealer.</b>
<b>10.80.180</b>	<b>Severability Clause.</b>
<b>10.80.190</b>	<b>When in Effect.</b>

**10.80.010 Purpose.**

The purpose of this Chapter is to establish a permit procedure to authorize the operation of All-Terrain Vehicles (ATVs) on certain streets for the purpose of snow removal, lawn care and gardening within the City of Blue Grass as authorized and pursuant to Section 321.234A and Chapter 321I of the Code of Iowa. Additionally to establish a permit to authorize the operation of All-Terrain Vehicles (ATVs) within the City.

**10.80.020 Definitions.**

For use in this chapter the following terms are defined:

- A. *All-Terrain Vehicle* means a motorized flotation-tire vehicle with not less than three and not more than six low-pressure 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.

(Suppl 10/01/19 – 2008 Codebook Update)

**10.80.030 General Regulations/Operation of ATV's Permitted.**

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, numbering, equipment, and manner of operation. (Code of Iowa, Section 321I); or the provisions of this Ordinance.

**10.80.040 Location Restrictions for ATVs.**

The operators of ATVs, shall comply with the following restrictions as to where ATVs may be operated within the City:

- A. City Streets. ATV operators holding valid City of Blue Grass permits may operate ATVs upon City streets under the jurisdiction and within the corporate limits of the City of Blue Grass for the purposes listed herein. ATVs shall not be operated on any street with a posted speed limit of greater than twenty five (25) mph or upon the following City streets:
  - 1. North and South Mississippi Street, (Also known as an extension of Y40)
  - 2. East and West Mayne Street, (Also known as old Hwy 61)
  - 3. West Laretta Street and
  - 4. North and South Oak Lane
  - 5. US HWY 61
- B. Trails. ATVs are not be operated on bike or walking trails or snowmobile trails except where designated. (Code of Iowa, Section 321I.10(3))
- C. Railroad Right-of-way. ATVs shall not be operated on an operating railroad right-of-way. May be driven across a railroad right-of-way only at an established crossing and established crossing after yielding to all oncoming traffic. (Code of Iowa Sec. 321I.14(h))
- D. Parks and Other City Land. Not be operated in any park, playground, or upon any other property owned by the City without the express permission of the City.
- E. Sidewalks and Parking. ATVs are not be operated or parked upon the public sidewalks, boulevards, street parking lane or City road easements or right of way. Unless the operator possesses valid City of Blue Grass permit and is engaged in snow removal, maintenance or landscaping activities for the abutting property.
- F. City Parks and other land owned by the City of Blue Grass. ATVs shall not be operated in City parks or upon other City owned land unless for a special event which is authorized by the City Council.
- G. Private Property. ATVs may only be operated on private property with express consent of the owner.

**10.80.050 Exceptions.**

ATVs may be operated on prohibited streets only under the following circumstances:

- A. Emergencies. ATVs may be operated on any street in an emergency (e.g., medical or when needed to transport hospital staff to hospital, etc.) during the period of time when and at locations where snow and ice upon the roadway render travel by conventional motor vehicles is impractical and unsafe. (Code of Iowa Section 321G.9[4c])
- B. Direct Crossing. ATVs may make a direct crossing of a prohibited street provided:
  - 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 ATV is brought to a complete stop before crossing the street.

3. In crossing a divided street, the crossing is made only at an intersection of such street with another street (Code of Iowa, Section 321G.9[2]).
- C. Police Department Use. ATVs may be operated on any street when operated by an on-duty City of Blue Grass Police Officer.
- D. Fire Department Use. ATVs may be operated on any street when operated by an on-duty City of Blue Grass Fire Department Firefighter for official use.
- E. City Employee, City Council Member and Park Board Use. Golf carts may be operated on any street when operated by an on-duty City of Blue Grass employee that has the appropriate license and is doing work or volunteering for the Public Works Department, the Park Board or the City of Blue Grass.
- F. Agricultural Purposes. The operation is between sunrise and sunset and is incidental to the vehicle's use for agricultural purposes. For purposes of this paragraph, "incidental to the vehicle's use for agricultural purposes" includes stopping in the course of agricultural use to obtain fuel for the all-terrain vehicle or to obtain food or a nonalcoholic beverage for the operator.
- G. Surveyor. The operation is incidental to the vehicle's use for the purpose of surveying by a licensed engineer or land surveyor.

#### **10.80.055 Other Authorized Uses.**

ATV operators holding City of Blue Grass permits may only operate an All-Terrain Vehicle on City streets and alleys in compliance with all requirements set out herein and for the following purposes:

1. Snow removal via attached snowplow or blade.
2. Gardening and/or lawn work.
3. Special events authorized by the City Council.

#### **10.80.060 Permits.**

No person shall operate an All-Terrain Vehicle on any public street, or alley for any purpose unless the ATV has passed a safety inspection by the Blue Grass Police Department and the operator possesses a City of Blue Grass permit to operate an ATV on City streets, issued by the Police Chief or designated Officer.

1. ATV operators must/shall apply for a permit from the Blue Grass Police Department on forms provided by the City and located at City Hall.
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 owner/operator has liability insurance covering operation of ATVs on City streets. Proof of current financial responsibility in accordance with Section 321.20B of the Code of Iowa. The owner/operator shall maintain such financial responsibility.
  - C. Evidence that the ATV is registered as required by Iowa law, and that such registration is current. The registration decal shall be displayed on the ATV as described by Section 321.16 of the Code of Iowa and the owner/operator shall maintain such registration.
  - D. Provide a form indicating that the ATV has passed the required safety inspection conducted by the City of Blue Grass Police Chief or the Police Chief's designee. This is a one-time inspection. Vehicles that pass an inspection will not need to be re-inspected unless the vehicle is found in violation of this code, then the vehicle shall be inspected again.

(Suppl 10/01/19 – 2008 Codebook Update)

3. The operator of an ATV shall display the City of Blue Grass permit sticker prominently on the left rear fender or similar component which is clearly visible from the rear. Permits must be kept with the ATV at all times.
4. All permits issued shall uniquely identify the name and address of the owner/operator.
5. The annual fee for such permit shall be twenty five dollars (\$25.00).
6. The permits expire one year from the date of the permit was issued.
7. The permits must be renewed annually.
8. There will be no refund of the permit fee.

#### **10.80.070 Equipment.**

Any ATV for which a City of Blue Grass permit is issued shall be equipped as required by Sections 321I.12 and 321I.13 of the Code of Iowa, including but not limited to: muffler, headlight, tail light and brakes. ATVs shall be equipped with an adequate exhaust system. ATVs shall also be equipped with a bicycle safety flag of fluorescent orange color on a staff holder to put such flag at least five feet (5') above the surface of the street and extend a minimum two feet (2') above the highest point of the ATV.

#### **10.80.080 Operation.**

1. To operate an ATV on any City street, alley or right of way, a person shall be at least eighteen (18) years of age and shall have a valid driver's license. While on City streets, operators must have on their person or in the ATV proof of the required insurance and registration.
2. Traffic Code. Any person operating an ATV, including those for which a City of Blue Grass 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.
3. Lights. No ATV 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 person and vehicles at a distance of five hundred feet ahead.
4. Unattended ATVs and Parking. No person shall leave an ATV unattended on public property while the motor is running or keys are in the ignition switch. Owner/operators shall comply with all parking regulations in the City.

#### **10.80.90 Speed.**

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

#### **10.80.100 Hours of Operation.**

Hours of Operation. ATVs may be operated on City streets only between sunrise and sunset as set by the U.S. Naval Observatory, except for emergency situations or for loading and unloading from a transport trailer; except that ATVs may be operated during prohibited hours to perform snow removal activities.

(Suppl 10/01/19 – 2008 Codebook Update)

**10.80.110 Traffic Code.**

Any person operating a ATV, including those for which a City of Blue Grass permit has been issued, shall strictly adhere to all traffic signs and signals and all other traffic rules and regulation, and shall obey the order and direction of any law enforcement officer authorized to direct or regulate traffic. No person shall leave an ATV unattended on public property while the motor is running or the keys in the ignition switch.

**10.80.120 Negligence.**

The owner and operator of an ATV, is 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 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, Section 321I.19)

**10.80.130 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, Section 321I.11)

**10.80.140 ATV Insurance.**

Proof owner/operator has liability insurance covering operation of ATVs on City streets. Proof of current financial responsibility in accordance with Section 321.20B of the Code of Iowa. The owner/operator shall maintain such financial responsibility.

**10.80.150 Violation and Penalty.**

Any person who violates this Chapter is guilty of a simple misdemeanor and the standard penalty shall apply. Additionally, any person who violates this Chapter shall have his/her permit revoked for the following periods of time:

1. First offense: Fine of one-hundred dollars (\$100.00) and Loss of permit for six (6) months
2. Second offense: Fine of two-hundred dollars (\$200.00) and loss of permit for one (1) year
3. Third offense: Fine of three-hundred dollars (\$300.00) and Permit permanently revoked.
4. A person who is in violation of this Ordinance may also be prosecuted, and subject to the penalties set out in Section 321I.36 of the Code of Iowa.

**10.80.160 Annual Review.**

The City Council shall annually review Chapter 10.80 to determine if the Ordinance warrants amendment or repeal.

**10.80.170 Repealer.**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

(Suppl 10/01/19 – 2008 Codebook Update)

**10.80.180 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.

**10.80.190 When in Effect.**

This Ordinance shall be effective after the final passage, approval and publication as provided by law.