

Chapter 10.90

UTILITY TASK VEHICLES

(Chapter 10.90 added at its entirety)

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10.90.010 Purpose.

The purpose of this Chapter is to permit the operation of UTVs on certain streets in the City, as authorized by section 321.247 of the Code of Iowa, as amended. This Chapter applies whenever a UTV is operated on any street or alley, subject to those exceptions stated herein.

10.90.020 Definition.

UTV's have several different names including LUVs, utility vehicles, side by side and recreational off-highway vehicles. Utility-type models include, but are not limited to, Kubota and Kawasaki Mule; newer, sport-type models include the Polaris RZR and the Kawasaki Teryx and Gator.

10.90.025 Basic Specifications.

1. Not a golf cart. Golf cart means a vehicle whose speed attainable ~~in one mile~~ does not exceed 25 miles per hour on a paved, level surface, and that is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course. A golf cart is more particularly described in Chapter 10.70 of this Code.

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2. Not a low speed vehicle. Low-speed vehicle means a low-speed vehicle, as defined in 49 CFR 571.3, that satisfies the equipment standards under 49 CFR 571.500 and that was originally manufactured to meet the applicable equipment standards under 49 CFR 571.500
3. UTVs are originally manufactured with the following:
 - A. Between 900 lbs. and 1,999 lbs.
 - B. Four or more low pressure tires.
 - C. Cargo or dump box.
 - D. Steering wheel, tail light, brake light, two (2) headlights, seat belts or similar device.
 - E. Max width of 65 inches.
 - F. Seating for at least two (2) occupants, non-straddled seats.
 - G. A roll bar or similar device.

10.90.030 General Regulations/Operation of UTVs Permitted.

UTVs may be operated upon the streets of the City of Blue Grass by persons who are eighteen (18) years of age or older and are possessing a valid Iowa operator's license, except as prohibited in Section 10.90.050 of this Chapter. While operated on a City street, the number of passengers permitted on a UTV shall not exceed the number of seats intended for passengers. While on City streets, operators must/shall have on their person or in the UTV proof of the required insurance.

10.80.040 Location Restrictions for UTVs.

The operators of a UTV shall comply with the following restrictions as to where UTVs may be operated within the City:

- A. City Streets. UTV operators holding valid City of Blue Grass permits may operate UTV's upon City streets under the jurisdiction and within the corporate limits of the City of Blue Grass for the purposes listed herein. UTV's shall not be operated on any street with a posted speed limit of greater than twenty five (25) m.p.h. 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 Laurretta Street
 4. North and South Oak Lane
 5. US HWY 61

However, UTVs may cross the aforementioned streets 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 UTV is brought to a complete stop (a complete halt of forward inertia) before crossing the street.
 - c. The driver/operator of the UTV must yield the right-of-way to all on-coming traffic from in front of or behind the UTV which constitutes an immediate hazard.
- B. Trails. UTVs are not be operated on bike or walking trails or snowmobile trails except where designated.
 - C. Railroad Right-of-way. 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.
 - D. Parks and Other City Land. UTVs are not be operated in any park, playground, or upon any other property owned by the City without the express permission of the City.

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- E. Sidewalks or Parking. UTVs 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 a 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. UTV's 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 and the operator possess a valid temporary special event City of Blue Grass permit.
- G. Private Property. UTVs may only be operated on private property with express consent of the owner

10.90.050 Exceptions.

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

- A. Emergencies. UTVs 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. UTVs 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 UTV 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. UTVs may be operated on any street when operated by an on-duty City of Blue Grass Police Officer.
- D. Fire Department Use. UTVs 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.

10.90.055 Other Authorized Uses.

UTV operators holding City of Blue Grass permits may operate UTV's on private property in compliance with all requirements set out herein and for the following purposes without a permit:

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

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10.90.060 Permits.

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

1. UTV owners may apply for a permit from the Blue Grass Police Chief 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 UTVs on City streets.
3. Permits must be kept in the UTV at all times.
4. All permits issued shall uniquely identify the name and address of the owner.
5. The annual fee for such permits shall be twenty five dollars (\$25.00).
6. The permits expire one year from the date the UTV permit was originally issued and must be renewed annually.
7. 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 had violated an applicable State, County or City law. There will be no refund of the permit fee. The suspension or revocation, including a description of the violation, shall be provided in writing to the owner of the UTV. 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.

10.90.070 Equipment.

A UTV operated upon City streets shall be equipped with at least the following:

1. A slow moving sign.
2. A bicycle safety flag, the top of which shall be a minimum of five feet (5') from ground level and a minimum of two feet (2') above the highest point of the UTV.
3. UTVs operated on City streets shall be equipped with a muffler, headlights, taillights, review mirror located on the driver's or operator's side and adequate brakes to stop and hold the UTV in a stopped position.
4. UTVs operated on City streets shall be equipped with an adequate exhaust system.

10.90.080 Operation.

1. To operate an UTV 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 UTV proof of the required insurance and registration.
2. Traffic Code. Any person operating an UTV, 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.

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3. **Lights.** No 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 person and vehicles at a distance of five hundred feet ahead.
4. **Unattended UTVs and Parking.** No person shall leave an UTV 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.

10.90.090 Speed.

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

10.90.100 Hours of Operation.

UTVs 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 UTVs may be operated during prohibited hours to perform snow removal activities.

10.90.110 Traffic Code.

Any person operating a UTV, 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 a UTV unattended on public property while the motor is running or the keys in the ignition switch.

10.90.120 Negligence.

The owner and operator of an UTV, is liable for any injury or damage occasioned by the negligent operation of the UTV. The owner of an UTV, shall be liable for any such injury or damage only if the owner was the operator of the UTV, at the time the injury or damage occurred, or if the operator had the owner's consent to operate the UTV, at the time the injury or damage occurred. (Code of Iowa, Sec. 321I.19)

10.90.130 Accident Reports.

Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever a 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, and shall file an accident report within forty-eight (48) hours, in accordance with State Law.

10.80.140 UTV Insurance.

Proof owner/operator has liability insurance covering operation of UTVs 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.

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10.90.150 Violation and Penalty.

- A. Any person may be suspended or revoked by the City Council upon receipt of sufficient evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder.
- B. Any person found guilty of violating the provisions herein for the first time, shall be guilty of a misdemeanor and shall be subject to a fine of one hundred dollars (\$100.00) and revocation of the City of Blue Grass permit for a period of six (6) months
- C. Any person found guilty of violating this Ordinance two (2) times in a twelve month period shall be guilty of a misdemeanor and shall be subject to a fine of two hundred dollars (\$200.00) and revocation of the City of Blue Grass permit for a period of one (1) year.
- D. Any person found guilty of violating this Ordinance three (3) times in a twelve month period shall be guilty of a misdemeanor and shall be subject to a fine of three hundred dollars (\$300.00) and a permanent revocation of the City of Blue Grass permit.
- E. Any person who has been denied of a City of Blue Grass permit due to violations and is found operating a UTV within the City of Blue Grass, shall be guilty of a misdemeanor and shall be subject to a fine of five hundred dollars (\$500.00).
- F. Any person who is in good standing, and who permits another person who has previously been deemed as “an unauthorized person to possess a permit” to drive their UTV, shall be found guilty of a misdemeanor and shall be subject to a fine of two hundred dollars (\$200.00) for allowing an unauthorized person to drive. Additionally revocation of the City of Blue Grass permit for a period of two (2) months.
- G. Any person violating this Ordinance may also be prosecuted, and subject to the penalties set out in Section 321I.36 of the Code of Iowa.

10.90.160 Annual Review.

The City Council shall annually review Chapter 10.90 to determine if the Ordinance warrants amendment or repeal.

10.90.170 Repealer.

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

10.90.180 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.

10.90.190 When in Effect.

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