

ORDINANCE NO. 247

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF NEW MARKET, IOWA. BY AMENDING PROVISIONS PERTAINING TO CHAPTER 75 .

BE IT ENACTED, by the City Council for the City of New Market, Iowa that:

SECTION 1. SECTION MODIFIED. Section 75.01 through 75.07 of the Code of Ordinances of the City of New Market, Iowa, 2004, is repealed and the following adopted in lieu thereof:

Chapter 75 Sections 75.01 through 75.07 as shown on the attached.

SECTION 2. REPEALER. All ordinances, or parts of ordinances, in conflict with the provisions of the Ordinance are hereby repealed to the extent of such conflict, if any.

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 in full force and effect from and after September 19, 2019.

Introduced and first reading on: September 19, 2019
Second reading: Waived September 19, 2019
Third reading: Waived September 19, 2019

AYES: Jim Radke, Paul Gruber, Mike DeVoe, Brad Meyer, and Bob Riddle
NAYS: None
ABSENT: None

By: 
Frank I. Sefrit, Mayor

ATTEST: 
Angela M. Tracy, City Clerk

I, Angela Tracy, City Clerk of the City of New Market, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance, passed by the City Council of said City at a meeting held on September 19, 2019 and published as provided by law in the Bedford Times Press on 10/2/2019 as Ordinance No. 247.


Angela Tracy, City Clerk

CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.05 Operation of Snowmobiles

75.02 Definition

75.06 Negligence

75.03 General Regulations

75.07 Accident Reports

75.04 Operation of All-Terrain Vehicles

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

75.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "All-terrain vehicle" means 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 cubic centimeters and in total dry weight to less than one thousand two hundred 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 motorcycles" shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this chapter but is exempt from the education instruction and certification program requirements of sections 321I.25 and 321I.26.

(Code of Iowa, Sec 321I.1)

3. "Off-road utility vehicle" means 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. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Code of Iowa, Sec 321I.1)

4. "Snowmobile" means a motorized vehicle weighing less than one thousand pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight 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, as defined in section 321I.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads.

(Code of Iowa, Sec 321G.1)

75.03 General Regulations. No person shall operate an ATV, off-road motorcycle or off road utility vehicle within the City in violation of Chapter 321I of the *Code of Iowa* or a snowmobile within the City in violation of the provisions of Chapter 321G 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, Sec 321G & 321I)

75.04 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where and when ATVs may be operated within the City:

1. Streets: ATVs and off-road utility vehicles 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 or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along s designated street.

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

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

(Code of Iowa Sec 321.10[4])

3. Railroad Right-of-way. ATVs shall not be operated on an operating railroad right-of way. An ATV may be driven directly across a railroad right-of -way 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[h])

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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 "parking"
6. ATV's operating on public land or private property will have suitable and effective muffling devices. ATV's shall comply with the sound level standards and testing procedures established by the society of automotive engineers under SAE J1287.
7. ATVs being operated for recreational use shall not be operated on private lands within 150 feet of a residence located on an adjacent property and at a minimum remain 10 feet from property lines.
8. No more than 2 ATVs may be operated on the same parcel of private land when being operated for recreational use.
9. Hours of operation. No ATV shall be operated in the City between the hours of 8PM and 9AM except for emergency situations and loading/unloading from a transport vehicle/trailer.
10. ATVs and off-road vehicles are allowed on streets, sidewalks and alleys for the following:
 - A. Snow removal when snowplow, blade or snow blower is attached (exempt from hours of operation)
 - B. Gardening and or lawn work.

75.05 OPERATION OF SNOWMOBILES. The operation of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City.

1. Streets. Snowmobiles shall be operated upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

(Code of Iowa, Sec 321G.9[4a])

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[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.

(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 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 owned 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 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 an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV or snowmobile at the time the injury or damage occurred.

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

75.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property amounting to on 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 file an accident report, in accordance with State Law.

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