

Ordinance No. 2020-276

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KEOTA, IOWA, 2017, BY AMENDING PROVISIONS PERTAINING TO THE TRAFFIC CODE – ALL-TERRAIN VEHICLES (ATVs) AND UTILITY TRAIL VEHICLES (UTVs).

**BE IT ENACTED** by the City Council of the City of Keota, Iowa:

**SECTION 1.** Title III, Chapter 4, Section 108-116 is hereby adopted:

**3-4-108 PUPROSE**

The purpose of this chapter is to permit the operation of All-Terrain Vehicles (ATVs) and Utility Trail Vehicles (UTVs) on City streets. This chapter applies whenever an ATV or UTV is operated on any street or alley, subject to those exceptions stated herein.

**3-4-109 DEFINITIONS**

1. All-Terrain Vehicle (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. All-Terrain Vehicle includes as defined in section 321.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicle.

(Code of Iowa, Sec 321.1)

2. Utility Trail Vehicle (UTV) means a motorized vehicle, with not less than four non-highway tires that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total – highway dry weight to not more than two thousand (2,000) pounds and that has a seat that is of bucket or bench design not intended to be straddled by the operator, a steering wheel or control levers for control, and is equipped with a bed or cargo box for hauling materials. Vehicles designed for the primary purpose of recreation, such as dune buggies and recreational side by sides, shall not fit this definition and are not allowed under this section. The Chief of Police shall have the final say on whether a vehicle meets this definition.

**3-4-110 OPERATION OF ATVs AND UTVs PERMITTED**

ATVs and UTVs may be operated upon the streets of the City by persons possessing a valid operator's license and at least eighteen (18) years of age, as long as the ATV or UTV possesses a valid City of Keota permit, meets all necessary DNR licensing and registration, and all other requirements of this ordinance are met.

**3-4-111 REQUIRED EQUIPMENT**

ATVs and UTVs operated upon City streets shall be equipped with at least the following:

1. Valid operator's license
2. Valid liability insurance covering the ATV or UTV in the same limits as required of automobiles by the financial responsibility provisions of Chapter 321A of the Code of Iowa.
3. A valid City of Keota permit

**3-4-112 HOURS OF OPERATION**

ATVs and UTVs may be operated on City streets only between sunrise and sunset as set by the National Weather Service for Keota, IA. ATVs and UTVs owned and operated by any governmental entity or school district are exempt from these time restrictions when used in the performance of duties.

### **3-4-113 SPEED**

ATVs and UTVs shall be subject to posted speed limits.

### **3-4-114 OPERATION**

1. Except as noted otherwise, therein, any person operating an ATV or UTV on City streets or alleys shall adhere to all traffic signs and signals, all other City of Keota and State of Iowa traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic or the direction of a fire department officer during a fire.
2. This ordinance forbids the operation of ATVs and UTVs on:
  - a. Any recreational, bike or walking trail unless the trail is specifically designed to allow the use of motor vehicles.
  - b. Sidewalks
  - c. City parks or any other land owned by the City, unless permission is granted by the City Council.
  - d. Private property without the consent of the property owner.
3. All alley use by ATVs and UTVs must be conducted only when the ally is sufficiently dry as to maintain the integrity of the alley once traveled through. All alley use by ATVs and UTVs must not cause the alley to suffer damage.

### **3-4-115 PERMITS**

1. All ATVs and UTVs must be registered with the City of Keota before operating on any public street or alley. Permit applications shall be made available via the City Clerk. Permit applications shall include the following:
  - a. All applications shall uniquely identify the name(s) and address(es) of the owner, or the owner's agent, the owner's address, or bonafide place of business, and phone number.
  - b. All applications shall include a description of the ATV or UTV and shall be for a specific ATV or UTV as evidence by its serial number.
  - c. All applications shall show evidence owner has liability insurance covering operation of an ATV or UTV on City streets with limits of liability at least as great as those required by the Code of Iowa, Chapter 321A.1(11) as amended.
  - d. All ATVs must be compliant with all current Iowa DNR registration decal and registration certificates.
  - e. List of authorized users.
2. Once permit application is approved, all ATVs and UTVs operated on the City streets shall display the City of Keota permit sticker prominently on the left rear of the vehicle.
3. Permits shall be effective from January 1<sup>st</sup> through December 31<sup>st</sup> of each year.
4. Businesses selling ATVs or UTVs are exempt from having to obtain permits, unless the vehicle is being used for general transportation and not as a test vehicle.
5. All ATVs and UTVs must comply with all applicable state regulations.

### **3-4-116 VIOLATION AND PENALTY**

1. Any person guilty of violating the provisions herein shall be guilty of a simple misdemeanor and shall be subject to a fine of up to one hundred (\$100.00) dollars or a municipal infraction.
2. The permit may be suspended or revoked upon finding evidence that;
  - a. The permit holder has violated the conditions of the permit.
  - b. Permit holder or authorized user has abused the privilege of being a permit holder by engaging in reckless driving or by using the ATVs or UTVs in violation of traffic laws.

3. For a first offense the suspension would be thirty (30) days and a ten-dollar (\$10.00) reinstatement fee. For a second offense and all following offenses the revocation of permit would extend until January 1<sup>st</sup> of the following year and a twenty-five-dollar (\$25.00) reinstatement fee.

**SECTION 2. REPEALER.**

That all other ordinances or parts of ordinances in conflict herewith are repealed.

**SECTION 3. SEVERABILITY CLAUSE.**

That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Keota, Iowa, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrased be declared unconstitutional.

**SECTION 4. WHEN EFFECTIVE.**

This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the Keota City Council on the 6<sup>th</sup> day of April, 2020.

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ANTHONY CANSLER, MAYOR

ATTEST:

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TOMISHA HAMMES, CITY CLERK