

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 75 ALL-TERRAIN VEHICLES AND SNOWMOBILES

BE IT ORDAINED by the City Council of the City of Fonda, Iowa:

Section 1. It has come to the attention of the city council that changes are needed in reference to all-terrain vehicles, hereinafter referred to as "ATV" and utility terrain vehicles hereinafter referred to as "UTV".

Section 2. The City wishes to allow ATV's and UTV's to freely transverse throughout the city with certain restrictions.

WHEREFORE Chapter 75 of the Fonda City Code shall be amended to read as follows:

**CHAPTER 75**

**ALL-TERRAIN VEHICLES, UTILITY-TERRAIN VEHICLES AND SNOWMOBILES**

75.01 Purpose	75.06 Operation of All-Terrain Vehicles
75.02 Definitions	75.07 Penalty
75.03 General Regulations	75.08 Hours of Operation
75.04 Operation of Snowmobiles	75.09 Financial Responsibility/Negligence
75.05 Permits	75.10 Accident Reports

**75.01 PURPOSE.** The purpose of this chapter is to regulate the operation of all-terrain vehicles, utility-terrain vehicles and snowmobiles 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 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 (1,000) cubic centimeters and in total dry weight to less than one thousand (1,000) 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 motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

*(Code of Iowa, Sec. 321I.1)*

3. "Off-road utility vehicle" UTV means a motorized flotation-tire vehicle, with not less than four and not more than six low pressure tires, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than one thousand eight hundred (1,800) pounds and that has a seat that is of bench design, not intended to be straddled by the operator, and a steering wheel 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 (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) 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 which has been altered or equipped with runners, skis, belt-type tracks, or treads.

*(Code of Iowa, Sec. 321G.1)*

5. "All-terrain vehicles" and "off-road utility vehicles" shall be collectively referred to as "ATVs" for the purposes of Chapter 75 of the Fonda Code of Ordinances.

**75.03 GENERAL REGULATIONS.** No person shall operate an All- Terrain Vehicle (ATV), Utility-Terrain Vehicle (UTV) or snowmobile within the city limits of Fonda, Iowa in violation of the provisions of Chapter 321G and 321I of the Code of Iowa or 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, Ch. 321G & Ch. 321I)*

**75.04 OPERATION OF SNOWMOBILES.** The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles may be operated upon streets which have not been plowed during the snow season. In addition, snowmobiles may be operated on plowed public streets and alleys solely for the purpose of using the most direct roadway for the ingress to and egress from the City, but no snowmobiles shall be driven on such streets or alleys for entertainment or pleasure.

*(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.9[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; and

(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 operated 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 land without a snow cover of at least one-tenth of one inch.

**75.05 PERMITS.** No person shall operate an ATV/UTV on any public street or alley, for any purpose except active agricultural farming operations, unless the operator possesses a City of Fonda permit to operate a ATV/UTV on City streets, issued by the City Clerk.

1. ATV/UTV owners may apply for a permit from the City Clerk on forms provided by the City.

2. The Clerk shall not issue a permit until the owner/operator has provided the following:

A. Evidence that the permittee is at least 17 years of age, and possesses a valid State issued driver's license.

B. Proof that the permitted ATV/UTV has liability insurance covering operation of ATV/UTV on City streets.

3. All permits shall be issued to the operator of an ATV/UTV. Permits holders will be issued a paper id card that will be kept with the driver for presentation to any peace officer or city official upon request.

4. The fee for such permits shall be twenty dollars (\$20.00). Permits will be granted for one (1) year valid from January 1 through December 31. Permits may be purchased at any time during the year but will be valid only through December 31.

5. The permit may be suspended up to 60 days by the Chief of Police upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. The permittee may request a hearing in front of the City Council to have their permit reinstated. There will be no refund of the permit fee.

**75.06 OPERATION OF ALL-TERRAIN VEHICLES.** The operators of ATVs/UTVs shall comply with the following restrictions as to where ATVs/UTVs may be operated within the City:

1. Streets. ATV/UTV operators holding permits may operate ATVs/UTVs upon the streets under the jurisdiction and within the corporate limits of Fonda. ATVs/UTV's shall not be operated upon any City street which is a primary road extension or State highway through the City unless in compliance with 321.234A, to wit:

State Highway 7

*(Code of Iowa, Sec. 321I.10[1&3] & 321.234A)*

2. Trails. ATVs/UTVs shall not be operated on bike trails or walking trails except where designated.

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

3. Railroad Right-of-way. ATVs/UTVs shall not be operated on an operating right-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. Private Property. ATVs/UTVs may only be operated on private property with the express consent of the owner.

5. Sidewalk or Parking. No ATV/UTV shall be operated upon sidewalks unless engaged in snow removal or maintenance activities, nor shall they be operated upon that portion of the street from the curb to the sidewalk or property line, commonly referred to as the "parking," or any off-street right-of-way, except for the purpose of snow removal, maintenance or landscaping activities.

6. Parks and Other City Land. A permit may be issued for the operation of an ATV/UTV in City parks or other City land for special events authorized by the City Council.

7. License. No person shall operate an ATV/UTV on the public streets of the City without a valid motor vehicle operator's license.

*(Code of Iowa, Sec. 321I.26 & 321.174)*

8. Equipment. All ATVs/UTVs shall be equipped according to the provisions of Sections 321I.12 & 321I.13 of the Iowa Code.

9. Traffic Code Observed. Any operator of any ATV/UTV must observe all State and local traffic control regulations and devices and shall not operate an ATV/UTV at a speed in excess of that posted, nor at any time operate any ATV/UTV at a speed greater than is reasonable and proper under the existing conditions.

*(Code of Iowa, Sec. 321I.14 & 321)*

10. Lights. No person shall operate an ATV/UTV without a lighted headlamp and taillight when required for safety or by any State law or ordinance for motor vehicles.

*(Code of Iowa, Sec. 321I.13)*

11. Unattended ATVs/UTVs and Parking. No owner or operator of an ATV/UTV shall leave an ATV/UTV unattended on public property while the motor is running or with keys in the ignition switch. Owners and operators of ATVs/UTVs must obey all parking regulations in the City.

12. Registration. The owner or operator of an ATV/UTV must maintain and display current vehicle registration as required by the Code of Iowa.

*(Code of Iowa, Sec. 321I.3 & 321I.6)*

**75.07 PENALTY.** A violation of this chapter shall be a simple misdemeanor or a municipal infraction according to Fonda Code of Ordinances. The offender may also be prosecuted pursuant to Section 321I.36 of the Iowa Code or by corresponding scheduled violation of the Code of Iowa. A first offense violation shall result in a fine of \$150; A second offense violation within a period of (24) twenty-four months shall result in a fine of \$300; A third or subsequent offense violation within a period of (24) twenty-four months shall result in the revocation of the city operational permit for a period of two (2) years.

**75.08 HOURS OF OPERATION.** No ATV/UTV or snowmobile shall be operated in the City between the hours of 11:00 p.m. and 8:00 a.m. except for emergency situations or for loading or unloading from a transport trailer, except that an ATV/UTV may be operated during prohibited hours for snow removal purposes or with permission from the City Council.

**75.09 FINANCIAL RESPONSIBILITY/NEGLIGENCE.** The owner or operator of any ATV/UTV or snowmobile must maintain and provide current proof of financial responsibility in accordance with Iowa Code Section 321.20B operated used any purpose inside the City Limits. The owner and operator of an ATV/UTV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV/UTV or snowmobile.

**75.10 ACCIDENT REPORTS.** Whenever an ATV/UTV or snowmobile 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 within forty-eight (48) hours, in accordance with State law.

Section 3. All other sections of Chapters 75 not specifically named herein shall remain unchanged and un-amended.

Section 4. This Ordinance and the rights and privileges herein granted shall not become effective or binding until this ordinance has been approved in accordance with the Iowa Law.

Section 5. If any section, provision, or part of this ordinance shall be adjudged invalid or constitutional, such adjudication shall not affect the validity of the ordinance as a whole or any such in section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. This ordinance shall be in effect after its final passage, approval, publication as provided by law.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Published: \_\_\_\_\_

PAST AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

CITY OF FONDA, IOWA

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(OFFICIAL SEAL)