

ORDINANCE NO. 888

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ELDORA, IOWA, BY AMENDING CHAPTER 75, ALL TERRAIN VEHICLES AND SNOWMOBILES, TO PERMIT ATV/UTV TO BE OPERATED ON CITY STREETS UNDER CERTAIN CONDITIONS AND WITH A CITY PERMIT

BE IT ENACTED by the City Council of the City of Eldora, Iowa:

Section 1. Purpose. The purpose of this ordinance change is to amend portions of Chapter 75 All-Terrain Vehicles and Snowmobiles, of the Eldora Municipal Code by amending section 75.01, 75.02, 75.03, 75.05 and 75.06.

Section 2. Amendments. Sections 75.01, 75.02, 75.03, 75.05 and 75.06 of the Eldora Municipal Code shall be deleted and the following substituted in lieu thereof:

“75.01 PURPOSE. The purpose of this Chapter of the Code of Ordinances is to permit the operation of All-Terrain Vehicles (“ATV’s”) and Utility Terrain Vehicles (“UTV’s”) and snowmobiles on certain streets in the City, as authorized by Section 321I.1(17) of the Code of Iowa (2022). This chapter and its amendments shall apply whenever an ATV, UTV or snowmobile is operated on any city street or alley within the City of Eldora.

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 two hundred (1,200) 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 that 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” or “UTV” means a motorized vehicle, with not less than four and not more than eight non-highway 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. “Off-road utility vehicle” includes the following vehicles:
(Code of Iowa, Sec. 321I.1)

A. “Off-road utility vehicle – type 1” includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. “Off-road utility vehicle – type 2” includes vehicles, other than type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. “Off-road utility vehicle – type 3” includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

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

4. “Snowmobile” means a motorized vehicle that weighs less than one thousand (1,000) pounds, that 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 that 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 off-road motorcycle 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.

75.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the Iowa Code section 321.234A and the following restrictions when operating ATVs or UTVs within the City:

1. OPERATION. ATV’s or UTV’s may be operated upon the streets of the City, subject to paragraph 2 hereof, by persons possessing a valid Iowa operator’s license who are at least eighteen (18) years of age.
2. SPEED. No ATV’s or UTV’s shall be operated on any City Street and alley at a speed in excess of the posted speed limit with maximum speed of thirty-five (35) miles per hour.
3. EQUIPMENT. ATV’s or UTV’s may operate upon City streets and alley as allowed by state law and herein with the equipment required by state law.
4. OCCUPANT LOAD. It shall be unlawful to operate ATV’s or UTV’s in excess of the designed occupant load thereof or for any occupant or person to ride on any portion not designed to carry passengers.
5. TRAVEL PROHIBITED. It shall be unlawful to operate ATV’s or UTV’s in any public cemetery, park, playground, or on any sidewalk or trail or any other publicly owned property without express written permission from the City, with the exception of public parking areas.
6. PROOF OF FINANCIAL LIABILITY COVERAGE. No person shall operate an ATV or UTV on any public street, or alley without proof of financial liability coverage for the vehicle and carried proof of such financial liability coverage in accordance with Section 321.20B of the Code of Iowa.”

75.06 HOURS. No snowmobile shall be operated on the public streets or alleys after the hour of 11:00 p.m. Sunday through Friday or after midnight on Saturday and no snowmobile shall be operated before 7:00 a.m. on any day.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 5. 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 Council the 11th day of October, 2022.

David W. Dunn, Mayor

ATTEST:

Chandra Kyte, City Clerk

Introduced:	September 13, 2022
Passed 1 st Consideration:	September 13, 2022
Passed 2 nd Consideration:	September 13, 2022
Passed 3 rd Consideration:	September 13, 2022
Passed & Adopted:	October 11, 2022