

ORDINANCE 2146

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ANKENY, IOWA, BY AMENDING PROVISIONS PERTAINING TO ALL-TERRAIN VEHICLES AND SNOWMOBILES

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

SECTION 1. SECTION MODIFIED: That Chapter 75 **ALL-TERRAIN VEHICLES AND SNOWMOBILES** of the Code of Ordinances of the City of Ankeny, Iowa, is repealed and the following adopted in lieu thereof:

CHAPTER 75 ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose	75.08 Hours of Operation
75.02 Effective Dates and Termination	75.09 Negligence
75.03 Definitions	75.10 Accident Reports
75.04 General Regulations	75.11 Exemptions
75.05 Places of Operation	75.12 Penalty
75.06 Requirements for UTVs	75.13 Limitation of Liability of City and Adjoining Owners
75.07 Violation of a Stop Signal	

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

75.02 EFFECTIVE DATES AND TERMINATION. This chapter shall only remain in effect from the effective date of passage, pursuant to Iowa Code 380.6, for a period of twenty-four (24) months after said date.

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

1. "All-terrain vehicle" or "ATV" means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 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 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” or “UTV” means a motorized vehicle, with not less than four and not more than eight low pressure tires, 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” does not include dune buggies, golf carts, go carts, low-speed vehicles, mini trucks, or tracked vehicles. “Off-road utility vehicle” includes the following vehicles:
 - 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.

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

4. “Operate” means to ride in or on, other than as a passenger, use, or control the operation of an ATV, snowmobile or UTV in any manner, whether or not the ATV, snowmobile or UTV is moving.
5. “Operator” means a person who operates or is in actual physical control of an ATV, snowmobile or UTV.
6. “Person” means an individual, partnership, firm, corporation, association, any body of persons, whether incorporated or not, and the state, its agencies, and political subdivisions.
7. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 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)

8. “Street or Highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three (33) feet each side of the center line of the roadway.

75.04 GENERAL REGULATIONS. No person shall operate an ATV, snowmobile or UTV within the City in violation of the provisions of Chapter 321G or Chapter 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.

75.05 PLACES OF OPERATION. The operators of ATVs, snowmobiles and UTVs shall comply with the following restrictions as to where ATVs, snowmobiles and UTVs may be operated within the City:

1. ATVs and snowmobiles shall be operated only 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. Properly equipped UTVs may be operated upon any City roadway with a speed limit of 35 miles per hour or less.
3. The speed limit for UTVs shall be established at not greater than 35 miles per hour or the speed limit for motor vehicles, whichever is lower, on all segments of City roads.
4. Operators of ATVs, snowmobiles, and UTVs must adhere to all traffic and parking laws, codes, rules, and regulations, applicable to other motor vehicles, unless directed otherwise by this chapter.
5. Exceptions. ATVs, snowmobiles, and UTVs may be operated on prohibited streets only under the following circumstances:
 - a. Emergencies. ATVs, snowmobiles, and UTVs 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[4])

- b. Direct Crossing. ATVs, snowmobiles, and UTVs 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 ATV, snowmobile, or UTV 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])

- c. Notwithstanding any prohibitions in this chapter, an ATV or UTV may be operated contrary to regulations prescribed in this chapter in a police designated emergency or by any recognized government employees involved in performing essential services for the City, by any duty law enforcement officers in accordance with the performance of their duties, or by construction or maintenance authorized by the City.
 - d. An ATV or UTV may be used to move snow from a driveway or parking lot.
6. Railroad Right-of-way. ATVs, snowmobiles, and UTVs shall not be operated on an operating railroad right-of-way. An ATV, snowmobile, or UTV 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])

7. Trails. ATVs and UTVs shall not be operated on snowmobile trails, and snowmobiles shall not be operated on ATV or UTV trails except where so designated.

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

8. Parks and Other City Land. ATVs, snowmobiles and UTVs shall not be operated in any park, on any trail, on any playground, or upon any other City-owned property without the express permission of the City. Additionally, UTVs being lawfully operated may utilize City-owned driveways, lanes, and parking lots but may not be parked on any primary road extension. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth (1/10) of one inch.
9. Paved Surfaces. ATVs and UTVs shall be operated on paved surfaces only, unless yielding the right-of-way.
10. Single File. All ATV and UTV operators shall ride single file.
11. Street Etiquette. All ATV and UTV operators shall ride on the righthand side of the paved portion of the street or highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other street or highway right-of-way is prohibited, unless yielding right-of-way.
12. Sidewalk or Parking. ATVs, snowmobiles, and UTVs shall not be operated upon the public sidewalk, trail or that portion of the street located between the curblin and the sidewalk or property line commonly referred to as "the parking" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.
13. Private Property. ATVs, snowmobiles, and UTVs shall not be operated upon private property without the consent of the owner or occupier thereof.
14. Public Ice. ATVs, snowmobiles, and UTVs may not be operated upon any frozen creeks, streams, ponds, lakes or other waterway within City limits.
15. Waterways. ATVs, snowmobiles and UTVs may not be operated in any creek, stream, river, or other waterway—nor in any portion of a creek bed, stream bed, or riverbed within city limits.

75.06 REQUIREMENTS FOR UTVs. Operators of UTVs must adhere to the following equipment requirements and restrictions while operating UTVs within the City limits:

1. Operators of UTVs within City limits must be 18 years of age or older and possess a valid driver's license.
2. A person shall not operate a UTV within the City limits unless the operator has proof of insurance complying with that required of an operator of a motor vehicle pursuant to applicable provisions of the Iowa Code, Rules and Regulations, including but not limited to Iowa Code §§ 321.20B and 321A.21.
3. Owners of UTVs operated within City limits shall register their UTV with the Iowa Department of Natural Resources, and proof of such registration shall be displayed and provided, upon request, to any peace officer requesting it. Out-of-state UTV operators must display and provide appropriate proof of registration from their home state upon request by any peace officer.
4. A person shall not operate a UTV on any road, street, highway or interstate prohibited by the State of Iowa.
5. Operators of UTVs must adhere to noise restrictions set forth under Ankeny Code Chapter 44, Noise Control.
6. UTVs must display lighted headlamps and taillamps at all times while the vehicle is operated on City streets or highways.

7. UTVs must be equipped with:
 - a. Operational turn signal lamps with a manually operated switch controlled by the driver.
 - b. Properly operating speedometer and odometer calibrated in miles per hour and miles respectively and shall be fully illuminated when the headlamp(s) are activated.
 - c. Operational horn with a switch controlled by the driver.
 - d. Operational and adequate brakes to stop and hold the UTV in a stopped position.
 - e. Two operational headlamps and taillamps must be affixed to each side on the front and back of the UTV. Taillamps shall be red and include a stop lamp actuated by pressing the brake pedal. The use of light bars, spotlights, or decorative lights is not permitted while the UTV is being operated on City streets or highways.
 - f. Rear-facing mirror providing the operator with a clear view of the rear.
 - g. Department of Transportation rated tires which shall display the proper markings on the sidewall of the tire.
 - h. A system of seat belts, or a similar system, for restraining each occupant of the vehicle in the event of an accident.
 - i. A system of structural members designed to reduce the likelihood than an occupant would be crushed as the result of a rollover of the vehicle.
 - j. A muffler that shall limit engine noise to not more than 86 decibels, as measured on the "A" scale of the American National Standards Institute (ANSI), incorporated, publications S1.4-1961, general purpose sound level meters, at a distance of 50 feet.
8. All occupants, except as noted below, must wear safety belts or safety harnesses which meet the definition of a safety belt or safety harness set forth by Iowa Code § 321.445 while the UTV is in motion.
 - a. Children under one year old and weighing less than 20 pounds must be secured in a rear-facing child restraint system while the UTV is motion.
 - b. Children ages one to six years must be secured in a child restraint system (safety seat or booster seat) while the UTV is in motion.
 - 1) A child restraint system is a specially designed seating system, including a belt positioning seat or booster seat which meets federal motor vehicle safety standards. The child restraint system must be used in accordance with the manufacturer's instructions, the child must be secured in the child restraint, and the child restraint must be properly secured to the UTV.
 - c. No animals will be transported in the cargo portion, bed or attached trailer of a UTV unless they are contained within an enclosure secured to the UTV.
9. No seat shall be used by more than one person at a time.
10. No person may ride on the lap of another.
11. The number of passengers in a UTV shall not exceed the number of factory-installed seats in the UTV.
12. No cargo, materials, supplies, or other items may be transported on UTVs without being properly restrained.

13. UTV operators shall not allow any person in the cargo portion, bed or on an attached trailer while the UTV is being operated.
14. UTV doors or nets must be closed during operation if so equipped.
15. UTV operators shall not operate a UTV equipped with metal studded tires and/or tire chains on or alongside any City street or highway.
16. No open containers of alcohol shall be allowed while the UTV is being operated.
17. Drivers may not operate a UTV under the influence of intoxicating liquor or narcotics or habit-forming drugs as prescribed under Iowa Code Chapter 321J.
18. No UTV will be operated in a careless or reckless manner so as to: endanger any person; cause injury or damage to person or property; create unnecessary skidding or sliding; or cause a wheel or wheels to lose traction or contact with the ground.

75.07 VIOLATION OF A STOP SIGNAL. A person, after having received a visual or audible signal from a peace officer to come to a stop, shall not operate an ATV, snowmobile or UTV in willful or wanton disregard of the signal or interfere with or endanger the officer or any other person or vehicle, or increase speed or attempt to flee or elude the officer.

75.08 HOURS OF OPERATION. No snowmobile shall be operated in the City between the hours of 10:00 p.m. and 9:00 a.m. within 150 feet of any dwelling house without the consent of the occupants of said dwelling, except for emergency situations or for loading and unloading from a transport trailer.

75.09 NEGLIGENCE. The owner and operator of an ATV, snowmobile, or UTV shall be liable for any injury or damage occasioned by the negligent operation of the ATV, snowmobile, or UTV.

(Code of Iowa, Sec. 321G.18)

75.10 ACCIDENT REPORTS. Whenever any ATV, snowmobile or UTV is involved in an accident resulting in injury or death to anyone or property damage amounting to \$200 or more, either the owner, operator or someone acting on their behalf shall immediately notify a law enforcement officer and shall file an accident report within 48 hours in accordance with state law.

75.11 EXEMPTIONS. ATVs, snowmobiles, and UTVs owned by a government agency or subdivision thereof, and used in an official capacity, and UTVs used exclusively to conduct agricultural purposes in accordance with Iowa Code § 321.234A.1[a] are exempt from registration and the requirements of this chapter.

75.12 PENALTY. All violations of any provision(s) of Chapter 75 are hereby declared simple misdemeanors punishable by a fine of at least \$100 plus surcharge and court costs and/or municipal infractions punishable by a penalty as listed in Chapter 4 of this Code of Ordinances. Violations may be charged as either a misdemeanor criminal offense or a municipal infraction at the sole discretion of the peace officer.

75.13 LIMITATION OF LIABILITY OF CITY AND ADJOINING OWNERS. The city and the owners or tenants of property adjoining public lands or right-of-way of a public street or roadway and their agents and employees owe no duty of care to keep public lands, ditches, or land contiguous to a street or roadway under the control of the city safe for entry or use by persons operating an ATV, snowmobile or UTV, or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering for such purposes, except in the case of willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. This section does not create a duty of care or grounds for liability on behalf of the city, or owners or tenants of property adjoining public lands or the right-of-way of public street or roadways and their agents and employees for injury to persons or property in the operation of an ATV, snowmobile or UTV in a ditch or on land contiguous to a street or roadway under the control

of the city. The city, and the owners or tenants of property adjoining public lands or the right-of-way of a public street or roadway and their agents and employees are not liable for the operation of an ATV, snowmobile or UTV.

SECTION 2. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

PASSED AND APPROVED this 3rd day of July, 2023.

Mark E. Holm, Mayor

Attest:

Michelle Yuska, City Clerk

**PUBLISHED IN THE
DES MOINES REGISTER
ON THE 10TH DAY OF JULY, 2023**

**1st Con 6/19/23 (P. Hrg.)
2nd Con 7/03/23
3rd Con 7/03/23**