

highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(Code of Iowa, Sec. 321.236 [1])

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

(Code of Iowa, Sec. 321.236 [1])

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

(Code of Iowa, Sec. 321.236[1])

5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.

(Code of Iowa, Sec. 321.236 [1])

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CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

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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” 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 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 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)

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, 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. Iowa Highway No. 71. Operators of snowmobiles along Highway No. 71, within the corporate limits of the City, shall not operate the same on the roadway portion and adjacent shoulder or within at least five (5) feet on either side of the roadway.

2. Other Streets. Snowmobiles may be operated on any streets within the City.

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

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.

6. Sidewalk or Parking. Snowmobiles 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 the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

7. Private Property. No snowmobile shall be operated upon private property without the express consent of the owner thereof.

75.05 PLACE OF OPERATION OF ATV/UTVs. ATV/UTVs may be operated upon the streets of the City of Okoboji, Iowa, except as prohibited in subsection (1)(A) of this section, by persons possessing a valid Iowa driver’s license.

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

2. authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

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

- A. Prohibited Streets. ATV/UTVs shall not be operated upon any City street which is a primary road extension through the City, to wit: US Highway 71. However, ATV/UTVs may cross such primary road extensions at the intersection of Lakeshore Drive and US Highway 71 and at the intersection of Brooks Lane North (175th Street) and US Highway 71 (subject to Iowa Department of Transportation's approval for the crossings).
3. Parks and Other Public Lands. ATV/UTVs shall not be operated off-road in City parks, playgrounds, walking or recreational trail, or upon any other publicly-owned property.
4. Private Property. ATV/UTVs may only be operated upon private property with express consent of the owner thereof or while engaged in snow removal, landscaping, or other maintenance activities.
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 located between the curb line and sidewalk or property line commonly referred to as the "parking" except for purposes of snow removal, maintenance, or landscaping activities.

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 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, in accordance with State law.

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

75.08 TOWING. No item shall be towed by a snowmobile unless coupled to said snowmobile by a rigid tow bar.

75.09 MANNER OF OPERATION OF ATV/UTVS. No person shall operate an ATV/UTV in the City of Okoboji except as hereinafter provided.

1. License. No person shall operate an ATV/UTV on the public streets, alleys, or right-of-way of the City of Okoboji, Iowa, who is not at least 16 years of age and without a valid motor vehicle operator's license.
2. Equipment. All ATV/UTVs shall be equipped with the original manufacturer's muffler and exhaust system or their equivalent, not to exceed the manufacturer's original emission specification, each vehicle additionally must be equipped with lights and safety equipment required of motor vehicles by law or ordinance. If the UTV is equipped with seatbelts by design, they must be worn by all occupants when the vehicle is in motion. ATV/UTVs shall also be equipped with a bicycle

- safety flag of florescent orange color on a staff holder to put such flag at least five (5) feet above the surface of the street.
3. Traffic Code. All ATV/UTV operators must observe all State and local traffic control regulations and devices. No ATV/UTV shall be operated on any City street at a speed in excess of twenty-five (25) miles per hour and shall not operate at a speed in excess of that posted nor at any time operate at a rate of speed greater than is reasonable and proper under the existing conditions.
 4. Careless Operation. No person shall operate an ATV/UTV in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
 5. Intoxicated. No person shall operate an ATV/UTV in the City limits of the City of Okoboji, Iowa, while under the influence of intoxicating liquor, narcotics, or habit-forming drugs.
 6. Lights. No person shall operate an ATV/UTV without a lighted headlamp and taillight when required for safety.
 7. Unattended. No owner or operator of an ATV/UTV shall leave an unattended vehicle on public property while the motor is running or with keys in the ignition switch.
 8. Parking. The operators must obey all parking regulations in the City of Okoboji when parked on a public street or thoroughfare.
 9. Hours of Operation. ATV/UTVs shall not be operated anywhere within the City limits of the City of Okoboji, Iowa, after sunset and before sunrise. The only permitted operation during these hours shall be for routine snow removal or in emergency situations.
 10. Financial Responsibility. The owner or driver of the ATV/UTV within the City limits of the City of Okoboji, Iowa, must maintain and provide current proof of liability insurance or financial responsibility in accordance with Iowa Code Section 321.208 of the *Code of Iowa*.
 11. Registration. The owner or driver of an ATV/UTV within the City limits of the City of Okoboji, Iowa, must maintain a current registration as provided by Iowa law.
 12. Penalties & Fines. Any person operating an ATV/UTV in violation of this chapter of the Code of Ordinances may be charged with violation of State Motor Vehicle Laws or violation of this local ordinance. In the event that said violator is charged under this chapter, the first offense shall be a fine of not less than one hundred dollars (\$100) and a 60-day suspension of privileges to use City streets; the second offense a fine of not less than two hundred dollars (\$200) and a 365-day suspension of privileges to use City streets; and the third offense a fine of not less than five hundred dollars (\$500) and a two year suspension of privileges to use City streets. For each additional offense after a third violation, the fine shall be not less than five hundred dollars (\$500) and a permanent suspension of privileges to use City streets.
 13. In addition to this chapter, the operator of an ATV/UTV shall comply with all requirements of Iowa Code Section 321.234A and Iowa Code Chapter 3211.

