

CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

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75.01 PURPOSE. The purpose of this chapter is to regulate the use and operation of all-terrain vehicles, snowmobiles, off-road utility vehicles and golf carts within the City. *(Ord. 706 – Dec. 20 Supp.)*

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 (3) low pressure tires, but not more than six (6) non-highway tires that is limited in engine displacement to less than one thousand (1000) cubic centimeters and in total dry weight to less than twelve hundred (1200) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Iowa Code 321I.1[a])

(Ord. 706 – Dec. 20 Supp.)

2. “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.

(Ord. 611 – May 06 Supp.)

(Code of Iowa, Sec. 321G.1[18])

3. “Off-road utility vehicle” or “ORV” 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.

(Ord. 706 – Dec. 20 Supp.)

(Iowa Code 321I.17[a])

4. “Golf cart” means a motor vehicle that has not less than three wheels in contact with the ground, that has an unladen weight of less than one thousand eight hundred pounds, that is designed to be and is

operated at not more than twenty-five miles per hour and that is designed to carry not more than four persons including the driver.

(Ord. 706 – Dec. 20 Supp.)

75.03 GENERAL REGULATIONS. No person shall operate an ATV 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, 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, on the public streets 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 streets solely for entertainment or pleasure, and provided that they may not be operated, at any time, on any alley within the City or on the following streets:

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

- A. On Locust Street between Columbia Street and Dodge Street;
- B. On Jefferson Street between Columbia Street and Dodge Street;
- C. On Franklin Street between Columbia Street and Dodge Street;
- D. On Walnut Street between Columbia Street and Dodge Street;
- E. On Columbia Street between Locust Street and Walnut Street;
- F. On Madison Street between Locust Street and Walnut Street;
- G. On Washington Street between Locust Street and Walnut Street;
- H. On Dodge Street between Locust Street and Walnut Street;

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[4 g])

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.

75.05 OPERATION OF ATVS (ALL-TERRAIN VEHICLES).

1. Purpose. The purpose of this section is to establish a permit to authorize the operation of all-terrain vehicles (ATVs) on certain streets for the purpose of snow removal, lawn care and gardening within the City of Bloomfield as authorized and pursuant to Section 321.234A and Chapter 321I of the Code of Iowa, and for sport or other purposes as authorized herein.

2. Definition. (Repealed by Ordinance No. 706 – Dec. 20 Supp.)

3. General Regulations. No person shall operate an all-terrain vehicle (ATV) within the City limits of Bloomfield, Iowa, in violation of the provisions of Chapter 321I of the Code of Iowa or unless enacted by the Iowa Department of Natural Resources governing the registration, numbering, equipping or manner of operation, or the provisions of this section.

4. Permits. No person shall operate an all-terrain vehicle on any public street, or alley within the City of Bloomfield, Iowa, for any purpose unless the all-terrain vehicle displays a City of Bloomfield permit issued by the City Clerk/Treasurer.

A. ATV owners may apply for a permit from the Bloomfield City Clerk/Treasurer on forms provided by the City.

B. The City Clerk/Treasurer shall not issue a permit until the owner has provided the following:

(1) Evidence that the ATV is registered as required by Iowa law and that such registration is current. The owner shall maintain such registration.

(2) Evidence that the owner is at least eighteen (18) years of age and possesses a valid Iowa driver's license.

C. The operator of an ATV shall display the City of Bloomfield permit sticker prominently on a rear fender or similar rear component.

D. All permits issued shall uniquely identify the name and address of the owner.

E. The fee for such permits shall be ten dollars (\$10.00).

5. Authorized Uses. Any ATV displaying a City of Bloomfield permit may only be operated on City streets and alleys in compliance with all requirements set out herein and for the following purposes:

A. Snow removal with attached snowplow or blade.

- B. Gardening and/or lawn work.
 - C. Special events authorized by the City Council.
 - D. For sports on such streets as may be designated by resolution of the Council for the sport of driving ATVs.
6. Equipment. Any ATV for which a City of Bloomfield permit is issued shall be equipped as required by Sections 321I.12 and 321I.13 of the Code of Iowa, including but not limited to, muffler, head lamp, tail lamp and brakes. ATVs shall also be equipped with a bicycle safety flag of fluorescent orange at least five feet (5') above the surface of the street.
7. Operation.
- A. Operators. No person shall operate an ATV on any City street, alley or right-of-way who is not at least eighteen (18) years of age and does not have a valid Iowa driver's license.
 - B. Traffic Code. Any person operating an ATV, including those for which a City of Bloomfield permit has been issued, shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations, and shall obey the orders and directions of any law enforcement officer authorized to direct or regulate traffic.
 - C. Speed. No ATV shall be operated at a speed in excess of the lesser of twenty-five (25) miles per hour or that posted, nor shall any ATV be operated at a speed greater than is reasonable and proper for the existing conditions.
 - D. Lights. No ATV shall be operated without a lighted head lamp and tail lamp from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernable persons and vehicles at a distance of five hundred feet (500') ahead.
 - E. Unattended ATVs and Parking. No person shall leave any ATV unattended on public property while the motor is running or the keys are in the ignition switch. Owner/operators shall comply with all parking regulations in the City.
 - F. Hours of Operation. No ATV shall be operated in the City of Bloomfield between the hours of 10:00 o'clock p.m. and 6:30 o'clock a.m. except for emergency situations or for loading or unloading from a transport trailer, except that ATVs may be operated during prohibited hours to perform snow removal activities.

8. Locations.
 - A. City Streets. ATV operators holding valid City of Bloomfield permits may operate ATVs upon streets under the jurisdiction and within the corporate limits of the City of Bloomfield for the purposes listed above, or on such streets as may be designated by resolution of the Council for the sport of driving ATVs. ATVs shall not be operated upon any City street that is a primary road extension or state highway or bike or walking trail unless the trail is specifically designated to allow use of motor vehicles or ATVs.
 - B. Sidewalks. ATVs shall not be operated upon sidewalks unless the operator possesses a valid City of Bloomfield permit and is engaged in snow removal or sidewalk maintenance activities.
 - C. Parking. ATVs shall not be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk referred to as the parking even if the operator possesses a valid City of Bloomfield permit unless engaged in snow removal, maintenance or landscaping activities for the abutting property.
 - D. City Parks and Other Land Owned by the City. ATVs shall not be operated in City parks or upon other City-owned land without the express permission of the City Council and unless the ATV retains the valid City of Bloomfield permit.
 - E. Private Property. ATVs may only be operated on private property with the express consent of the owner.
 - F. Railroad Right-of-Way. ATVs shall not be operated on an operating railroad right- of-way.
9. Violation and Penalty.
 - A. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of one hundred dollars (\$100.00) and revocation of the City of Bloomfield permit for a period of two months.
 - B. Any person guilty of violating this section two times in a twelve (12) month period shall be subject to a fine of two hundred dollars (\$200.00) and revocation of the City of Bloomfield permit for a period of two years.

C. Any person guilty of violating this section three times shall be subject to a fine of three hundred dollars (\$300.00) and permanent revocation of the City of Bloomfield permit.

D. Persons violating this section may also be prosecuted and subject to the penalties set out in the Code of Iowa.

10. Liability Insurance. Proof of liability insurance shall be shown to the City prior to issuance of the permit.

(Ord. 647 – Oct. 09 Supp.)

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 dollars (\$1,000.00) 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 OPERATION/TIME RESTRICTION. An ORV and golf cart may be operated on all City roadways in Bloomfield, Iowa. Operation of an ORV or golf cart is prohibited on Highway 63 and Highway 2. Crossing one of these highways to reach a City street is permissible but driving on the highway is restricted to crossing. Operation is permitted on paved seal coat and gravel public roadways. Operation of an ORV or golf cart on Bloomfield roadways is permitted from 3 a.m. to 10 p.m. The operator of an ORV or golf cart must obey all provisions of the *Code of Iowa* and all City/County ordinances related to motor vehicle traffic and parking regulations.

(Ord. 706 – Dec. 20 Supp.)

75.09 PROHIBITION. A person shall not drive or operate an ORV or golf cart:

1. At a rate of speed greater than the posted speed limit up to 35 mph. A low-speed vehicle shall not be operated on a street with a posted speed limit greater than thirty-five miles per hour.

(Iowa Code 321.381A)

2. In a careless, reckless or negligent manner as to:

- A. Endanger any person.
- B. Cause injury or damage to person or property.
- C. Create unnecessary skidding or sliding or to cause any wheel or wheels to unnecessarily lost contact with the ground.
- D. Trespass on private property of another.
- E. Create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
(*Iowa Code 321.436, Bloomfield City Code 39.05*)
- F. While under the influence of an alcoholic beverage or controlled substance.

3. Without lighted headlights and taillights at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicle at a safe distance.

4. Without displaying a City issued flag and sticker.

5. Without all persons in the vehicle properly secured by seat belts if the vehicle is equipped with seat belts.

6. While under the age of 18.

7. Without a valid Iowa issued driver's license.

8. With more occupants than the vehicle is designed to carry.

(*Section 75.09 – Ord. 706 – Dec. 20 Supp.*)

75.10 RECOMMENDATIONS. The safety of the traveling public is of great importance. The City of Bloomfield also recognizes that each individual operator is primarily responsible for the safe operation of any ORV or golf cart on a roadway. The City assumes no liability for such operation, when permitted. The City of Bloomfield recommends, but does not require:

- 1. Any time an ORV or golf cart is operated on a paved roadway it should operate on the shoulder if and when shoulder space is available and it is safe to do so.
- 2. All persons operating or riding on an ORV or golf cart wear protective headgear at all times.

(*Section 75.10 – Ord. 706 – Dec. 20 Supp.*)

75.11 PERMIT/FEE/FINES. No person shall operate an ORV or golf cart on any approved roadway, for any purpose, unless the operator possesses a City of Bloomfield permit to do so, issued by the Bloomfield Police Department.

1. The Bloomfield Police Department shall not issue a permit until the owner/operator has provided the following:
 - A. Evidence that the operator is at least 18 years of age and is in possession of a valid Iowa driver's license.
 - B. Proof that the ORV is registered with Iowa DNR.
 - C. Golf carts shall be equipped with headlights, brake lights, rearview mirror, slow moving vehicle sign, adequate brakes and pass a safety inspection at the time the permit is issued.
 - D. Proof that the owner and operator have motor vehicle liability insurance covering operation of a registered ORV or golf cart on approved roadways in the amount required by Iowa law.
(Iowa Code 321A.21)
 - E. A signed acknowledgement and agreement of understanding of this ordinance.
2. The fee for such City permits shall be: City Residents \$50.00, County Residents \$75.00 set by the City of Bloomfield by resolution and shall be valid for one calendar year from January 1 through December 31, renewed annually.
3. All permits shall be issued for a specific ORV or golf cart. Permit holders will be issued a numbered flag and a sticker to affix to the left rear of the vehicle in a place that can easily be seen by others viewing said vehicle from behind.
4. The fines schedules for violations of this ordinance are as follows:
 - A. First offense will result in a fine of \$75.00 and possible 30-day suspension of the right to operate the ATV, ORV or golf cart within the City limits.
 - B. Second offense will result in a fine of \$125.00 and possible 90-day suspension of the right to operate the ATV, ORV or golf cart within the City limits.
 - C. Third offense will result in a fine of \$225.00 and revocation of the permit if third offense occurs within a three (3) year period.
5. The permit may be suspended or revoked by any law enforcement officer upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There shall be no refund of the permit fee. Should permit be suspended or revoked, the owner or operator may seek review of such action by the Bloomfield City Council. The operator must receive a

majority vote of the Bloomfield City Council to allow reinstatement of an existing permit or issuance of a new permit.

(Section 75.11 – Ord. 706 – Dec. 20 Supp.)

75.12 EXEMPT VEHICLES. The requirements of this ordinance shall not be enforced for an ATV, ORV or golf cart used as an authorized emergency vehicle.

(Ord. 706 – Dec. 20 Supp.)

75.13 PARADE USAGE. Vehicles covered by Chapter 75 of the Code of Ordinances are exempt from the permit requirements of this chapter during and 30 minutes before and after any parade for which the City Clerk has issued a permit pursuant to Bloomfield City Code Section 60.08.

(Ord. 706 – Dec. 20 Supp.)