

ORDINANCE NO.: _____

AN ORDINANCE AUTHORIZING AND REGULATING ALL TERRAIN VEHICLES (ATV), OFF-ROAD UTILITY VEHICLES (ORV) AND GOLF CARTS ON CERTAIN ROADWAYS WITHIN THE CITY OF BLOOMFIELD WHICH IS TO BE ADDED TO BLOOMFIELD CITY CODE CHAPTER 75 STARTING AT 75.08

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF BLOOMFIELD, IOWA, AS FOLLOWS:

SECTION 1: That Chapter 75 of the Code of Ordinances of the City of Bloomfield, Iowa is hereby amended, as follows:

75.08. Purpose

The purpose of this ordinance is to identify regulations regarding All-Terrain Vehicles (ATV), Off-Road Utility Vehicles (ORV) and Golf Cart operation on the portion of City roads as designated by the Bloomfield City Council and the city streets in Bloomfield as designated by all streets/roadways including that portion of Highway 63 and Highway 2 that is within the city limits.

75.09. Definitions

1. All-Terrain Vehicles (ATV) - 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 3211.1.a.*
2. Off-Road Utility Vehicle (ORV) - 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. *Iowa Code 3211.12.a.*
3. Golf Carts - 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 (1800) 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 that four persons including the driver.

75.10. Operation / Time Restriction

Operation on city streets and roadways permitted. An ORV and Golf Cart may be operated on all city roadways in Bloomfield, Iowa. ATV's are prohibited from operation within city limits per Chapter 75 of the Bloomfield Code of Ordinances. Operations of the vehicles listed in this ordinance are 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 3:00am to 10:00pm. The operator of a vehicle listed in this ordinance must obey all provisions of the Code of Iowa and all city/county ordinances related to motor vehicle traffic and parking regulations.

75.11. 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 35 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 cause any wheel or wheels to unnecessarily lose contact with the ground.
 - d. Trespass on private property of another without express permission to do so by the owner or occupant of said property.
 - 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 narcotics or habit-forming drugs.
3. Without lighted headlights and taillights at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicles 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 and shall possess a valid state issued drivers license.
7. With more occupants than the vehicle is designed to carry.

75.12. Recommendations

The safety of the travelling 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 the 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 are encouraged to wear protective headgear at all times.

75.13. 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 drivers license.
 - b. Proof that the ORV is registered with the 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 liability insurance covering operation of registered ORV or Golf Cart on approved roadways in the amount required by the State of Iowa.
 - e. Signs the agreement acknowledging the understanding of this ordinance at the time the permit is issued.
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 schedule for violations of this ordinance are as follows:
 - a. First offense will result in a fine of \$75.00 and possible 30-day suspension
 - b. Second offense will result in a fine of \$125.00 and possible 90-day suspension
 - 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 the permit be suspended or revoked, the owner or operator may seek review of such action by the Bloomfield City Council, where 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.

75.14. Exempt Vehicles

The terms of this ordinance shall not be required for an ATV, ORV or Golf Cart used as an authorized emergency vehicle.

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: Repealer - All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: When Effective: This ordinance shall be effective December 1, 2020.

PASSED AND APPROVED, this _____ day of _____, 2020.

Daniel Wiegand, Mayor

ATTEST:

Sandy Jones, City Clerk