

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 22 VEHICLES AND TRAFFIC ARTICLE IX SNOWMOBILES AND ALL-TERRAIN VEHICLES OF THE CODE OF ORDINANCES OF THE CITY OF OELWEIN, IOWA

BE IT ORDAINED by the City Council of the City of Oelwein, Iowa, as follows:

Section 1. That the General Ordinances of the City of Oelwein adopted July 1, 2012, be amended by adding the following to Chapter 22 Vehicles and Traffic Article IX Snowmobiles and All-Terrain vehicles. The purpose of this ordinance is to update the ordinance to include utility terrain vehicles (UTV's).

Section 2. The original Code section 22-210 to 22-213 shall be deleted in its entirety and replaced with the following:

ARTICLE IX
SNOWMOBILES AND UTILITY TERRAIN VEHICLES

SECTION 22-210. PURPOSE.

To provide reasonable rules and regulations for the maintenance and operation of snowmobiles and utility terrain vehicles (UTV's) and to establish areas where snowmobiles and utility terrain vehicles may be used for the safety and general welfare in the City of Oelwein, Iowa.

SECTION 22-211. DEFINITIONS.

1. For use within this Article, unless the context otherwise requires, all the terms used in this Article shall have the same meaning as those set forth in Iowa Code Section 321G.1.
2. "UTV s" (Utility Terrain Vehicles) means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight of not more than 1,900 pounds and that has a seat which is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.
3. "Highway" means any street, alley, avenue, boulevard or other roadway square or public places open to public travel in this City. (Ord. 17-68 § 1 (8), 1969)

SECTION 22-212 REGISTRATION

1. No person shall operate an UTV or snowmobile on any approved roadway, for any purpose, unless the operator possesses a City of Oelwein permit to do so, issued by the Oelwein Police Chief, or their designee.
2. The Oelwein 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 in possession of a valid Iowa driver's license.
 - b. Proof that the UTV or snowmobile is registered with the Iowa DNR.
 - c. Proof that the owner and operator have liability insurance covering operation of UTVs or snowmobile on approved City roadways in the amount required by the Code of Iowa.
3. The fee for such City permits shall be set by the city of Oelwein by Resolution and shall be valid for one (1) calendar year from January 1st through December 31st. Permit fees will not be pro-rated.
4. All permits shall be issued for a specific snowmobile or UTV. Permit holders will be issued a number and a sticker to affix to the left rear of the vehicle in a place that can be easily seen by others viewing said vehicle from behind.
5. The permit shall be suspended for 30 days for a first offense; 90 days for a second offense; and a permanent revocation for the third offense occurring within a twelve-month period for any violation occurring while operating an UTV or snowmobile of Iowa Code Chapters 321 or this ordinance.
6. 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 City action by the City Administrator and finally by the Public Safety Committee.

7. Only UTVs that are part of a fundraiser or community event are exempt from registration. Snowmobiles passing through Oelwein on a clearly marked route or that are part of a fundraiser or community event are exempt from registration.

SECTION 22-212. OPERATION LIMITATIONS SNOWMOBILES

1. Any person may operate and use a snowmobile upon the city streets with the exception of Highways 150 and 3 and all public right-of-way, streets and alleys in the C-1 Central Business District, taking the most direct street to the corporate limits of the City, and no snowmobile shall be driven on any street solely for the entertainment or pleasure, except that a registered snowmobile may be operated upon a prohibited city street, other than a state highway, under the following conditions:
 - A. Upon a city street which has not been plowed during the snow season;
 - B. Upon a city street in an emergency during the period of time when and at locations where snow upon the roadways render travel by conventional motor vehicles impractical.
2. A snowmobile may make a direct crossing of a prohibited street or highway provided:
 - A. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and
 - B. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and
 - C. The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard;
3. Each snowmobile operated within the city shall be equipped with at least one head lamp and one tail lamp that comes standard from the manufacturer, which shall be lighted during the operation on a public street at any time from sunset to sunrise, and at such times when conditions such as fog, snow, sleet or rain provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.
4. Every snowmobile shall be equipped with brakes which conform to standards prescribed by the director of transportation.
5. Snowmobile shall not be operated without suitable and effective muffling devices which limit engine noise to not more than eighty-six decibels as measured on the "A" scale at a distance of fifty feet, except a snowmobile, manufactured after July 1, 1973, which shall have a muffler system that limits engine noise to not more than eighty-two decibels as measured on the "A" scale at a distance of fifty feet, and a snowmobile manufactured after July 1, 1975, which shall have a muffler system that limits engine noise to not more than seventy-eight decibels as measured on the "A" scale at a distance of fifty feet.
6. Deleted. (Ord. No. 1010, 02-10-2003.)
7. A snowmobile shall not be operated at a rate of speed greater than reasonable or proper under all existing conditions. In no event shall an all-terrain vehicle or snowmobile be operated upon a public street at a rate of speed in excess of the posted speed limit.
8. A snowmobile shall not be operated in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
9. A snowmobile shall not be operated while the operator is under the influence of intoxicating liquor or narcotics or habit-forming drugs.
10. No person shall operate any snowmobile upon any sidewalk or public right-of-way outside the curb line of the street or alley.
11. A person, after having received a visual or audible signal from a police officer to come to a stop, shall not operate a snowmobile in willful or wanton disregard of the signal or interference with or endanger the officer or any other person or vehicle, or increase speed or attempt to flee to elude the officer.
12. A snowmobile shall not be operated on or across a city street or public highway by a person under eighteen years of age who does not have in the person's possession a safety certificate issued to the person by the State of Iowa.
13. No person shall operate a snowmobile on private property of another without prior permission.
14. No person shall operate a snowmobile in any cemetery or city park, except on the designated snowmobile trail in Oelwein City Park on the dates and times when snow conditions permit, as noted in Oelwein Ordinance 21-5(2).

Snowmobiles shall be defined pursuant to Iowa Code 3211.1 and 3216.1(20). (Ord. No. 1120, 6-26-2012.)

SECTION 22-213 OPERATION LIMITATIONS UTV

1. A person shall not drive or operate an UTV:

- a. Unless they are 18 years of age, have a valid driver's license-are registered with the Iowa Department of Natural Resources (IDNR) with properly displayed registration decal and have a valid proof of insurance on their UTV OR
 - b. Operators under the age of 18 and who possess a valid driver's license and have a valid IDNR Certification for Off-Road Utility Vehicle education course.
2. Passengers under the age of 18 shall have an approved helmet.
3. Operators shall abide by all traffic laws and posted traffic signs and operate at a rate of speed not greater than twenty-five miles per hour.
4. No person shall operate a UTV without brakes, a lighted Iowa Department of Transportation approved headlight and taillight to render clearly discernible persons and vehicles at a distance of five hundred feet ahead and back, and, have a minimum one mirror to allow visibility to a minimum distance of 200 feet behind the vehicle. All headlight and taillight equipment must come standard with the equipment from the manufacturer to be approved.
5. No person shall operate a UTV in a careless, reckless, or negligent manner endangering the person or property of another or causing injury or damage to the same.
6. No person shall operate a UTV with more persons on the vehicle than it was designated to carry or have more than one person per seat (two per bench seat).
7. The operator and passengers of an UTV shall wear the seatbelt or harness as so equipped by the manufacturer
8. All passengers must be properly seated while the UTV is in motion.
9. No children under the age of six are permitted on a UTV.
10. No person shall operate a UTV at any city parks or any other land owned by the City, unless permission is granted by the Oelwein City Council.
11. No person shall operate a UTV on private property without the consent of the property owner.
12. No person shall operate a UTV on recreational bike/walking trails or sidewalks.
13. UTV's are prohibited from operating on the following roadways:
 - a) A state highway
 - b) 2nd Street SE
 - c) 7th Street SE
 - d) 8th Ave SE
1. The UTV can cross these roadways in order to access an approved roadway
14. UTV's can only operate on a roadway with a designated speed limit of 25 mph or less.
15. UTV's are prohibited from traveling through the viaduct in the 300 block of West Charles.

SECTION 22-214 NEGLIGENCE

1. The owner and operator of a UTV are liable for any injury or damage occasioned by the negligent operation of the UTV.
2. All persons who operate or ride on UTVs on streets inside the city limits of Oelwein do so at their own risk and peril. The city has no liability under any theory of liability, for UTV s that are operated on the highway of the city.

SECTION 22-215 ACCIDENT REPORTS

1. Whenever a UTV 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 as required under Iowa Code Sections 3211.11 and 321.266.

SECTION 22-216 EXEMPT VEHICLES.

1. Ambulance, Fire, Law Enforcement, and Oelwein Public School UTV s are exempt from these hours of operation and areas prohibited in performance of their duties.
2. Special events can be exempt from UTV hours of operation and areas prohibited only with the prior approval of the Oelwein City Council. (i.e., Oelwein Celebration, Oelwein Homecoming, Old Thyme Christmas, etc.)

SECTION 22-217 STREET ETIQUETTE.

1. Except when executing a left turn, UTV's shall be driven as close as practical to the right-hand edge of any highway.
2. When necessary to prevent congestion of traffic UTV s shall be pulled to the right-hand edge of the highway and be stopped to allow other motor vehicles traveling in the same direction to pass.
3. When two or more UTV s are being operated in the same direction and in the general vicinity on a highway, they shall proceed in single file.
4. A UTV may be parked on a highway or parking lots only in designated parking spaces.

SECTION 22-218 VIOLATION & PENALTIES.

Violation of this Ordinance constitutes a Simple Misdemeanor. The scheduled fine for violation of this section shall be two hundred and fifty dollars (\$250.00) plus all applicable court costs and fees.

1. All ordinances or parts of ordinances which conflict herewith are repealed.
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.
3. This ordinance shall be in full force and effect from and after its passage and publication, as provided by law from and after the 1st day of July, 2022.

(Ord. No. 473, 2-28-72; Ord. No. 514, Section 1, 1-17-75; Ord. No. 564, Section 1, 4-11-77; Ord. No. 909, 1-23-95.)

State law reference – Section 321G.1 (2), Code of Iowa.

SECTIONS 22-220 - - 22-229. Reserved.

Section 3. That all Ordinances or parts thereof in conflict herewith be and the same are hereby repealed. This Ordinance shall become effective upon the date specified above.

First reading – March 28, 2022
 Second reading –
 Third reading –

Passed and adopted by the City Council of the City of Oelwein, Iowa, this _____ day of

_____.

 Brett DeVore, Mayor

Attest:

 Dylan Mulfinger, City Administrator

Recorded _____, 2022.

 Dylan Mulfinger, City Administrator

First Reading on _____:

It was moved by _____ and seconded by that the Ordinance as read be adopted, and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

Garrigus
 M Weber
 Payne
 Lenz
 Stewart
 Seeders

Second Reading on _____ It was moved by _____ and seconded by that the Ordinance as read be adopted (or to suspend the rules), and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

Garrigus
 M Weber
 Payne
 Lenz
 Stewart
 Seeders

Third Reading on _____ It was moved by _____ and seconded by that the Ordinance as read be adopted (or to suspend the rules) and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

Garrigus
 M Weber
 Payne
 Lenz
 Stewart
 Seeders