

ORDINANCE NO. 125

AN ORDINANCE TO REGULATE THE OPERATION OF ALL-TERRAIN VEHICLES WITHIN THE CITY OF MAURICE, IOWA

BE IT ENACTED by the city Council of the City of Maurice, Iowa:

TITLE IV

CHAPTER 5:

ARTICLE 18-ATV Ordinance General Provisions

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

1. "ALL-TERRAIN VEHICLE" or "ATV" means a motorized flotation-tire vehicle with not less than (3) and not more than six (6) low pressure tires that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to less than one thousand five hundred (1,500) pounds that has a bench seat or seat or saddle designed to be straddled by the operator and handlebars or a steering wheel for steering control.
2. "OPERATOR" shall mean a person who operates or is in actual physical control of an ATV.
3. "OPERATE" shall mean to ride in or on and control the operation of an ATV.
4. "STREET" shall mean a public thoroughfare, roadway, alley, or trail used for motor vehicular traffic including an interstate, state, or county highway.

18.02 GENERAL REGULATIONS. No person shall operate an ATV within the City limits of Maurice, Iowa in violation of the provisions of 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.

18.03 OPERATION OF ALL TERRAIN VEHICLES. The operators of ATV's shall comply with the following restrictions as to the operation of within the City:

1. Permits. Operators of ATV's may apply at the Maurice City Office for a permit to allow the operation of an ATV on City Streets. Each ATV to be driven must have a permit. The fee for a permit shall be \$10.00 per calendar year. The permit will be issued by the city clerk. Permits will be issued for ATV's which are owned by residents of the City of Maurice. A copy of the permit shall be carried by any operator while operating the ATV. A permit decal shall be displayed next to the registration decal in the manner prescribed by the rules of the Natural Resource Commission. Each operator of an ATV shall obtain a permit to operate a permitted ATV on City Streets. Operators of ATV's may apply at the Maurice City Office for an ATV operator's permit. The fee for an operator's permit shall be \$5.00. The permit will be issued by the city clerk. Operators of ATV's shall be residents of the City of Maurice. A copy of the operator's permit shall be carried by any operator while operating the ATV.
2. Streets. Permitted ATV's may be operated by permitted operators upon any City street under the jurisdiction and within the corporate city limits of Maurice, Iowa. ATV's shall not be operated upon any City street which is a primary road extension or state highway through the City, to wit: County road B-58
However, ATV's may cross such primary road extension or highway at intersections.

Permitted use of the highway shall only exist where four way intersections do not exist and only in direct route to the next permitted city street.

3. Trails. ATV's shall not be operated on bike trails, walking trails or snowmobile trails.
4. Private Property. ATV's may only be operated on private property with the express consent of the owner.
5. Sidewalk or Parking. No ATV shall be operated upon sidewalks unless engaged in snow removal or maintenance activities, nor shall they be operated upon that portion of the street from the curb to the sidewalk or property line, commonly referred as to the "parking", or any off street right-of-way, except for the purpose of snow removal, maintenance or landscaping activities.
6. Parks or Other City Land. Permitted use of ATV's upon parks or other city land shall only exist with the expressed consent of the City Council for special events by the City Council.
7. License. No person shall operate an ATV on the public street of the City without a valid motor vehicle operator's license.
8. Equipment. All ATV's shall be equipped according to the following provisions:
 - a. Mufflers required. An ATV shall not be operated without suitable and effective muffling devices. An ATV shall comply with the sound level standards and testing procedures established by the society of automotive engineers under SAE J1287. (Code of Iowa, Sec 321I.12). No person shall operate an ATV within the City limits, which is equipped with a muffler cut-out, bypass or similar device.
 - b. Headlamp-Tail lamp-Brakes. Every ATV shall display a lighted headlamp and tail lamp at all times during use. Every ATV shall be equipped with brakes. (Code of Iowa, Sec 321I.13)
 - c. When operated on a street, an ATV shall have a bicycle flag which extends not less than five (5) feet above ground attached to the rear of the ATV. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches, and be day-glow in color.
9. Traffic Code Observed. Any operator of any ATV must observe. All state and local traffic control regulations and devices and shall not operate an ATV at a speed in excess of that posted, nor at any time operate an ATV at a speed greater than is reasonable and proper under the existing conditions.
10. Single File. ATV's shall be driven in a single file in the proper lane of traffic.
11. Passengers. A person shall not operate an all-terrain vehicle with more persons on the vehicle than it was designed to carry.
12. Unattended ATV's and Parking. No owner or operator of an ATV shall leave the ATV unattended on public property while the motor is running or with the keys in the ignition switch. Owners and operators of ATV's must obey all parking regulations in the City.
13. Registration. The owner or operator of an ATV must maintain current vehicle registration as required by Iowa law.
14. Hours of Operation. No ATV shall be operated in the City between sunset and 6:00 A.M. except for emergency situations or for loading and unloading of a transported trailer, except that an ATV may be operated during prohibited hours for snow removal purposes.
15. Penalties. A violation of this chapter shall be a simple misdemeanor or a municipal infraction according to Chapter four (4) Sec. 12.01 & 12.02 of the Maurice City Code. Fines for a municipal infraction shall be set by resolution. Two violations of this Ordinance within a period of twelve (12) months shall result in the revocation of the permit for a period of two (2) years. The offender may also be prosecuted pursuant to Sect. 321I.36 of the Iowa Code.

18.04 FINANCIAL RESPONSIBILITY/NEGLIGENCE. The owner or operator of an ATV must maintain and provide current proof of financial responsibility in accordance with Iowa Code Section 321.20B. The owner and operator of an ATV are liable for any injury or damage caused by the negligent operation of the ATV.

18.05 ACCIDENT REPORTS. Whenever an ATV is involved in an accident resulting in the death or injury 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 within forty-eight (48) hours, in accordance with the State law.

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

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.

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

Passed by the Council the 20th day of July, 2010, and approved this 20th day of July, 2010.

Don Van Horssen, Mayor

ATTEST:

Evonne Wielenga, City Clerk