

ORDINANCE NO. 2361

**ORDINANCE AMENDING THE CITY OF FORT DODGE MUNICIPAL CODE
Chapter 10.48 - ATV'S AND SNOWMOBILES**

BE IT ORDAINED BY THE CITY COUNCIL OF FORT DODGE, IOWA:

Whereas, recent amendment to the code of the State of Iowa have set standards in which off-road utility vehicles (UTVs), may be operated on public roads throughout the State, and

Whereas, UTV usage has grown in usage and is become more common on public roads because the machines have become more roadworthy, and

Whereas, allowing UTVs on City streets will promote tourism within the City from visitors riding in the Gypsum City OHV Park.

Now therefore be it enacted that Chapter 10.48 of the Municipal Code of the City of Fort Dodge is hereby amended in its entirety as follows:

Chapter 10.48 – ATV'S, SNOWMOBILES AND OFF-ROAD UTILITY VEHICLES

10.48.010 – Purpose & Definitions

The purpose of this chapter is to implement the provisions of Sections 321G.9(4)(a) and 321I.10(3) of the Code of Iowa by regulating the operation of ATV's, Snowmobiles and UHV's within the city of Fort Dodge, to establish penalties for violations and to repeal ordinances in conflict.

All-terrain vehicle (ATV) means a motorized flotation-tire vehicle, with not less than three low-pressure tires, but not more than six low-pressure tires.

- 1) Engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds.
- 2) Equipped with a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Code of Iowa, Sec. 321I.1(1))

Off-road utility vehicle (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:

- (1) **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.
- (2) **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.
- (3) **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.

(Code of Iowa, Sec. 321I.1(17))

Snowmobile means a motorized vehicle weighing less than 1,000 pounds, which 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, as defined in section 321I.1 of the Code of Iowa, which has been altered or equipped with runners, skis, belt-type tracks, or treads.

(Code of Iowa, Sec. 321G.1(26))

10.48.020 – All-Terrain Vehicles (ATV’S) & SNOWMOBILES Regulation

- 1) No person may operate an all-terrain vehicle (ATV), as defined by Section 321I.1(1) of the Code of Iowa, or a snowmobile, as defined by Section 321G.1(18) of the Code of Iowa on any street, highway, right-of-way or upon any public property within the city of Fort Dodge, Iowa, except:
 - a) When owned and operated by a governmental body;
 - b) In an emergency, as determined by the chief of police, when other vehicular travel is impractical;
 - c) When being used for construction, maintenance or farming purposes;
 - d) When authorized by the park and recreation commission of the city of Fort Dodge;
 - e) When use at a special event, authorized by the city council of the city of Fort Dodge.
 - f) No person may operate an ATV or snowmobile, as defined in this section, on private property without the permission of the property owner and/or in violation of Chapters 321G and 321I of the Code of Iowa.

10.48.030 – UTV Routes

The following named streets within the corporate limits of the city are designated as city UTV routes.

- 1) 32nd St. from 15th Ave. S. to 25th Ave. N.
- 2) 25th Ave. N. from N. 32nd St. to N. 22nd St.
- 3) 22nd St. from 15th Ave. S. to 25th Ave. N.
- 4) N. 29th St. from 10th Ave. N. to 22nd Ave. N.
- 5) 10th Ave. N. from N. 32nd St. to N. 15th St.
- 6) 2nd Ave. N. from N. 32nd St. to N. 12th St.
- 7) 1st Ave. S. from N. 42nd St. to N. 3rd St.
- 8) 5th Ave. S. from S. 42nd St. to N. 8th St.
- 9) Floral Ave. from N. 22nd St. to N. 15th St.
- 10) 6th Ave. N. from N. 22nd St. to N. 9th St.
- 11) 7th Ave. N. from N. 22nd St. to N. 9th St.
- 12) 15th St. from N. 31st St to 9th Ave. S. & 19th Ave. S to 12th Ave. SW
- 13) 3rd Ave NW from 169 to N. 3rd St.
- 14) N. 3rd St. from 11th Ave. N. to 2nd Ave. S.
- 15) N. 7th St. from City Limits to 2nd Ave. S.
- 16) 15th Ave. S. from S. 22nd St. to S. 32nd St.
- 17) 2nd Ave. S. (Karl King Bridge)
- 18) Kenyon Road
- 19) Williams Drive
- 20) 9th St. from 8th Ave. N. to 2nd Ave. S.
- 21) 42nd St. from 1st Ave. S. south to city limits

Operators of UTV's shall take the most direct path to the nearest UTV route, and stay on the UTV route. Upon reaching the point of the routes closest and most accessible destination point, they may proceed from such point to their destination. They shall thereafter return to the designated UTV route in the same manner. Operators of UTV's may make a series of stops without returning to the designated route; provided, however, they must proceed between such points when possible on the routes established above.

10.48.040 – Off-road Utility Vehicle (UTV's) Places of Operation

- 1) UTV's operated on the city streets must use the most direct route to and from the designated UTV routes.
- 2) Properly equipped UTV's may be operated upon any city roadway. Operators of the UTV must travel at the posted speed limit; however, maximum speed for operation within the city is 35MPH.
- 3) UTV's shall not be operated on an operating railroad right-of-way. A UTV may be driven directly across a railroad right-of-way only at established crossing.
- 4) UTV's shall not be operated in any park, on any trail, on any playground, or upon any city-owned property without the express permission of the City, with exception to the city roadways. Additionally, UTV's being lawfully operated, may use city owned driveways, lane, parking lots.

- 5) UTV's 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 ordinance.

10.48.050 – Requirement for UTV's

Operators of UTV's must adhere to the following equipment requirements and restrictions while operating UTV's within the City limits.

- 1) Operators of UTVs within City limits must be 18 years of age or older and possess a valid driver's license.
- 2) A person shall not operate a UTV within the City limits unless the operator has proof of insurance complying with that required of an operator of a motor vehicle pursuant to applicable provisions of the Iowa Code, Rules and Regulations, including but not limited to Iowa Code Sections 321.20B and 321A.21.
- 3) Owners of UTVs, operated within City limits, shall register their UTV with the Iowa Department of Natural Resources and proof of such registration shall be provided, upon request, to any peace officer requesting it. Out-of-state UTV operators must provide appropriate proof of registration from their home state upon request by any peace officer.
- 4) Operators of UTVs must adhere to noise restrictions set forth under Fort Dodge Code 10.36.030.
- 5) UTVs must display lighted headlamps, and tail lamps, at all times, while the vehicle is operated on city streets or highways.
- 6) Operators of UTVs must adhere to all traffic and parking laws, codes, rules, and regulations, applicable to other motor vehicles, unless directed otherwise by this ordinance.
- 7) UTVs must be equipped with:
 - a) Operational speedometer, calibrated in miles per hour, which is fully illuminated when the head lamp(s) are activated.
 - b) Operational horn with a switch controlled by the driver.
 - c) Two operational head lamps and tail lamps must be affixed to each side on the front and back of the UTV. Tail lamps shall be red and include a stop lamp actuated by pressing the brake pedal. The use of light bars, spotlights, or decorative lights are not permitted while the UTV is being operated on city streets or highways.
 - d) Rear facing mirror providing the operator with a clear view of the rear.
 - e) Operational muffler, working in good order, which complies with the standards and procedures, required by Iowa Code 321.12 and Fort Dodge Ordinance chapter 10.36.030.

- 8) All occupants, except as noted below, must wear safety belts or safety harnesses, which meet the definition of a safety belt or safety harness set forth by Iowa Code 321.445, while the UTV is in motion.
 - a) Children under 1 year old and weighing less than 20 pound must be secured in a rear-facing child restraint system while the UTV is motion.
 - b) Children, ages 1-6 years, must be secured in a child restraint system (safety seat or booster seat) while the UTV is in motion. A child restraint system is a specially designed seating system, including a belt-positioning seat or booster seat, which meets federal motor vehicle safety standards. The child restraint system must be used in accordance with the manufacturer's instructions, the child must be secured in the child restraint, and the child restraint must be properly secured to the UTV.
 - c) No animals will be transported in the cargo portion or bed of a UTV unless they are contained within an enclosure secured to the UTV.
- 9) UTV doors or nets must be closed during operation if so equipped.
- 10) The number of passengers in a UTV shall not exceed the number of factory-installed seats in the UTV.
- 11) No open containers of alcohol allowed while the UTV is being operated.
- 12) Drivers may not operate a UTV under the influence of intoxicating liquor or narcotics as prescribed under Iowa Code 321J
- 13) No UTV will be operated in a careless or reckless manner so as to; endanger any person; cause injury or damage to person or property; create unnecessary skidding or sliding; or cause a wheel or wheels to lose traction or contact with the ground.

10.48.060 – Negligence & Accidents

- 1) The owner and operator of a UTV shall be liable for any injury or damage occasioned by the negligent operation of the ATV, snowmobile, or UTV.
- 2) Whenever a UTV is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred (\$200.00) or more, either the operator or someone acting on their behalf shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours in accordance with State Law.

10.48.070 – Scheduled Offenses and Fines - The following scheduled fines are fixed for violations of the designated sections of this chapter.

1. For Violations of this Chapter:
 - a. First offense \$250
 - b. Second offense committed within one calendar year \$500
 - c. Third and subsequent offenses committed within one calendar year \$855

REPEALER.

All Ordinances or parts of Ordinances in conflict with 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.

EFFECTIVE DATE.

This Ordinance shall be in full force and effect following passage, approval and publication as by law provided.

The above Ordinance passed and adopted by the City Council of the City of Fort Dodge, Iowa, this 10th day of October, 2022.

Passed on first consideration 26th day of September, 2022.

Ayes: Flattery, Nelson, Conrad, McCaleb, Alstott, Moehnke and Schuur

Nays: None

Other: None

Second consideration 10th day of October, 2022.

Ayes: Flattery, Nelson, Conrad, McCaleb, Alstott, Moehnke and Schuur

Nays: None

Other: None

Third consideration 10th day of October, 2022.

Ayes: Flattery, Nelson, Conrad, McCaleb, Alstott, Moehnke and Schuur

Nays: None

Other: None

ATTEST:



Jeff Nemmers, City Clerk



Matt Bemrich, Mayor

Published in the Messenger this 18th day of October 2022.