

ORDINANCE NO. 1

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PAULLINA, IOWA 2016, BY AMENDING PROVISIONS PERTAINING TO TRAFFIC AND STREETS – ALL – TERRAIN VEHICLES

Be it Enacted by the City Council of the City of Paullina, Iowa:

SECTION 1. TITLE IV, CHAPTER 5, ARTICLE 23, SECTION 23 and adopting thereof the following:

TITLE IV – TRAFFIC AND STREETS

Chapter 5: ALL-TERRAIN VEHICLES

ARTICLE 23 – GENERAL PROVISIONS

23.01 PURPOSE. The purpose of this Chapter is to regulate the operation of all-terrain vehicles within the City.

23.02 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 three (3) low pressure tires, but not more than six (6) low pressure tires, that is limited in engine displacement to less than fifteen hundred (1500) cubic centimeters and in total dry weight to less than fifteen hundred (1500) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. “Off-road utility vehicle” means a motorized flotation-tire vehicle with not less than four (4) and not more than six (6) low pressure tires that is limited in engine displacement to less than fifteen (1500) cubic centimeters and in total dry weight to not more than eighteen hundred (1800) pounds and that has a seat that is of bench design not intended to be straddled by the operator and a steering wheel for control. An off-road utility vehicle shall be considered to be an “ATV” for the purposes of this Chapter and is subject to the provisions of the Chapter governing the operation of all-terrain vehicles.

23.03. GENERAL REGULATIONS. No persons shall operate an ATV within the city limits of Paullina, 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.

23.04. PERMITS AND OPERATION. The operators of all-terrain vehicles shall comply with the following restrictions as to where and when ATVs may be operated within the City.

1. PERMITS. Permits shall be issued as follows:

- A.** Owners of ATVs shall apply to the City of Paullina Clerk's office for a permit for each ATV to be operated on the City streets of Paullina. Each ATV is required to have a permit. The fee for each permit shall be \$25.00 and shall be issued by the City Clerk following the inspection and sign off by a city official for the City of Paullina to insure the ATV meets the requirements of this ordinance. Said permit shall be valid for one year from January 1st through December 31st.
 - B.** Operators of ATVs shall apply to the Paullina City Clerk's office for a permit to allow such person to operate ATVs on the Paullina city streets. Each individual operator of an ATV is required to have a permit. The fee for each permit shall be \$25.00 and shall be issued by the City Clerk. Said permit shall be issued only to individuals 18 years and older and be carried by the operator named in the permit while operating the ATV. A permit decal shall be displayed next to the registration decal in the manner described by the rules of the Natural Resource Commission. A permit may be issued for the following purposes.
 - i.** Going to and from place of employment
 - ii.** Going to and from personal or business property
 - iii.** Snow plowing/blading
 - iv.** Gardening/lawn work
 - v.** Individuals having handicapped parking privileges authorized by the Iowa Department of Transportation
 - vi.** Special events authorized by the City Council
- 2. STREETS.** Operators of ATVs holding permits may operate ATVs upon the streets under the jurisdiction and within the corporate limits of Paullina. ATVs shall not be operated upon any street which is a primary road extension or state highway through the City, to wit: Maple Street and Highway 10. However, ATVs may cross such primary road extensions or highways at intersections.
- 3. PRIVATE PROPERTY.** ATVs may only be operated on private property with the express consent of the owner.
- 4. SIDEWALK OR PARKING.** No ATVs shall be operated upon sidewalks unless engaged in snow removal or maintenance activities nor may they be operated upon that part of the street from the paved surface to the sidewalk or property line commonly referred to as "parking" or any off street right-of-way, except for the purposes of snow removal, maintenance, or landscaping activities.

5. **PARKS OR OTHER CITY LAND.** ATVs shall not be operated upon City parks or other City lands except in the case of special events as authorized by the City Council.
6. **LICENSE.** No person shall operate an ATV on the public streets of the City without a valid motor vehicle operator's license.
7. **EQUIPMENT.** All ATVs shall be equipped according to the provisions of Iowa Code Section 321I.11 (muffler), Iowa Code Section 321I.13 (headlamp, tail lamp, brakes) and a safety flag, the top of which shall be a minimum of five (5) feet from ground level.
8. **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.
9. **LIGHTS.** No person shall operate an ATV without a lighted headlight and tail light when required for safety or by any state law or ordinance for motor vehicles.
10. **UNATTENDED ATVS AND PARKING.** No owner or operator of an ATV shall leave it unattended on public property while the motor is running or with the keys in the ignition switch. Owners and operators of ATVs must obey all parking regulations in the City.
11. **REGISTRATION.** The owner or operator of an ATV must maintain current vehicle registrations required by Iowa law.
12. **HOURS OF OPERATION.** No ATV shall be operated within the City between the hours of 10:00 p.m. and 6:30 a.m. except to remove snow.
13. **OPERATORS.** The owner of an ATV shall not permit the same to be operated within the city limits of Paullina by an individual not in possession of a permit.
14. **PENALTIES.** Violation of this Chapter shall be a simple misdemeanor or a municipal infraction pursuant to the Paullina City code and shall further result in the following: First violation-permit suspension for 2 months. Second violation-permit suspension for 2 years. Third violation-permanent revocation with no possibility of reinstatement.

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

23.06. ACCIDENT REPORTS. Whenever an ATV is involved in an accident resulting in injury or death, 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.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be judged 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. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and adopted by the Council of the City of Paullina, on this 19th day of December, 2016.

Justin Stamer, Mayor

ATTEST:

Sandy Fritz, City Clerk

I certify that the foregoing was published as Ordinance No. 1 on the 29th day of December, 2016.

Sandy Fritz, City Clerk