

ORDINANCE NO. 606

**AN ORDINANCE AMENDING CHAPTER 75 OF THE CODE OF ORDINANCES
OF THE CITY OF JESUP, IOWA**

BE IT ENACTED by the City Council of the City of Jesup, Iowa that:

SECTION 1 Chapter 75 is repealed in its entirety and replaced with the following provisions:

75.01 PURPOSE. The purpose of this Chapter is to regulate the operation of any all-terrain vehicle, or off-road utility vehicle or off-road motorcycle within the City.

75.02 DEFINITIONS. For use in this Chapter, the following terms are defined as follows:

1. "All-terrain vehicle" or "ATV" means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand two hundred (1,200) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Iowa Code §321I.1(1)(a))

2. "Off-Road Utility Vehicle" 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:

A. "Off-road utility vehicle - type 1" includes vehicles with a total dry weight of one thousand two hundred (1,200) pounds or less and a width of fifty (50) inches or less.

B. "Off-road utility vehicle - type 2" includes vehicles, other than type 1 vehicles,

with a total dry weight of two thousand (2,000) pounds or less and a width of sixty- five (65) inches or less.

C. "Off-road utility vehicle - type 3" includes vehicles with a total dry weight of

more than two thousand (2,000) pounds or a width of more than sixty-five (65) inches, or both.

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

3. "Off-Road Motorcycle" means two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but that contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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

4. "Operate" means to ride in or on (other than as a passenger), use, or control the operation of a vehicle in any manner, whether or not the vehicle is moving.

5. "Operator" means a person who operates or is in actual physical control of a vehicle.

6. "Roadway" means that portion of a highway improved, designated, or ordinarily used for vehicular travel.

7. "Street" or "highway" means that entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular travel.

75.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road utility vehicle or off-road motorcycle within the City in violation of *Chapter 321I of the Code of Iowa* or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment, and manner of operation. Off-road motorcycles shall not be operated within the city limits of Jesup unless they are properly licensed under Iowa Code.

(Iowa Code Chapter 321I)

75.04 OPERATION OF ALL-TERRAIN VEHICLES. The operators of all-terrain vehicles shall comply with the following restrictions as to the manner in which all-terrain vehicles may be operated within the City:

1. Streets. All-terrain vehicles may be operated on streets only in accordance with *Iowa Code §321.234A* or on such streets as may be designated by resolution of the Council for the operation of registered all-terrain vehicles. In designating such streets, the Council may authorize all-terrain vehicles to stop at service stations or convenience stores along designated streets.

(Iowa Code §321I.10(1&3))

2. Trails. All-terrain vehicles shall not be operated on snowmobile trails except where designated.

(Iowa Code §321I.10(4))

3. Railroad Right-of-way. All-terrain vehicles shall not be operated on an operating railroad right-of-way. An all-terrain vehicle may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Iowa Code §321I.14)(1)(h))

4. Parks and Other City Land. All-terrain vehicles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. All-terrain vehicles 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.

6. All-terrain vehicles shall not be operated in a careless, reckless, or negligent manner as to endanger the operator, a passenger, other person, or property of another or cause injury or damage thereto.
7. All-terrain vehicles shall not be operated by any person under the age of sixteen (16) years of age. All operators must have a valid driver's license.
8. All-terrain vehicles shall not be operated by any person under the influence of alcohol or any controlled substance.
9. All owners and operators of all-terrain vehicles shall maintain a policy of liability insurance which is issued by an insurance carrier authorized to do business in the State of Iowa to or for the benefit of the person named in the policy as insured and insuring the person named as insured and any person using the vehicle with the express or implied permission of the named insured against loss from liability imposed by the law for damages arising out of the ownership, maintenance, or use of an insured vehicle in the amounts not less than the minimum limits specified for motor vehicles in Section 321A.21 of the Code of Iowa.
10. Any operator of an all-terrain vehicle on the streets of Jesup must possess a validly issued permit from the City of Jesup to do so, unless operating on a designated trail system.

75.05 OPERATION OF OFF-ROAD UTILITY VEHICLES. The operators of off-road utility vehicles shall comply with the following restrictions as to where off-road utility vehicles may be operated within the City:

1. Streets. Off-road utility vehicles may be operated on streets only in accordance with *Iowa Code §321.234A* or on such streets as may be designated by resolution of the Council for the operation of registered off-road utility vehicles. In designating such streets, the Council may authorize off-road utility vehicles to stop at service stations or convenience stores along designated streets.
(*Iowa Code §3211.10(1 & 3)*)
2. Trails. Off-road utility vehicles shall not be operated on snowmobile trails except where designated.
(*Iowa Code §3211.10(4)*)
3. Railroad Right-of-way. Off-road utility vehicles shall not be operated on an operating railroad right-of-way but may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.
(*Iowa Code §3211.14(l)(h)*)
4. Parks and Other City Land. Off-road utility vehicles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.
5. Sidewalk or Parking. Off-road utility vehicles 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.
6. Off-road utility vehicles shall not be operated in a careless, reckless, or

negligent manner as to endanger the operator, a passenger, other person, or property of another or cause injury or damage thereto.

7. Off-road utility vehicles shall not be operated by any person under the age of sixteen (16). All operators must have a valid driver's license.

8. Off-road utility vehicles shall not be operated by any person under the influence of alcohol or any controlled substance.

9. All owners and operators of off-road utility vehicles shall maintain a policy of liability insurance which is issued by an insurance carrier authorized to do business in the State of Iowa or for the benefit of the person named in the policy as insured and insuring the person named as insured and any person using the vehicle with the express or implied permission of the named insured against loss from liability imposed by the law for damages arising out of the ownership, maintenance, or use of an insured vehicle in the amounts not less than the minimum limits specified for motor vehicles in Section 321A.21 of the Code of Iowa.

10. Any operator of an off-road utility vehicle on the streets of Jesup must possess a validly issued permit from the City of Jesup to do so, unless operating on a designated trail system.

75.06 NEGLIGENCE. This section shall apply to all off-road utility vehicles, all-terrain vehicles and off-road motorcycles. The owner and operator is liable for any injury or damage occasioned by the negligent operation. The owner shall be liable for any such injury or damage only if the owner was the operator at the time the injury or damage occurred or if the operator had the owner's consent to operate at the time the injury or damage occurred.

(Iowa Code §321I.19)

75.07 ACCIDENT REPORTS. This section shall apply to all off-road utility vehicles, all-terrain vehicles and off-road motorcycles. Whenever one of the above 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 and shall file an accident report, in accordance with State law.

(Iowa Code §321I.11)

75.08 PERMIT. The following requirements apply to all off-road utility vehicles and all-terrain vehicles:

1. No person shall operate any of the above-mentioned vehicles on any public street or alley, for any purpose, unless the operator possesses a City of Jesup permit to operate said vehicle within the municipal boundaries of Jesup, Iowa. No permit is required for individuals operating an off-road utility vehicle or an all-terrain vehicle on a designated trail system.

2. Owners and operators of all such vehicles shall apply for a permit from the City of Jesup on forms provided by the City and available at City Hall/ Police Department.

3. The applicant shall provide his/her name and address and the make, model, year, and serial number of the vehicle.

4. An authorized employee or agent of the City of Jesup shall not issue a permit to any applicant until the applicant has provided:

- A. Evidence that the applicant is at least sixteen (16) years of age and possesses a valid Iowa driver's license.
- B. Proof that the applicant has liability insurance covering the operation of the vehicle.
- C. Proof that the vehicle complies with the equipment standards enumerated in Section 75.09 of this Chapter.

5. All permits shall be issued for a specific vehicle. Permit holders will be issued a sticker to affix to the left rear, or similar component of the vehicle, which shall be provided by the City.

6. The annual cost of \$30.00 for such a permit shall be payable at the time the permit is granted. Permits may be granted for one (1) year and will be valid from January 1 through December 31st. Permits may be purchased at any time during the year but will be valid only through December 31st and no permit fee shall be pro-rated or reduced because of time of application.

7. The permit may be suspended or revoked 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 refunds for the permit fee.

8. All permit information on file at City Hall shall contain the name and address of the owner and specific number associated with the permit given to the applicant.

75.09 EQUIPMENT. All vehicles governed by this Chapter shall be equipped with a minimum of the following features.

- 1. Adequate brakes.
- 2. A muffler that allows the vehicle to operate without violating the City's noise ordinance.
- 4. A mirror that allows the operator to adequately view behind the vehicle.
- 5. Headlights and brake lights.
- 6. All equipment necessary to keep the vehicle in good mechanical condition and thoroughly safe for transportation of passengers.

75.10 TIMES OF OPERATION. All vehicles governed by this Chapter may be on city streets only between sunrise and sunset. All-terrain vehicles and off-road utility vehicles may be operated during prohibited hours from 5:00 a.m. to 9:30 p.m. only to perform snow removal activities, including removal of snow from sidewalks. The same equipment as indicated above shall be required during said time.

75.11 SPEED. By this Chapter shall operate at speeds no more than posted and must obey all other traffic laws of the City of Jesup and the State of Iowa. No vehicle governed by this Chapter shall travel faster than thirty-five (35 mph) miles per hour.

75.12 PENALTY. In addition to the suspension or revocation of the permit by the Chief of Police, any person in violation of this Chapter may be subject fines and penalties included in Chapter 70 of the Code of Ordinances for the City of Jesup. In addition, the following fines shall apply for violation of the following provisions:

Violation	Fine
1. City Permit	\$100.00
2. Fail to Display Registration	\$20.00
3. Operation not Permitted	\$100.00
4. Muffler Violation	\$20.00
5. Brakes Required	\$20.00
6. Excessive Speed	\$100.00
7. Required Lighting	\$50.00
8. Railroad Right of Way	\$100.00
9. Designated Person Capacity	\$100.00
10. Violation of Stop Signal	\$100.00
11. Underage Violation	\$50.00
12. Liability Insurance	\$250.00
13. Careless Operation	\$50.00
14. Time of Operation	\$50.00
15. Rearview Mirror	\$20.00

SECTION 2: REPEALER All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3: 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 4: WHEN EFFECTIVE This ordinance shall be in effect from and after its final passage, mayor approval, and publication as provided by law.

Passed by the Council the 6th day of April 2020 and approved this 6th day of April 2020.


Chris Even, Mayor

ATTEST:


Koley Mead, City Clerk



First Reading: April 6, 2020
Second Reading: April 6, 2020
Third Reading: April 6, 2020

I certify that the foregoing was published as Ordinance No. 606 on the 15th day of April 2020



Koley Mead
City Clerk

RESOLUTION NO. 2020-39

RESOLUTION PERTAINING TO THE OPERATION OF ALL-TERRAIN VEHICLES, OFF-ROAD UTILITY VEHICLES AND OFF-ROAD MOTORCYCLES.

WHEREAS, Buchanan County passed an Ordinance allowing all-terrain vehicles on gravel roads.

WHEREAS, the Jesup City Council previously approved an all-terrain vehicle route in Resolution No. 2019-41.

WHEREAS, Iowa Code §321I.10(3) authorizes cities to “designate streets under the jurisdiction of cities within their respective corporate limits which may be used for the operation of registered all-terrain vehicles or registered off-road utility vehicles”.

WHEREAS, the Jesup City Code of Ordinances §75.05(1) authorizes the City Council to designate, by Resolution, which streets may be used for operation of all-terrain vehicles.

WHEREAS, the City Council has been approached by certain operators of all-terrain vehicles, off-road utility vehicles and off-road motorcycle operators to expand access and use of these vehicles on city streets; and

WHEREAS, it is the desire of the City Council to accommodate this requested expansion.

NOW, THEREFORE, the Jesup City Council of the City of Jesup, Iowa, the City Council hereby repeals Resolution No. 2019-41,

NOW, THEREFORE, the Jesup City Council does hereby resolve to designate the following street as the trail system for the operation of off-road utility vehicles and all-terrain vehicles without a permit: Hawley Street from easterly city limits to 10th Street, 10th Street from Hawley Street to Young Street, Young Street from 10th Street to 6th Street, 6th Street from Young Street to South Street, South Street, Douglas Street, Hawkeye Road, and Benson Shady Grove Avenue.

PASSED AND APPROVED THIS 6TH DAY OF APRIL 2020.

Chris Even

Chris Even
Mayor

ATTEST:

Koley Mead

Koley Mead
City Clerk



