

ORDINANCE NO. 634

**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SECTION 1 Chapter 75 is repealed in its entirety and replaced with the following provisions: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 eighteen (18) 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.

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 eighteen (18). 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.

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)

75.09 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 the hours of 6:00 a.m. to 12:00 a.m.

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. Any person in violation of this Chapter may be subject to 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. Operation not Permitted	\$100.00
2. Muffler Violation	\$20.00
3. Brakes Required	\$20.00
4. Excessive Speed	\$100.00
5. Required Lighting	\$50.00
6. Railroad Right of Way	\$100.00
7. Designated Person Capacity	\$100.00
8. Violation of Stop Signal	\$100.00
9. Underage Violation	\$50.00
10. Liability Insurance	\$250.00
11. Careless Operation	\$50.00
12. Time of Operation	\$50.00
13. 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 1st day of August 2022 and approved this 1st day of August 2022.


Chris Even, Mayor

ATTEST:


Megan Cross, Deputy City Clerk



First Reading: July 18, 2022
Second Reading: August 1, 2022
Third Reading: August 1, 2022

I certify that the foregoing was published as Ordinance No. 634 on the 10th day of August 2022



Megan Cross
Deputy City Clerk

RESOLUTION NO. 2023-04

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

WHEREAS, the Jesup City Council previously approved an all-terrain vehicle route in Resolution No. 2020-39,

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 §75.04(1) and §75.05(1) authorizes the City Council to designate, by Resolution, which streets may be used for operation of all-terrain vehicles and off-road utility vehicles,

WHEREAS, State of Iowa passed House File 2130 effective July 1, 2022, to change restrictions on the use of all-terrain vehicles and off-road utility vehicles on city streets.

NOW, THEREFORE, the Jesup City Council of the City of Jesup, Iowa, the City Council hereby repeals Resolution No. 2020-39,


NOW, THEREFORE, the Jesup City Council does hereby resolve to designate all street in city limits for the operation of all-terrain vehicles, off-road utility vehicles or off-road motorcycles.

PASSED AND APPROVED THIS 1ST DAY OF AUGUST 2022.



Chris Even
Mayor

ATTEST:



Megan Cross
Deputy City Clerk

