

ORDINANCE NO. 2022-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHUEYVILLE, IOWA, 2021, BY AMENDING IN ITS ENTIRETY, CHAPTER 75 ALL-TERRAIN VEHICLES AND SNOWMOBILES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHUEYVILLE, IOWA:

SECTION 1. Chapter 75 of the Code of Ordinances of the City of Shueyville, Iowa, 2021, is hereby amended by deleting the same and inserting in lieu thereof the following:

CHAPTER 75

SNOWMOBILES

75.01 Purpose
75.02 Definitions
75.03 General Regulations
75.04 Operation of Snowmobiles

75.05 Negligence
75.06 Accident Reports
75.07 Exceptions

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of snowmobiles within the City.

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

1. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that 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 that has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

75.03 GENERAL REGULATIONS. No person shall operate a snowmobile within the City in violation of the provisions of Chapter 321G 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, equipment, and manner of operation.

(Code of Iowa, Ch. 321G & Ch. 321I)

75.04 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. **Plowed Streets.** Snowmobiles shall be operated only upon streets that have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

(Code of Iowa, Sec. 321G.9[4a])

2. **Other Streets.** Snowmobiles may be operated on any street within the City for the sole purpose of using the most direct roadway for the ingress to and egress from the City, except for the following designated streets or within areas bounded by said street:

A. Any part of 120th Street

Snowmobiles are limited to the marked trail on Curtis Bridge Road and Club Road.

3. **Exceptions.** Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

- (1) The crossing is made at an angle of approximately 90 degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
- (2) The snowmobile is brought to a complete stop before crossing the street;
- (3) The driver yields the right-of-way to all on-coming traffic that constitutes an immediate hazard; and
- (4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

4. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile 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.

(Code of Iowa, Sec. 321G.13[1h])

5. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f])

6. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground, or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any city land without a snow cover of at least one-tenth of one inch.

7. Sidewalk or Parking. Snowmobiles 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 chapter.

8. Speed. Snowmobiles shall not be operated on streets or trails at a speed in excess of 25 miles per hour.

9. Towing. No item shall be towed by a snowmobile unless coupled to said snowmobile by a rigid tow bar.

10. Fire Arms. No person shall operate or ride on any snowmobile with any firearm in his or her possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed in a carrying case.

11. Hours of Operation. Operation of snowmobiles within the City is strictly prohibited between the hours of 12:01 a.m. and 9:00 a.m. This is enforced seven days a week.

75.05 NEGLIGENCE. The owner and operator of a snowmobile are liable for any injury or damage occasioned by the negligent operation of the snowmobile. The owner of a snowmobile shall be liable for any such injury or damage only if the owner was the operator of the snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 & 321I.19)

75.06 ACCIDENT REPORTS. Whenever a snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to \$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.

(Code of Iowa, Sec. 321G.10 & 321I.11)

75.07 EXCEPTIONS. Nothing in these requirements shall restrict riding lawn mowers, snowblowers, and other snow removal equipment or motorized wheelchairs from being operated upon city sidewalks or trails.

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, approval and publication as provided by law.

First reading of Ordinance 2022-02 introduced and approved on August 9, 2022.

First Motion: Frisk Second Motion: Neuhaus

Ayes: Frisk, Lacy, Neuhaus

Nays: none

Absent: Foss, Stephens

Second reading of Ordinance 2022-02 introduced and approved on September 13, 2022.

First Motion: Neuhaus Second Motion: Frisk

Ayes: Frisk, Lacy, Neuhaus, Stephens

Nays: none

Absent: Foss

Third reading of Ordinance 2022-02 waived and adopted for final passage on September 13, 2022.

First Motion: Neuhaus Second Motion: Stephens

Ayes: Frisk, Lacy, Neuhaus, Stephens

Nays: none

Absent: Foss

Passed and approved by the City Council the 13th day of September 2022.


Mickey Coonfare, Mayor

ATTEST:


Leah Kolar, City Clerk/ Treasurer