

ORDINANCE NO. 2022-03

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHUEYVILLE, IOWA, 2021, BY ADDING CHAPTER 74, ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES, TO PERMIT TO BE OPERATED ON CITY STREETS UNDER CERTAIN CONDITIONS

BE IT ENACTED by the City Council of the City of Shueyville, Iowa:

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of Shueyville, Iowa, 2021, is amended by adding a new Chapter 74, entitled All-Terrain Vehicles and Off-Road Utility Vehicles, also known in this ordinance as UTV, which is hereby adopted to read as follows:

74.01 PURPOSE. The purpose of this Chapter of the Code of Ordinances is to permit the operation of ATV's/UTV's on certain streets in the City, as authorized by Section 3211.1(17) of the Code of Iowa, as amended. This chapter shall apply whenever an ATV/UTV is operated on any city street or alley within the City of Shueyville.

74.02 DEFINITIONS. For the purpose of this ordinance the following words and phrases are defined as follows.

1. "All-Terrain Vehicles (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 1000 cubic centimeters and in total dry weight to less than 1200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. "Off-Road Utility Vehicles (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:
 - a. "Off-road utility vehicle - type 1" means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
 - b. "Off-road utility vehicle - type 2" means an off-road utility vehicle, other than a type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less and a width of sixty-five inches or less.
 - c. "Off-road utility vehicle - type 3" means an off-road utility vehicle, other than a type 1 off-road utility vehicle, with a total dry weight of more than two thousand pounds or a width of sixty-five inches or both.
3. "Operate" means to use or control the movement of the ATV/UTV in any manner or degree.
4. "Operator" means the person who uses or controls the movement of the ATV/UTV.
5. "Passenger" means a person who does not use or control the movement of the ATV/UTV but who merely rides on/in the ATV/UTV.
6. "Street" means that portion of the street or alley intended for vehicular travel.

74.03 OPERATION OF ATV/UTV PERMITTED. ATV's/UTV's may be operated upon the streets of the City by persons possessing a valid Iowa operator's license, and at least eighteen (18) years of age.

74.04 SPEED. No ATV's/UTV's shall be operated on any city street at a speed in excess of the posted speed limit with a maximum speed of thirty-five (35) miles per hour.

74.05 EQUIPMENT. ATV's/UTV's may operate upon city streets as required by state law with the equipment required by state law.

74.06 HOURS AND DATES. ATV's/UTV's may be operated on city streets during the following times and dates:

1. ATV's/UTV's may be operated only between 4 a.m. to 10 p.m.

74.07 TRAVEL PROHIBITED. It shall be unlawful to operate ATV's/UTV's in any public cemetery, park, playground, or on any sidewalk or trail or any other publicly owned property without express written permission from the City, public parking areas excluded.

74.08 OCCUPANT LOAD. It shall be unlawful to operate ATV's/UTV's in excess of the designed occupant load thereof or ride on any portion not designed to carry passengers.

74.09 PROOF OF FINANCIAL LIABILITY COVERAGE. No person shall operate an ATV/UTV on any public street, or alley without proof of financial liability coverage for the vehicle and carried proof of such financial liability coverage in accordance with Section 321.20B of the Code of Iowa.

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 2022-03 introduced and approved on September 13, 2022.

First Motion: Frisk Second Motion: Stephens

Ayes: Frisk, Lacy, Neuhaus, Stephens

Nays: none

Absent: Foss

Second reading of Ordinance 2022-03 waived on September 13, 2022.

First Motion: Frisk Second Motion: Neuhaus

Ayes: Frisk, Lacy, Neuhaus, Stephens

Nays: none

Absent: Foss

Third reading of Ordinance 2022-03 waived and adopted for final passage on September 13, 2022.

First Motion: Neuhaus Second Motion: Frisk

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