

## ORDINANCE NO. 754

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ORANGE CITY, IOWA, BY REPEALING TITLE 9, CHAPTER 4, ARTICLE 22 IN ITS ENTIRETY.

**BE IT ENACTED** by the City Council of the City of Orange City, Iowa:

**Section 1. CHAPTER REPEALED.** The Code of Ordinances of the City of Orange City, Iowa, is amended by repealing Title 9, Chapter 4, Article 22 in its entirety and adopting the following in lieu thereof:

#### ARTICLE 15 – GENERAL PROVISIONS

**15.01 PURPOSE.** The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

**15.02 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) and not more than six (6) low-pressure tires that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to less than one thousand five hundred (1,500) pounds and that has a bench seat or seat or saddle designed to be straddled by the operator and handlebars or a steering wheel for steering control.
2. “Snowmobile” means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis or tread, and is designed for travel on snow and ice. (Code of Iowa, Sec. 321G.1 [18])
3. “OPERATE” shall mean to ride in or on other than as a passenger, use, or control the operation of an all-terrain vehicle or snowmobile in any manner, whether or not the all-terrain vehicle is moving.  
(Code of Iowa, Sec. 321I.1(17))
4. "OPERATOR" shall mean a person who operates or is in actual physical control of an all-terrain vehicle or snowmobile.  
(Code of Iowa, Sec. 321I.1(18))
5. ROADWAY. means that portion of a highway improved, designed, or ordinarily used for vehicular travel.
6. "STREET" OR "HIGHWAY" means the 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 purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three feet each side of the center line of the

roadway. Includes roadway, alley, or trail used for vehicular traffic including a state or county highway.

**15.03 GENERAL REGULATIONS.** No person shall operate an ATV or snowmobile within the City limits of Orange City, Iowa in violation of the provisions of Chapter 321G and 321H 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.

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

1. Streets. Snowmobiles may not be operated upon streets.
2. 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.
  - b. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided:
    - i. The crossing is made at an angle of approximately ninety degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
    - ii. The snowmobile is brought to a complete stop before crossing the street;
    - iii. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
    - iv. In crossing a divided street, the crossing is made only at an intersection of such street with another street.
3. Trails. Snowmobiles shall not be operated on bike trails, walking trails, or All-Terrain Vehicle trails except where so designated.
4. 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 snow cover.
5. Sidewalks 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.

**15.05 OPERATION OF ALL-TERRAIN VEHICLES.** The operators of ATV's shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Permits. Operators of ATVs may apply at the Orange City City Office for a permit to allow the operation of an ATV on City Streets. Each ATV to be driven must have a permit, and be inspected by the Orange City Police Department. The fee for the permit and inspection shall be \$25 for two years. The permit will be issued by the City Administrator, and inspection completed by Orange City Police Department. A copy of the permit shall be carried by any operator while operating the ATV. A permit decal shall be displayed next to the registration decal in the manner prescribed by rules of the Natural Resource Commission. This permit will allow the ATV to be driven in Orange City and Alton.
2. Streets. Permitted ATVs may be operated upon streets under the jurisdiction and within the corporate city limits of Orange City. ATVs shall not be operated upon any City street which is a primary road extension or state highway through the City, to wit:

US Highway 10

However, ATVs may cross such primary road extension or highway at the following intersections: Lincoln, Frankfort, Albany, and Iowa Avenues.
3. Trails. ATVs shall not be operated on bike trails, walking trails or snowmobile trails except where so designated.
4. Private Property. ATVs may only be operated on private property with the express consent of the owner.
5. Sidewalk or Parking. No ATV shall be operated upon sidewalks unless engaged in snow removal or maintenance activities, nor shall they be operated upon that portion of the street from the curb to the sidewalk or property line, commonly referred to as the "parking", or any off-street right-of-way, except for the purpose of snow removal, maintenance or landscaping activities.
6. Parks or Other City Land. A permit may be issued for the operation of an ATV in City parks or other city land for special events authorized by the city council.
7. License. No person shall operate an ATV on the public street of the City without a valid motor vehicle operator's license, and must be 18 years of age.
8. Equipment. All ATVs shall be equipped according to the following provisions:
  - a. Mufflers required. An all-terrain vehicle shall not be operated without suitable and effective muffling devices. An all-terrain vehicle shall comply with the sound level standards and testing procedures established by the society of automotive engineers under SAE J1287. (Code of Iowa, Sec 321I.12). No person shall operate an all-terrain vehicle within the City limits, which is equipped with a muffler cut-out, bypass or similar device.

b. Headlamp - tail lamp - brakes. Every all-terrain vehicle operated during the hours of darkness shall display a lighted headlamp and tail lamp. Every all-terrain vehicle shall be equipped with brakes.  
(Code of Iowa, Sec 321I.13).

9. 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.
10. Unattended ATVs and Parking. No owner or operator of an ATV shall leave the ATV unattended on public property while the motor is running or with 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 registration as required by Iowa law.
12. Penalties. A violation of this chapter shall be a simple misdemeanor or a municipal infraction according to Title 6, Chapter 2, Article 6 of the Orange City City Code. Three violations of this Ordinance within a period of twelve (12) months shall result in the revocation of the permit for a period of two (2) years. The offender may also be prosecuted pursuant to Sect. 321I.36 of the Iowa Code.

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

**15.07 ACCIDENT REPORTS.** Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with the State law.

**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, as of June 1, 2010.

Passed by the Council the 17<sup>th</sup> day of May, 2010, and approved this 17<sup>th</sup> day of May, 2010.

---

Les Douma, Mayor

ATTEST:

---

Janet Brown, City Clerk

First Reading: April 19, 2010  
Second Reading: May 3, 2010  
Third Reading: May 17, 2010

# City of Orange City, Iowa ATV Permit Form

The City of Orange City has approved the use of ATVs within the city limits of Orange City on city streets. Please complete the permit form with the correct information. It is the responsibility of the owner of the ATV to provide each operator with the regulations outlined in Title IV, Chapter 4 of the Orange City City Code and Section B of this Permit Form.

## Section A. ATV Owner & ATV Information

Date: \_\_\_\_\_ Name \_\_\_\_\_

Address: \_\_\_\_\_

City / State / Zip \_\_\_\_\_

Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Driver's License No. \_\_\_\_\_

\*A copy of a valid driver's license must accompany this permit.

**ATV Information:** Year \_\_\_\_\_ Manufacturer \_\_\_\_\_

Model \_\_\_\_\_ Color \_\_\_\_\_

VIN# \_\_\_\_\_

## Section B. Primary Road Crossing

The City of Orange City has received a permit from the Iowa Department of Transportation for ATV crossing of Highway 10 at the intersections of Lincoln, Frankfort, Albany, and Iowa Avenues.

-----For Office Use Only-----

Inspection:    \_\_\_ Approved    \_\_\_ Denied                      Date: \_\_\_\_\_

Signature of Inspector: \_\_\_\_\_

Permit    \_\_\_ Approved    \_\_\_ Denied                      Date: \_\_\_\_\_

Permit No. Assigned: \_\_\_\_\_      Permit Fee \$25/2 yrs      Paid: Cash \_\_\_      Check \_\_\_

Signature of City Administrator: \_\_\_\_\_

Permit Expires \_\_\_\_/\_\_\_\_/\_\_\_\_\_

### ACKNOWLEDGEMENT

I, \_\_\_\_\_, hereby certify that I have read a copy of the Orange City City Code Ordinance 754, Title 9, Chapter 4 and the Iowa Code Chapter 321I at [www.legis.state.ia.us](http://www.legis.state.ia.us).

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Date