

ORDINANCE NO. 344

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FAIRBANK, IOWA,
TO ADD NEW CHAPTER 74 - ALL-TERRAIN VEHICLES

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

SECTION 1. Chapter 74 shall be added to the Fairbank Code of Ordinances, as follows:

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

74.02 DEFINITIONS. For use in this Chapter, the following terms are defined:

1. "All-terrain vehicle" means a motorized flotation-tire vehicle with not less than three low pressure tires, but not more than six low pressure 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 (1,000) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. (*Code of Iowa, Sec. 321I.1*).
2. "Off-road motorcycle" means a 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 which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of the Chapter governing the operation of all-terrain vehicles. (*Code of Iowa, Sec. 321I.1*).
3. "Off-road utility vehicle" means a motorized flotation-tire vehicle, with not less than four and not more than eight low-pressure tires, that is limited to engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than one thousand eight hundred (1,800) pounds and 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. An operator of an off-road utility vehicle is also subject to the provisions of this Chapter governing the operation of all-terrain vehicles. (*Code of Iowa, Sec. 321I.1*).

74.03 GENERAL REGULATIONS. No person shall operate an all-terrain vehicle, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the Code of Iowa or any vehicle 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. (*Code of Iowa, Sec. 321I*).

74.04 OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD VEHICLES. The operators of all-terrain vehicles and off-road vehicles shall comply with the following restrictions as to where all-terrain vehicles and off-road vehicles may be operated within the City:

1. Streets. All-terrain and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the Council for the sport of driving all-terrain vehicles.
(*Code of Iowa, Sec. 321I.10 (1 & 3)*).
2. Trails. All-terrain and off-road utility vehicles shall not be operated on snowmobile trails except where designated.

(*Code of Iowa, Sec. 321I.310(4)*)

3. Railroad Right-of-way. All-terrain and 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 established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321I.14(1)(h))

4. Parks and Other City Land. All-terrain and 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. All-terrain and 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 commonly referred to as the "parking."

74.05 **NEGLIGENCE.** The owner and operator of an all-terrain vehicle, off-road motorcycle, or off-road utility vehicle is liable for any injury or damage resulting from the negligent operation of said vehicle. The owner of an all-terrain vehicle, off-road motorcycle, or off-road utility vehicle shall be liable for any such injury or damage only if the owner was the operator of the vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the vehicle at the time the injury or damage occurred.

(Code of Iowa, Sec. 321I.19)

74.06 **ACCIDENT REPORTS.** Whenever all-terrain vehicle, off-road vehicle, or off-road utility vehicle 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, in accordance with the State law.

(Code of Iowa, Sec. 321I.11)

74.07 **PERMIT.** The following requirements apply to Permit Fees for operators of any all-terrain vehicle, off-road motorcycle, and off-road utility vehicle:

1. No person shall operate an all-terrain vehicle, off-road motorcycle, off-road utility vehicle on any public street or alley, for any purpose, unless the operator possesses a City of Fairbank permit to operate said vehicle within Fairbank, Iowa.
2. Owners and operators of an all-terrain vehicle, off-road motorcycle, or off-road utility vehicle may apply for a permit from the City of Fairbank on forms provided by the City and available at City Hall.
3. An authorized employee or agent of the City of Fairbank shall not issue a permit until the owner or operator has provided the following:
 - a. Evidence that the owner or operator is at least eighteen (18) years of age and possesses a valid Iowa driver's license.
 - b. Proof that the owner or operator has liability insurance covering operation of the vehicle.
 - c. Proof that the vehicle complies with the equipment standards enumerated in Section 74.08 of this Chapter.
4. All permits shall be issued for a specific vehicle. Permit holders will be issued a number and will purchase 3" minimum reflective numbers to affix to the left side rear fender or similar component.
5. The initial fee for such permits shall be thirty dollars (\$30.00). Permits will be granted for one (1) year valid from January 01 through December 31. Permits may be purchased at any time during the year but will be valid only through December 31. Once a person has purchased a permit, they can renew their permit annually for a renewal fee of twenty dollars (\$20.00).
6. 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.
7. All permits shall be uniquely identified with the name and address of the owner or operator.

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

1. A safety flag, the top of which shall be a minimum of five (5) feet from ground level. (ATV only)
2. Adequate brakes.
3. A muffler that allows the vehicle to operate without violating the City's noise ordinance.
4. A mirror that allows the operator to view behind the vehicle.
5. Working turn signals.
6. All equipment necessary to keep the vehicle in good mechanical condition and thoroughly safe for transportation of passengers.

74.09 **TIME OF OPERATION.** All vehicles governed by this chapter may be operated on city streets only between sunrise and sunset.

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

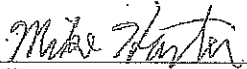
74.11 **PENALTY.** In addition to the suspension or revocation of the permit, any violator of this Chapter is guilty of a municipal infraction of this Code of Ordinances.

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 no 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.

Passed by the Council the 9th day of July, 2018, and approved this 9th day of July, 2018.


Mike Harter, Mayor

ATTEST:


Marlene Strempeke, City Clerk

First Reading: June 11, 2018
Second Reading: June 25, 2018
Third Reading: July 9, 2018

I certify that the foregoing was posted as Ordinance No. 344 on the 11th day of July, 2018.


Marlene Strempeke, City Clerk