ORDINANCE NO. 6446

AN ORDINANCE TO AMEND TITLE 9 TRAFFIC OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING CHAPTER 9.15 "ALL TERRAIN VEHICLES".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Title 9 Traffic of the of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Chapter 9.15 "All Terrain Vehicles" as follows:

Chapter 9.15 - ALL-TERRAIN VEHICLES

9.15.010 Purpose Of Chapter
9.15.020 Definitions - All-Terrain Vehicles
9.15.030 Minimum Equipment Standards for Operation
9.15.040 Operating Provisions
9.15.050 Prohibited Streets/Highways; Crossing
9.15.060 Exemptions
9.15.070 Leaving Motor Running Or Keys In Ignition
9.15.080 Violation Of A "Stop" Signal
9.15.090 Penalty For Violation

9.15.010 Purpose Of Chapter

The purpose of this chapter is to provide reasonable rules and regulations for the maintenance and operation of all-terrain vehicles and/or off-road utility vehicles on approved roadways within the city of Council Bluffs, Iowa.

9.15.020 Definitions - All-Terrain Vehicles

For use within this chapter, the following words, terms and phrases are defined as follows:

All-terrain vehicle: A motorized vehicle with not less than three and not more than six Department of Transportation rated tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

Off-road utility vehicle: A motorized vehicle with not less than four and not more than eight Department of Transportation rated 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. Type 1 is defined as an off-road utility vehicle with a total dry weight of 1,250 pounds or less and a width of 50 inches or less.
B. Type 2 is defined as an off-road utility vehicle (other than a Type 1 off-road utility vehicle), with a total dry weight of 2,000 or less and a width of 65 inches or less.
C. Type 3 is defined as an off-road utility vehicle with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

Operate: To ride in or on, other than as a passenger, use, or control the operation of an all-terrain vehicle in any manner, whether or not the all-terrain vehicle or off-road utility vehicle is moving.

Operator: A person who operates or is in actual physical control of an all-terrain vehicle or off-road utility vehicle.

Person: An individual, partnership, firm, corporation, association, any body of persons, whether incorporated or not, and the state, its agencies, and political subdivisions.

Street or highway: 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 (33) feet each side of the center line of the roadway.

9.15.030 Minimum Equipment Standards for Operation

Each All-terrain vehicle and off-road utility vehicle shall comply with the following standards for operation:

A. Vehicles more than 40 inches wide shall be equipped with turn signal lamps and have a manually operated switched controlled by the driver.

B. Vehicle shall be equipped with a properly operating speedometer and odometer calibrated in miles per hour and miles respectively and shall be fully illuminated when the headlamp(s) are activated.

C. Vehicles shall be equipped with an electrically actuated horn, and emit a sound clearly audible from a distance of 200 feet. The horn shall be actuated with a switch easily accessible to the driver when operating the vehicle.

D. Vehicles shall be equipped with a headlamp that shall be in a plane that is perpendicular to a vertical plane through the longitudinal centerline of the vehicle. The headlamps shall be mounted not less than 24 inches, nor more than 54 inches, above the road surface when measured to the headlamp center.

E. Vehicles shall be equipped with tail lamp or lamps mounted on the rear of the vehicle, exhibiting a red light plainly visible from a distance of 500 feet to the rear. The tail lamps shall be mounted not less than 15 inches, nor more than 72 inches, above the roadway.

F. Vehicles shall be equipped with a stop lamp that is actuated by the brake switch to indicate braking of the vehicle.

G. Vehicles shall be equipped with Department of Transportation rated tires which shall display the proper markings on the sidewall of the tire.

H. Vehicles shall be equipped with a rear facing mirror and shall provide the operator with a clear view of the rear.

I. Every all-terrain vehicle operated within city limits shall be equipped with a muffler. The muffler shall limit engine noise to not more than 86 decibels, as measured on the "A" scale of the American National Standards Institute (ANSI), incorporated, publications S1.4-1961, general purpose sound level meters, at a distance of 50 feet.

9.15.040 Operating Provisions

All operation of all-terrain vehicles and off-road utility vehicles on city streets or highways must adhere to all city, county and state regulations relating to the use of such vehicles. In addition to the provisions of Iowa Code Chapter 321 and Section 321(I), the following provisions shall apply:

A. Every all-terrain or off-road utility vehicle operated upon streets or highways of the City of Council Bluffs shall be registered annually with the Pottawattamie County Recorder and shall be required to pay a registration fee in such amount established by the Pottawattamie County Board of Supervisors.

B. The operator of each all-terrain or off-road utility vehicle shall be required to provide, upon request by any peace officer, proof of ownership including but not limited to bill of sale or registration. This requirement shall be satisfied if an all-terrain or off-road utility vehicle is in compliance with the registration requirements of any state within the United States of America.

C. A person shall not operate an all-terrain or off-road utility vehicle unless the operator has a valid driver's license issued by any state within the United States of America.

D. A person shall not operate an all-terrain or off-road utility vehicle unless the operator has proof of insurance complying with that required of an operator of a motor vehicle pursuant to applicable provisions of the Iowa Code, Rules and Regulations, including but not limited to Iowa Code Sections 321.20B and 321A.21.

E. The operator and passengers shall wear the seatbelt or harness as so equipped by the manufacturer.

F. A person shall not drive or operate an all-terrain or off-road utility vehicle:
   1. At a rate of speed greater than the posted speed limit.
   2. In a careless, reckless, or negligent manner so as to:
      a. Endanger any person.
      b. Cause injury or damage to person or property.
      c. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
   3. While under the influence of intoxicating liquor or narcotics or habit-forming drugs as prescribed under Iowa Code Section 321J.
   4. In any City park, wildlife area, reserve, refuge, game management area, or any portion of a meandered stream, which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water, except on designated riding areas and designated trails.
   5. Upon operating railroad right-of-way, an all-terrain or off-road utility vehicle may be driven directly across 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. This paragraph does not apply to a law enforcement officer or railroad employee of a utility authority to enter upon the railroad right-of-way in the lawful performance of the employee's duty.
   6. With more persons on the vehicle than designed to be carried or seated.
   7. On any road, street, highway or interstate prohibited by the State of Iowa.

9.15.050 Prohibited Streets/Highways; Crossing

A. In addition to all roads prohibited under state law, operation of all-terrain vehicles and off-road utility vehicles shall be prohibited on the following streets and/or highways:
   1. West Broadway, from the western city limits to 8th Street.
   2. E. Kanesville Boulevard, from 8th Street to the eastern city limits.
   3. Highway 275.
   4. Highway 92.

B. An all-terrain vehicle or off-road utility vehicles may make a direct crossing of a street or highway listed in this section, but no person shall make a direct crossing of any such street or highway with an all-terrain vehicle or off-road utility vehicles, unless:
   1. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway, and at a place where no obstruction prevents a quick and safe crossing;

2. The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
3. The operator of the all-terrain vehicle or off-road utility vehicle yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
4. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

9.15.060 Exemptions

The following all-terrain vehicles and off-road utility vehicles shall be exempt from registration pursuant to Iowa Code, Section 321I.9 and the requirements of this Ordinance:

A. All-terrain or off-road utility vehicles owned by the United States, this state, or another state, or by a governmental subdivision thereof, and used for enforcement, search and rescue, or official research and studies, but not for recreational or commercial purposes.
B. All-terrain or off-road utility vehicles used exclusively to conduct agricultural purposes and in accordance with Iowa Code Section 321.234A(1)(a).

9.15.070 Leaving Motor Running Or Keys In Ignition

It is unlawful for the owner or operator of an all-terrain vehicle to leave or allow an all-terrain vehicle or off-road utility vehicle to remain unattended on public property while the motor is running or while the keys for starting the vehicle are left in the ignition.

9.15.080 Violation Of A "Stop" Signal

A person, after having received a visual or audible signal from a peace officer to come to a stop, shall not operate an all-terrain vehicle or off-road utility vehicle in willful or wanton disregard of the signal or interfere with or endanger the officer or any other person or vehicle, or increase speed or attempt to flee or elude the officer.

9.15.090 Penalty For Violation

Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions set forth in CBMC 8.02.020. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of CBMC 1.95, in lieu of criminal prosecution.

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 of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND March 8, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 2-22-21
Second Consideration: 3-8-21
Public Hearing: 3-8-21
Third Consideration: _____