

ORDINANCE NO. 15-01

AN ORDINANCE REGULATING THE OPERATION OF  
ALL-TERRAIN VEHICLES ON CITY STREETS  
IN THE CITY OF STRAWBERRY POINT, IOWA.

Be It Enacted by the Council of the City of Strawberry Point, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to regulate the operation of all-terrain vehicles within the City of Strawberry Point, Iowa.

SECTION 2. ALL-TERRAIN VEHICLES. Sections 25.21 to 25.31 of the City Code of Strawberry Point, Iowa, shall be added to read as follows:

**25.21 DEFINITION.**

"All-terrain vehicle" or "ATV" or "UTV" means a motorized flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, or a two-wheeled, off-road motorcycle, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than eight hundred fifty (850) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. Two-wheeled, off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration. An operator of a two wheeled, off-road motorcycle is exempt from the safety instruction and certification program requirements of Section 3211.24 and 3211.25 of the Code of Iowa.

**25.22 GENERAL REGULATIONS.** No person shall operate an ATV or UTV within the City in violation of Chapter 3211 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, numbering, equipment and manner of operation.

**25.23 OPERATION OF ALL-TERRAIN VEHICLES.** The operators of ATVs or UTVs shall comply with the following restrictions as to where ATVs or UTVs may be operated within the City:

1. Streets. ATVs or UTVs may be operated on streets only in accordance with Section 32 I .234A of the Code of Iowa and on all City streets, except Elkader Street (Highway 13 North); Commercial Street (Highway 3/13 South); and West Mission Street (Highway 3 West) or as may be designated by resolution of the Council for the sport of driving ATVs or UTVs.

2. Trails. ATVs or UTVs shall not be operated on snowmobile trails except where designated.

3. Parks and Other City Land. ATVs or UTVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

4. Sidewalk or Parking. ATVs or UTVs 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."

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


25.25 **ACCIDENT REPORTS.** Whenever an ATV or UTV is involved in an accident resulting in injury 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 State law.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 5. When Effective. This ordinance shall be effective after the final passage, approval and publication as provided by law.

Passed by Council on the 4<sup>th</sup> day of March, 2015, and approved this 4<sup>th</sup> day of ~~February~~, 2015.  
March

  
MAYOR

ATTEST: Elizabeth J. [Signature]  
CITY CLERK