

ORDINANCE NO. 68

An ordinance amending the code of ordinances of the City of Montezuma, Iowa by amending Chapter 75 provisions pertaining to Off-road Utility Vehicles "UTV"

Be it ordained by the City Council of the City of Montezuma, IA:

Section 1. The City wishes to allow UTV's to freely transverse throughout the city with certain restrictions.

Wherefore: Chapter 75 of the Montezuma City Code shall be amended to read as follows:

Purpose: The purpose of this chapter is to regulate the operation of UTV's on certain streets in the City as authorized by Section 321.247 and Section 321.10 of the Code of Iowa as amended.

Definitions. For use in this chapter the following terms are defined.

1. "Off-road utility vehicle" or "UTV" means a motorized flotation-tire vehicle, with not less than four and not more than eight low-pressure tires, that is limited in engine displacement to less than one thousand five hundred (1500) 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 vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Code of Iowa, Sec 321.1)

75.05 Registration Requirements: No person shall operate a UTV on any public street or alley, for any purpose except active agricultural farming operations, unless the operator possesses a City of Montezuma permit sticker, displays current vehicle registration and holds proof of liability insurance covering operation on City streets.

1. UTV owners must register their vehicle with the City of Montezuma annually through the City Clerks Office to be eligible to operate on City streets. Permit shall not be issued until the owner/operator provides the following:
 - A. Evidence that the permittee is atleast 16 years of age and possesses a valid State issued drivers license.
 - B. Display current vehicle registration as required by the Code of Iowa (*Code of Iowa, Sec. 321.3*) UTV only.
 - C. Proof of Liability Insurance
2. Permit holders will be issued a sticker to affix to the left side rear fender of vehicle. The fee for such permit shall be \$30.00. Permits will be granted for one year valid from January 1 through December 31. Permits may be purchased at any time during the year, but will be valid only through December 31.

Operation of UTVs: The operators of UTVs upon the streets of the City shall comply with the following restrictions:

1. UTVs may only be operated upon the streets of the City by persons who are 16 years of age or older and are possessing a valid Iowa operator's license, except as prohibited in this chapter.
2. While operated on a City street, the number of passengers permitted on vehicle shall not exceed the number of seats or the maximum number of intended passengers designed for the vehicle to carry.
3. If the UTV comes with a manufacturer equipped seat belt, the seat belt must be worn during operation.
4. Operators must observe all state and local traffic control regulations and devices.
5. While on City streets, operators must have on their person, in or attached to the vehicle, proof of required insurance.
6. UTV may be operated only during the hours of sunrise to sunset.
7. UTVs shall be equipped with operational tail lights and headlights.
8. UTVs shall be equipped with a slow-moving vehicle sign and a bicycle safety flag.
9. When operating a UTV as authorized in this chapter, the vehicle shall be equipped with a Montezuma City permit decal and current DNR registration sticker.
10. Vehicles shall not be operated at a speed in excess of the reasonable or proper speed for existing circumstance and the posted speed limit up to 35 miles per hour.
11. Owners and operators must obey all parking regulations in the City.

Location Restrictions for UTVs: The operators of UTVs shall comply with the following restrictions as to where UTVs may be operated within the City:

1. Streets. If the operator and the vehicle comply with the provisions of this chapter, UTVs may be operated on all streets within the corporate limits of the city with the exception of the following areas:
 - A. Highway 63 through Montezuma city limits.
 - B. East Main Street/Hwy 85 within Montezuma City Limits
2. Trails. Vehicles shall not be operated on snowmobile trails except where designated. (*Code of Iowa Sec. 321I.10 {4}*)

3. Parks and Other City Land. Vehicles 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. Vehicles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and sidewalk or property line commonly referred to as the "parking".
5. Private Property. Vehicles may only be operated on private property with express consent of the owner.

Negligence: The owner and operator of a UTV may not operate such vehicle in a careless, reckless, or negligent manner so as to endanger the person or property of another to cause injury or damage thereto. The owner and operator of a UTV are liable for any injury or damage occasioned by the negligent operation of the UTV. The owner of the UTV shall be liable for any such injury or damage only if the owner was the operator of the UTV at the time the injury or damage occurred or if the operator had the owner's consent to operate the UTV at the time the injury or damage occurred. *Code of Iowa, 321I.19*

Accident Reports: Whenever a UTV is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars (\$1,500.00) 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. *(Code of Iowa, Sec. 321I.11)*

Penalties for Violations: Any person who violates this chapter is guilty of a simple misdemeanor and the standard penalty shall apply as defined by the State of Iowa.

Use of UTV as authorized emergency vehicle. UTVs may be used as an authorized emergency vehicle by a peace officer, or any fire or emergency services personnel in the line of duty. Any such user is excepted from compliance with the requirements of this chapter and may act in accordance with Iowa Code section 321.231.