

CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Place of Operation of ATVS and UTVS

75.06 Manner of Operation of ATVS and UTVS

75.07 Negligence

75.08 Accident Reports

75.09 Dead Man Throttle

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

75.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. “All-terrain vehicle” (hereinafter referred to as “ATV”) shall mean a motorized flotation-tire vehicle with not less than three (3) low pressure tires, with not more than six (6) low pressure tires, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and a total drive weight of 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. *(Ord. 1-13 – Aug. 13 Supp.)*

(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 that contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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

3. “Off road utility vehicle” (hereinafter referred to as “UTV”) shall mean 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 cubic centimeters and in total dry weight to not more than one thousand eight hundred 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. *(Ord. 1-13 – Aug. 13 Supp.)*

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

4. “Snowmobile” means a motorized vehicle that weighs less than one thousand (1,000) pounds, that uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

(Code of Iowa, Sec. 321G.1)

75.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the *Code of Iowa* or a snowmobile within the City in violation of the provisions of Chapter 321G 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, equipment and manner of operation.

(Code of Iowa, Ch. 321G & Ch. 321I)

75.04 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 shall not be operated upon streets except when the snowmobiler is traveling directly to or from the nearest designated snowmobile trail on the most direct route or on streets as may be designated by resolution of the Council. *(Ord. 2-13 – Aug. 13 Supp.)*

(Code of Iowa, Sec. 321G.9[4a])

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.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

(1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

(2) The snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic that constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile 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 the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13[1h])

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f])

5. 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 a snow cover of at least two inches.

6. Sidewalk 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.

75.05 PLACE OF OPERATION OF ATVS AND UTVS. ATV/UTVs may be operated upon the streets of the City of Milford, Iowa, except as prohibited in Subsection 1 of this section, by persons possessing a valid Iowa Driver’s License.

1. Prohibited Streets. ATV/UTVs shall not be operated upon any City street which is a primary road extension through the City, to wit: US Highway 71. However, ATV/UTVs may cross such primary road extensions at the 6th Street and 10th Street intersections of US Highway 71.

2. Parks and Other Public Lands. ATV/UTVs shall not be operated off-road in City parks, playgrounds, walking or recreational trail, or upon any publicly-owned property.

3. Private Property. ATV/UTVs may only be operated upon private property with express consent of the owner thereof or while engaged in snow removal, landscaping, or other maintenance activities.

4. Sidewalk or Parking. No ATV/UTV shall be operated upon sidewalks unless engaged in snow removal or maintenance activities nor shall they be operated upon that portion of the street located between the curb line and sidewalk or property line commonly referred to as the “parking” except for purposes of snow removal, maintenance, or landscaping activities.

(Ord. 1-13 – Aug. 13 Supp.)

75.06 MANNER OF OPERATION OF ATVS AND UTVS. No person shall operate an ATV/UTV in the City of Milford except as hereinafter provided:

1. License. No person shall operate an ATV/UTV on the public streets, alleys, or right of way of the City of Milford, Iowa, who is not at least 16 years of age and without a valid motor vehicle operator’s license.

2. Equipment. All ATV/UTVs shall be equipped with the original manufacturer’s muffler and exhaust system or their equivalent, not to exceed the manufacturer’s original emission specification, each vehicle additionally must be equipped with lights and safety equipment required of motor vehicles by law or ordinance. If the UTV is equipped with seatbelts by design, they must be worn by all occupants when the vehicle is in motion. ATV’s shall also be equipped with a bicycle safety flag of florescent orange color on a staff holder to put such flag at least five (5) feet above the surface of the street.

3. Traffic Code. All ATV/UTV operators must observe all State and local traffic control regulations and devices. No ATV/UTV shall be operated on any City street at a speed in excess of twenty-five (25) miles per hour and shall not operate at a speed in excess of that posted nor at any time operate at a rate of speed greater than is reasonable and proper under the existing conditions.

4. Careless Operation. No person shall operate an ATV/UTV in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
5. Intoxicated. No person shall operate an ATV/UTV in the City limits of the City of Milford, Iowa, while under the influence of intoxicating liquor, narcotics, or habit-forming drugs.
6. Lights. No person shall operate an ATV/UTV without a lighted headlamp and taillight when required for safety.
7. Unattended. No owner or operator of an ATV/UTV shall leave an unattended vehicle on public property while the motor is running or with keys in the ignition switch.
8. Parking. The operators must obey all parking regulations in the City of Milford when parked on a public street or thoroughfare.
9. Hours of Operation. ATV/UTVs may be operated anywhere within the City limits of the City of Milford, Iowa, after sunset and before 5:30 a.m. if the ATV/UTV has operating headlights and taillights. *(Ord. 9-23-19 – Nov. 19 Supp.)*
10. Financial Responsibility. The owner or driver of the ATV/UTV within the City limits of Milford, Iowa, must maintain and provide current proof of liability insurance or financial responsibility in accordance with *Code of Iowa*, Sec. 321.208.
11. Registration. The owner or driver of an ATV/UTV within the City limits of the City of Milford, Iowa, must maintain a current registration as provided by Iowa law.
12. Penalties and Fines. Any person operating an ATV/UTV in violation of this chapter of the Code of Ordinances may be charged with violation of State motor vehicle laws or violation of this chapter. In the event that said violator is charged under this chapter the first offense shall be a fine of not less than one hundred dollars (\$100.00) and a 60-day suspension of privileges to use City streets; the second offense a fine of not less than two hundred dollars (\$200.00) and a 365-day suspension of privileges to use City streets; and the third offense a fine of not less than five hundred dollars (\$500.00) and a two year suspension of privileges to use City streets. For each additional offense after a third violation, the fine shall be not less than five hundred dollars (\$500.00) and a permanent suspension of privileges to use City streets.
13. In addition to this chapter, the operator of an ATV/UTV shall comply with all requirements of Iowa Code Section 321.234A and *Code of Iowa* Chapter 321I. *(Ord. 1-13 – Aug. 13 Supp.)*

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

(Code of Iowa, Sec. 321G.18 & 321I.19)

75.08 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 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. 321G.10 & 321I.11)

75.09 DEAD MAN THROTTLE. No snowmobile shall be operated within the City unless equipped with a “dead man throttle” which, when pressure is removed from the accelerator or throttle, causes the engine to be disengaged from the drive mechanism.

[The next page is 471]