

ORDINANCE NO. 005-2016

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF MANCHESTER, IOWA, BY ADDING  
CHAPTER 75A – ALL-TERRAIN VEHICLES

BE IT ENACTED by the City Council for the City of Manchester, Iowa:

SECTION 1. City of Manchester Code of Ordinance, Chapter 75A – All-Terrain Vehicles is hereby added to the Manchester City Code of Ordinances as follows:

**CHAPTER 75A  
ALL-TERRAIN VEHICLES**

75A.01 Purpose	75A.07 Operation
75A.02 Definition	75A.08 Locations
75A.03 General Regulations	75A.09 Accident Reports
75A.04 Permits	75A.10 Violations and Penalty
75A.05 Authorized Uses	75A.11 Owner Liability
75A.06 Equipment	

**75A.01 PURPOSE.** The purpose of Chapter 75A is to regulate and authorize the operation of All-Terrain Vehicles (ATVs) and Utility Vehicles (UTVs) on certain streets within the City of Manchester as authorized and pursuant to Section 321.234A and Chapter 321I of the Code of Iowa.

**75A.02 DEFINITIONS.** *“Off-road utility vehicle” (ORUV) or “All-terrain vehicle” (ATV), (ATV or ORUV terms may be used interchangeably) means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized 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.*

1. *“Off-road utility vehicle” includes the following vehicles:*
  1. *“Off-road utility vehicle – type 1” means an off-road utility vehicle or ATV with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.*
  2. *“Off-road utility vehicle – type 2” means an off-road utility vehicle or ATV, other than a type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.*
  3. *“Off-road utility vehicle – type 3” means an off-road utility vehicle or ATV with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.*
2. *All-terrain vehicle or “ATV” 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 seven hundred fifty (750) 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 tilting and registration. An operator of a two -wheeled, off-road motorcycle is exempt from the safety instruction and certification program requirements of Sections 321G.23 and 321G.24 of the Code of Iowa.*

**75A.03 GENERAL REGULATIONS.** No person shall operate an All-Terrain Vehicle (ATV) within the city limits of the City in violation of the provisions of Chapter 321I of the Code of Iowa or rules enacted by the Iowa Department of Natural Resources governing the registration, numbering, equipping or manner of operation; or the provisions of section 75A.06 of this Code.

**75A.04 AUTHORIZED USES.** An ATV may be operated on city streets and alleys in compliance with all requirements set out herein and for the following purposes:

1. Snow removal via attached snowplow or blade.
2. Gardening and/or lawn work.
3. Special events authorized by the City Council.
4. An ATV may be operated for all other lawful purposes subject to the restrictions set forth in this chapter.

**75A.06 EQUIPMENT.** Any ATV operated within the City shall be equipped as required by Sections 3211.12 and 3211.13 of the Code of Iowa, including but not limited to: muffler, headlight, tail light and brakes. ATVs shall be equipped with an adequate exhaust system. ATV's shall also be equipped with a bicycle safety flag of fluorescent orange color on a staff holder to put such flag at least five feet (5') above the surface of the street and extend a minimum 2 feet above the highest point of the ATV.

**75A.07 OPERATION.**

1. **Minimum Age.** To operate an ATV on any city street, alley or right of way a person shall be at least eighteen (18) years of age and shall have a valid driver's license. While on city streets, operators must have on their person or in the ATV proof of the required insurance.
2. **Traffic Code.** Any person operating an ATV, including those for which the City shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.
3. **Speed.** No ATV shall be operated at a speed in excess of the lesser of twenty-five (25) miles per hour or that posted, nor shall any ATV be operated at a speed greater than is reasonable and proper for the existing conditions.
4. **Lights.** No ATV shall be operated without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.
5. **Unattended ATV's and Parking.** No person shall leave an ATV unattended on public property while the motor is running or the keys are in the ignition switch. Owner/Operators shall comply with all parking regulations in the City.
6. **Hours of Operation.** ATV's may be operated on City streets only between sunrise and sunset as set by the U. S. Naval Observatory, except for emergency situations or for loading or unloading from a transport trailer; except that ATV's may be operated during prohibited hours to perform snow removal activities.

**75A.08 PROHIBITED LOCATIONS.**

1. **Prohibited City Streets** ATV's shall not be operated on any street with a posted speed limit of greater than 35 mph or upon the following City streets:
  - a. Highway No. 13 (including all of North Franklin Street and West Main Street)
  - b. Central Business District, including:
    - i. East Main from North Franklin to Brewer
    - ii. East Fayette from North Franklin to North Tama East Delaware from South Franklin to South Tama North Madison from Main to Fayette
    - iii. South Madison from Main to Delaware
    - iv. South Franklin Street from Main to MarionHowever, ATV's may cross the aforementioned streets.
2. **Prohibited Trails.** ATV's shall not be operated on any recreational, bike or walking trail.
3. **Sidewalks.** ATV's shall not be operated upon sidewalks unless the operator is engaged in snow removal or sidewalk maintenance activities.
4. **"Parking".** ATV's shall not be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk referred to as the "parking unless engaged in snow removal, maintenance or landscaping activities for the abutting property.

5. City Parks and other land owned by the City. ATV's shall not be operated in City parks or upon other city owned land unless for a special event authorized by the City Council

**75A.09 PERMITTED LOCATIONS.**

ATV's may be operated on all other streets in the City for the sole and exclusive purpose of using the most direct roadway for ingress and egress from the city.

**75A.10 VIOLATION AND PENALTY.**

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of one-hundred dollars (\$100.00).
2. Any person guilty of violating this ordinance two times shall be subject to a fine of three-hundred dollars (\$300.00).
3. Persons violating this ordinance may also be prosecuted, and subject to the penalties set out in, Section 321I.36 of the Code of Iowa.

**75A.11 RESPONSIBILITY OF OWNER**

1. The owner of an ATV shall not permit the vehicle to be used or operated in violation of this chapter.
2. The owner of an ATV operated in violation of this chapter shall be subject to a civil penalty as a municipal infraction in an amount not to exceed five hundred dollars (\$500.00).

SECTION 2. SERVERABILITY 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 3. 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 9<sup>th</sup> day of January, 2017, and approved this 9<sup>th</sup> day of January, 2017.

Milt Kramer, Mayor

ATTEST:

Erin Learn, City Clerk