

***This ordinance shall be effective upon publication in the The Manchester Press on May 31, 2023.***

ORDINANCE NO. 003-2023

ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, IOWA BY AMENDING CHAPTER  
75 ALL-TERRAIN VEHICLES AND UTILITY VEHICLES

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

SECTION 1. SECTION MODIFIED. Chapter 75 “All-Terrain Vehicles and Utility Vehicles” of the City Code of the City of Manchester, Iowa is hereby amended in its entirety as follows:

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**CHAPTER 75  
ALL-TERRAIN VEHICLES AND UTILITY VEHICLES**

**75.01 PURPOSE.**

The purpose of this chapter is to implement the provisions of Section 321I.10(3) of the Code of Iowa by regulating the operation of All-Terrain Vehicles (ATVs) and Utility Vehicles (UTVs) within the City of Manchester, Iowa, to establish penalties for violations and to repeal ordinances in conflict.

**75.02 DEFINITIONS.**

For use in this chapter the following terms are defined:

1. “All-terrain vehicle” (ATV) means a motorized flotation-tire vehicle, with not less than three low-pressure tires, but not more than six low-pressure tires.
  - a. Engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds.
  - b. Equipped with a seat or saddle designed to be straddled by the operator and handlebars for steering control.

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

2. “Off-road utility vehicle” (UTV) means a motorized vehicle, with not less than four and not more than eight non-highway 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. Off-road utility vehicle – type 1 includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.
  - b. Off-road utility vehicle - type 2 includes vehicles, other than type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.
  - c. Off-road utility vehicle - type 3 includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

(Code of Iowa, Sec. 321I.1(17))

**75.03 ATV/UTV ROUTES.**

ATVs and UTVs may be operated on all City streets except Highway 13 and the 100 blocks of Main Street and Franklin Street.

Operators of ATV’s and UTV’s shall take the most direct path to the nearest ATV/UTV route and stay on the ATV/UTV route. Upon reaching the point of the route’s closest and most accessible destination point, they may proceed from such point to their destination. They shall thereafter return to the designated ATV/UTV route in

the same manner. Operators of ATV's and UTV's may make a series of stops without returning to the designated route; provided, however, they must proceed between such points when possible on the routes established above.

#### **75.04 ALL-TERRAIN VEHICLE (ATV) AND OFF-ROAD UTILITY VEHICLE (UTV) PLACES OF OPERATION.**

1. An ATV/UTV operated on City streets must use the most direct route to and from the designated ATV/UTV routes.
2. Properly equipped ATVs and UTVs may be operated upon any City street except those identified in Section 75.03. Operators of the ATV/UTV must travel at the posted speed limit, not to exceed 35 miles per hour.
3. ATVs and UTVs shall not be operated on an operating railroad right-of-way. An ATV/UTV may be driven directly across a railroad right-of-way only at an established crossing.
4. ATVs and UTVs shall not be operated in any park, on any trail, in any playground, or upon any city-owned property without the express permission of the City, with exception to city streets. Additionally, ATVs and UTVs being lawfully operated may use city owned driveways and parking lots.
5. ATVs and 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" except for purposes of crossing the same to a public street upon which operation is authorized by this ordinance.

#### **75.05 ALL-TERRAIN VEHICLE (ATV) AND OFF-ROAD UTILITY VEHICLE (UTV) REQUIREMENTS**

Operators of ATVs and UTVs must adhere to the following equipment requirements and restrictions while operating ATVs and UTVs within the City limits.

1. Operators of ATVs and UTVs within City limits must be 18 years of age or older and possess a valid driver's license.
2. A person shall not operate an ATV or UTV within the City limits 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.
3. Owners of ATVs and UTVs, operated within City limits, shall register their ATV or UTV with the Iowa Department of Natural Resources and proof of such registration shall be provided, upon request, to any peace officer requesting it.
4. No ATV or UTV shall be operated in the City between the hours of 11:00 PM and 6:00 AM except for emergency situations or for loading and unloading from a transport trailer.
5. Operators of ATVs and UTVs must adhere to noise restrictions set forth under the City Code of the City of Manchester, Iowa.
6. ATVs and UTVs must display lighted headlamps, and tail lamps, at all times, while the vehicle is operated on City streets or highways.
7. Operators of ATVs and UTVs must adhere to all traffic and parking laws, codes, rules, and regulations, applicable to other motor vehicles, unless directed otherwise by this ordinance.
8. ATVs and UTVs must be equipped with:
  - a. Operational speedometer, calibrated in miles per hour, which is fully illuminated when the head lamp(s) are activated.
  - b. Operational horn with a switch controlled by the driver.
  - c. Two operational head lamps and tail lamps must be affixed to each side on the front and back of the ATV or UTV. Tail lamps shall be red and include a stop lamp actuated by pressing the brake pedal. Functioning turn signals are required. The use of light bars, spotlights, or decorative lights are not permitted while the ATV or UTV is being operated on city streets or highways.
  - d. Rear facing mirror providing the operator with a clear view of the rear.
  - e. Operational muffler, working in good order, which complies with the standards and procedures, required by Iowa Code 321.12 and City Code of the City of Manchester Iowa.

- f. Pursuant to Delaware County Ordinance #39, an orange flag is required to be affixed to the vehicle at a height that is at least six feet off of the ground or no less than one foot above the top of the vehicle, whichever is higher.
9. All occupants, except as noted below, must wear safety belts or safety harnesses, which meet the definition of a safety belt or safety harness set forth by Iowa Code 321.445, while the UTV is in motion.
  - a. Children under 1 year of age and weighing less than 20 pounds must be secured in a rear-facing child restraint system while the UTV is motion.
  - b. Children, ages 1-6 years, must be secured in a child restraint system (safety seat or booster seat) while the UTV is in motion. A child restraint system is a specially designed seating system, including a belt-positioning seat or booster seat, which meets federal motor vehicle safety standards. The child restraint system must be used in accordance with the manufacturer's instructions, the child must be secured in the child restraint, and the child restraint must be properly secured to the UTV.
  - c. No animals may be transported in the cargo portion or bed of a UTV.
10. UTV doors or nets must be closed during operation if so equipped.
11. The number of passengers in a UTV shall not exceed the number of factory-installed seats in the UTV.
12. No open containers of alcohol allowed while the ATV or UTV is being operated.
13. Drivers may not operate an ATV or UTV under the influence of intoxicating liquor or narcotics as prescribed under Iowa Code 321J.
14. No ATV or UTV will be operated in a careless or reckless manner so as to; endanger any person; cause injury or damage to person or property; create unnecessary skidding or sliding; or cause a wheel or wheels to lose traction or contact with the ground.

#### **75.06 NEGLIGENCE AND ACCIDENTS.**

1. The owner and operator of an ATV and/or UTV shall be liable for any injury or damage occasioned by the negligent operation of the ATV and/or UTV.
2. Whenever an ATV or UTV is involved in an accident resulting in injury or death to anyone or property damage amounting to \$200.00 or more, either the operator or someone acting on their behalf shall immediately notify a law enforcement officer and shall file an accident report within 48 hours in accordance with state law.

#### **75.07 SCHEDULED OFFENSES AND FINES.**

The following scheduled fines are fixed for violations of the designated sections of this chapter.

1. For violations of this chapter:
  - a. First offense \$250.00
  - b. Second offense committed within one calendar year \$500.00
  - c. Third and subsequent offenses committed within one calendar year \$1,000.00

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SECTION 2. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect after its passage, approval and publication as provided by law.

Passed and approved this 22<sup>nd</sup> day of May, 2023.

Connie Behnken, Mayor

ATTEST:

Erin Learn, City Clerk