

ORDINANCE NO. 1339

AN ORDINANCE AMENDING CHAPTER 10.80 OF THE MUNICIPAL CODE OF THE CITY OF DECORAH, IOWA, TO PROVIDE FOR THE REGULATION OF OFF-ROAD UTILITY VEHICLES.

WHEREAS, the purpose of this ordinance is to establish regulations governing the operation of off-road utility vehicles (ORVs) within the City of Decorah, Iowa to promote public safety, the general welfare, and the efficient use of roadways and public property.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Decorah, Iowa, as follows:

SECTION 1. That Decorah City Code Chapter 10.80, Snowmobiles and All-Terrain Vehicles is amended by deleting the same in its entirety and inserting in lieu thereof the following:

Chapter 10.80 SNOWMOBILES, ALL-TERRAIN VEHICLES, AND OFF-ROAD UTILITY VEHICLES

Sections:

10.80.010 Definitions.

Where words and phrases used in this title are defined by the laws of Iowa, such definitions shall apply to this title. The following words shall have the following meaning:

- A. "All-terrain vehicle" or "ATV" shall mean a motorized vehicle as defined in Section 321.I.1(1)(a) of the Code of Iowa, as amended.
- B. "Off-road utility vehicle (ORV)" shall mean a motorized vehicle with not less than four and not more than eight nonhighway 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. ORVs include, but is not limited to, utility terrain vehicles (UTVs), side-by-sides, and similar vehicles. ORVs may be intended for off-road terrain, with a width not exceeding 65 inches and a dry weight not exceeding 2,000 pounds.
- C. "Operate" means to ride in or on, other than as a passenger, use or control the operation of a snowmobile, ORV or an ATV in any manner, whether or not the snowmobile, ORV or ATV is moving.
- D. "Operator" means any person who is at least 18 years of age and holds a valid driver's license and is responsible for operating the ORV.
- E. "Public Roadway" means any street, highway, or alley maintained by the City of Decorah or the State of Iowa.
- F. "Snowmobile" means any self-propelled vehicle equipped with sled-type runners or skis and propelled by an endless belt-type tread or pneumatic tires, or any combination thereof, and designed for travel upon snow, land or ice.
- G. "Street or highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic, except in public areas in which the boundaries shall be thirty-three feet on each side of the centerline of the roadway.
- H. "Utility use" means the operation of an all-terrain vehicle for the purposes of snow removal, landscaping and/or yard work whether for private or commercial use.
- I. "Golf cart" means any self-propelled vehicle as defined in Section 251.247 and described as a low speed vehicle in Section 321(36)(A) of the Code of Iowa.

10.80.020 Registration required.

Every off-road utility vehicle, snowmobile and all-terrain vehicle used on public or private property of the city shall be currently registered, and identification numbers shall be displayed as prescribed by the Code of Iowa.

10.80.030 Operation of snowmobiles and all-terrain vehicles.

- A. No person shall operate a snowmobile or all-terrain vehicle upon the sidewalks, streets and alleys and public grounds of this city, except as provided in this chapter.
- B. A snowmobile or all-terrain vehicle may make a direct crossing of a street or alley from one parcel of private property to another provided it is made at an angle of ninety degrees to the centerline and at a place where no obstruction prevents a quick and safe crossing, and provided that the operator yields the right-of-way to all oncoming traffic.
- C. A snowmobile may operate on city streets and alleys during snow emergencies when streets have not been plowed at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.
- D. A snowmobile or all-terrain vehicle may operate on those portions of public park land which the board of park commissioners may from time to time by regulation designate as permitted snowmobile or all-terrain vehicle operating areas.

10.80.035 Golf cart operation.

It is unlawful for any person to drive or operate any golf cart within the city limits of the City of Decorah on any public lands, city streets or highways or on private lands without the permission of the owner.

10.80.040 Unlawful operation of snowmobile and all-terrain vehicle.

- A. It is unlawful for any person to drive or operate any snowmobile within the city:
 - 1. On any portion of the flood-protection dikes of the Upper Iowa River;
 - 2. In a careless, reckless or negligent manner;
 - 3. At a speed greater than reasonable or proper under all the existing circumstances;
 - 4. Whenever such snowmobile is not equipped with a suitable and effective muffling device to prevent excessive and unusual noise;
 - 5. When such operator is under sixteen years of age;
 - 6. On any public lands not designated as a permitted snowmobile operating area by proper city officials;
 - 7. On any private lands without the permission of the owner or tenant thereof;
 - 8. While under the influence of intoxicating liquor or narcotics or habit-forming drugs;
 - 9. Without efficient headlights and taillights;
 - 10. With any firearms in the snowmobile, except in possession of a peace officer;
 - 11. At normal resting hours, after eleven p.m. and before eight a.m., except for emergency use authorized by the chief of police.
- B. It is unlawful for any person to drive or operate any all-terrain vehicle within the city:
 - 1. In violation of any of the requirements for the operation of an all-terrain vehicle on public property required by Chapter 321G of the Code of Iowa, amended.
 - 2. On any private lands within one hundred fifty feet of a residence located on adjacent property when being operated for recreational uses.
 - 3. No more than two all-terrain vehicles may be operated on the same parcel of private land within the City of Decorah for recreational uses at one time.
 - 4. At normal nighttime resting hours, after 10:00 P.M. and before 6:00 A.M., except for emergency use authorized by the chief of police and except for utility uses as defined in this chapter.

10.80.050 Special permits for snowmobile, ATV and golf cart operation.

The city council, upon application, may issue a special permit for the operation of a snowmobile, ATV or golf cart upon public property and/or upon any council-designated snowmobile, ATV or golf cart route.

10.80.060 Operation of off-road utility vehicles (ORVs).

- A. ORVs may be operated within the City of Decorah on public roadways under the following conditions:
1. Properly equipped ORVs may be operated upon any city public roadway with a speed limit of 35 miles per hour or less.
 2. An ORV operator shall be at least eighteen years of age and have a valid driver's license.
 3. ORVs must be operated at speeds of thirty-five miles per hour or the speed limit for motor vehicles, whichever is lower, on all segments of public roadways.
 4. Operators of ORVs must adhere to all traffic and parking laws, codes, rules, and regulations, applicable to other motor vehicles, unless directed otherwise by this ordinance.
 5. An ORV operator shall have financial liability coverage in effect for the vehicle and carry proof of such financial liability coverage in accordance with section 321.20B of the Iowa Code, as amended.
 6. An ORV operated within the city shall be equipped with the parts, lamps, and other equipment in proper condition and adjustment as required under Iowa Code Chapter 321 for motor vehicles, including but not limited to the parts, lamps, and equipment required under sections 321.386, 321.387, 321.404, 321.432 and 321.437.
 7. Owners of UTVs operated within city limits shall register their ORV with the Iowa Department of Natural Resources, and proof of such registration shall be displayed and provided, upon request, to any peace officer requesting it. Out-of-state ORV operators must display and provide appropriate proof of registration from their home state upon request by any peace officer.
 8. No person shall operate an ORV within the city in violation of Iowa Code Chapter 321I 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.
 9. A person operating an ORV shall not ride other than on a permanent seat regularly attached thereto. All occupants must be in a seated position at all times with no more passengers than the seat(s) are designed to accommodate. No one may be standing on the vehicle or sitting on another passenger while the vehicle is in operation.
 10. The operator and all passengers of an ORV shall wear the seatbelt or harness as so equipped by the manufacturer.
- B. Prohibited Areas: ORVs are prohibited from operating on:
1. Sidewalks or pedestrian pathways.
 2. City parks and trails, including the Trout Run Trail, and Ice Cave Road, except that ORVs may be operated on paved roads and driveways in Palisades Park and the Campground.
 3. Other areas established by resolution of the City Council. When properly posted or marked pursuant to such council resolution, it is a violation of this chapter for the driver of any vehicle to fail or refuse to comply with such signs or markings.
 4. Private property without the express permission of the property owner.

- C. Exceptions. The following persons are exempt from the provisions of this ordinance:
1. The operation is incidental to the vehicle's use for the purpose of surveying by a licensed engineer or land surveyor.
 2. Operation of the vehicle by an employee or agent of a political subdivision of the State of Iowa or a public utility.
 3. The operation by an employee or agent of a public agency for the purpose of providing emergency services or rescue.
- D. Violations. The operation and use of an ORV, including as a passenger, in violation of this section may be charged as a simple misdemeanor, or municipal infraction, or may be subject to the penalties set out in Iowa Code Chapters 321 and 321I, and all other applicable laws pertaining to motor vehicles.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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.

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: October 21, 2024

Date of Second Reading: November 4, 2024

Roll Call Vote:

Councilmen Voting Aye: Schissel, Zittergruen, Miculinich, Parker, Neal, Olson

Councilmen Voting Nay: None

PASSED AND ADOPTED this 4th day of November, 2024.

CITY OF DECORAH

Lorraine Borowski, Mayor

ATTEST:

Keri Sand, City Clerk-Finance Officer

I hereby certify that the above Ordinance No. 1339 was published on the ____ day of 2024, in the _____.

Keri Sand, City Clerk-Finance Officer