

ORDINANCE NO. 945

AN ORDINANCE ADDING CHAPTER 79 TO THE CODE OF ORDINANCES RELATING
TO OPERATION OF UTILITY TERRAIN VEHICLES

Be it enacted by the City Council of Osage, Iowa:

SECTION 1. A new CHAPTER 79 is hereby added to the Code of Ordinances to permit and regulate the use of utility terrain vehicles in the City.

CHAPTER 79

UTILITY TERRAIN VEHICLES

79.01 Purpose. The purpose of this chapter is to permit and regulate the operation of Utility Terrain Vehicles on streets within the City of Osage. This Chapter does not relate to "all terrain vehicles".

79.02 Definitions.

1. "Utility Terrain Vehicle" or "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 a bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control, and which is defined as an "off-road utility vehicle" in *Iowa Code* § 321I.1(18)(a).
2. "All-terrain vehicle" means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
3. "Operate" means to be in control of the operation of a UTV in any manner, whether or not the UTV is moving.
4. "Operator" means a person who operates or is in physical control of a UTV.
5. "Roadway" means a street, alley or highway as defined in the *Code of Iowa* and includes 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 for the purposes of vehicular travel. *Roadway* does not include highways 9 or 218 within the City.

79.03 OPERATION ON ROADWAYS.

1. A UTV may be operated within the City on roadways as provided herein. However, no person shall operate a UTV within the City in violation of the provisions of *Iowa Code* § 321.234A, or Chapter 321I of the *Code of Iowa*, or rules and regulations established by the Iowa Department of Natural Resources or Iowa Department of Transportation. An operator must also obey all State laws and City ordinances applicable to other motor vehicles.

2. Every person operating or riding on a UTV shall be seated on a recognized driver or passenger seat installed by the original manufacturer. The number of riders, including the driver, shall not exceed the capacity or number recommended by the original manufacturer.
3. The operation of UTVs on City roadways is prohibited between the hours of 10:00 p.m. and 5:00 a.m. No UTV shall be operated without a lighted headlight and taillight from sunset to 10:00 p.m. and from 5:00 a.m. to sunrise, and at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet.
4. No UTV shall be operated on City roadways unless the operator can provide proof of liability insurance covering the UTV when requested by any peace officer.
5. Notwithstanding any of the foregoing, a UTV shall not be operated upon or across Highways 9 and 218 within the City limits.
6. UTVs shall not be operated in any park or playground without the express permission of the City Park Board.
7. UTVs shall not be operated on South Seventh Street, other than to make a direct crossing.
8. No all-terrain vehicles (ATV) shall be operated within the city limits.

79.04 EQUIPMENT REQUIRED.

1. UTVs shall be in good mechanical condition and maintain all original manufacturer's safety equipment.
2. The operator and passengers shall wear seat belts if provided from the manufacturer when the UTV is in motion.
3. UTVs shall be equipped with adequate brakes, turn signals, rear view mirrors, and side mirrors, all affixed to the vehicle.

79.05 COMMUNITY EVENTS- EXCEPTION

The City Council may grant limited exceptions, and may allow any type of UTV to be used on any City roadway by community or civic organizations for community events.

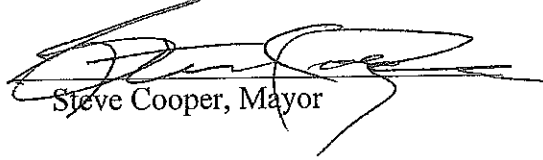
79.06 SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

79.07 VIOLATIONS AND PENALTY.

A violation of Sections 79.03 or 79.04 shall be a simple misdemeanor, and shall be punished by a fine of \$100, or imprisonment in the county jail for 30 days, or both such fine and imprisonment.

This Ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Passed by the City Council of the City of Osage, Iowa, on this 21st day of November, 2016, and approved this 21st day of November, 2016.


Steve Cooper, Mayor

Attest:


Cathy Penney, City Clerk