

ORDINANCE NO. 217

AN ORDINANCE AMENDING THE
DANVILLE MUNICIPAL CODE BY ADDING A NEW CHAPTER
PERMITTING THE LIMITED OPERATION OF
ALL-TERRAIN VEHICLES (ATVs) UPON CITY STREETS

The purpose of this Ordinance is to permit the operation of certain all-terrain vehicles (ATVs) on certain municipal streets within the corporate limits of the City of Danville, Iowa, as authorized in Iowa Code Section 321.234A and all other applicable sections of the Iowa Code. This chapter applied whenever an all-terrain vehicle (ATV) is operated on any street or alley of the City of Danville, Iowa.

Be it enacted by the Danville City Council:

Section 1. The Danville Municipal Code is amended to by adding a new Chapter, entitled OPERATION OF ALL-TERRAIN VEHICLES (ATVs) ON CITY STREETS which is hereby adopted to read as follows:

Section 2. DEFINITIONS. "All-Terrain Vehicle (ATV)" shall have the same meaning as in Iowa Code Section 321I.1(1)(a). In this Ordinance, such vehicles may be referred to as ATVs or ATV. No other types of All-Terrain Vehicles or Off-Road vehicles shall be permitted by this ordinance.

Section 3. OPERATION OF ALL-TERRAIN VEHICLES (ATVs) PERMITTED. ATVs may be operated upon the streets of the City of Danville by persons possessing a valid full Iowa operator's license. Owners and operators shall not operate any ATV in the City that does not comply with all registration and titling requirements of Iowa Code Section 321I. ATV operators shall observe all state and local traffic control regulations and devises.

Section 4. EQUIPMENT REQUIRED. An ATV operated on city streets within the City of Danville shall be equipped with a minimum of the following safety features:

- A. A bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level;
- B. Functioning brakes;
- C. Rear view mirror;
- D. Functioning noise control device such as a functioning muffler;
- E. Functioning exhaust system;
- F. All equipment required by Iowa Code Section 321I.

Section 5. PERMITS. No person shall operate an ATV on any public street or alley, for any purpose, unless the operator possesses a permit from the City of Danville to operate an ATV on City streets, issued by the City Clerk of Danville, Iowa.

- A. ATV owners may apply for a permit from the City Clerk on forms proved by the City.

- B. The Clerk shall not issue a permit until the owner/operator has provided the following:
 - a. Evidence that the operator possesses a valid full Iowa driver's license;
 - b. Proof of registration compliance with Iowa Code Sections 321 and 321I;
- C. All permits shall be issued for a specific ATV. Permit holders will be issued a permit sticker to affix to the left side rear fender or similar component.
- D. The fee for such permits shall be twenty dollars (\$20.00).
- E. The permit will be valid during the calendar year within which it is issued and shall be renewed annually. Permits may be purchased anytime during the year, but will be valid only through December 31 of the year in which the permit was purchased.
- F. A permit may be suspended or revoked by the City Council as a result of any violation of this Ordinance. For purposes of suspension or revocation, all operator offenses shall be attributed to the Owner.
 - a. The period of suspension or revocation for first time offenses shall be for six months.
 - b. The notice of revocation, including a description of the violation, shall be provided in writing and served by ordinary mail to the owner of the ATV at the address shown on the permit application.
 - c. There will be no refund of the permit fee.

Section 6. OPERATION REGULATIONS. The following apply to the operation of an ATV within the City:

- A. Any operator of a ATV must have a valid full driver's license;
- B. All riders in the ATV must remain seated at all times;
- C. The number of occupants shall not exceed the number of seats installed by the manufacturer in the ATV;
- D. While operating any rider must be seated on the seat and no part of the body of any rider will extend beyond the sides of the ATV;
- E. Children must be accompanied by an adult driver and must follow all requirements of this section except the capacity limits as long as all children are seated on the seat(s) and no part of the body of the child extends beyond the sides of the ATV. No child shall be in the area of the operator or operator's position;
- F. No passengers shall be transported in any cargo area or sitting on another passenger;
- G. ATVs may be operated on city streets only between sunrise and sunset;
- H. ATVs shall not be operated at a speed in excess of twenty-five (25) miles per hour;
- I. In case of accidents resulting in injury or death to anyone, or property damage amounting to one thousand dollars (\$1,000) or more, the operator, or someone acting for the operator, shall immediately notify a law enforcement officer, and shall file an accident report within forty-eight (48) hours, in accordance with State law.

Section 7. PROHIBITED STREETS. ATVs may cross but not be operated on Old Highway 34.

Section 8. UNLAWFUL OPERATION. The following are considered unlawful operation of a ATV:

- A. No ATVs shall be parked upon City sidewalks;
- B. No ATVs shall be driven or operated on City sidewalks except while removing snow or debris;
- C. No ATVs shall be parked or operated in City parks;
- D. No ATV shall be operated while under the influence of intoxicating liquor, narcotics or habit-forming drugs;
- E. No person shall operate a ATV in a careless, reckless or negligent manner endangering the person or property of another or causing injury or damage to same;
- F. No ATV shall be operated upon that portion of the street located between the curb line and the sidewalk or property line, referred to as the "parking," except for purposes of crossing the same to a public street upon which operation is authorized by this chapter;
- G. No item shall be towed by a ATV except a single axle utility trailer, no greater than eight (8) feet in length;
- H. No ATV shall be operated upon private property without the express consent of the owner thereof;
- I. No ATV shall be operated on roadways or other areas in cemeteries located in the City;
- J. No ATV shall be operated during inclement weather when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any other time there is insufficient light to clearly see a person or vehicle on a roadway at a distance of five hundred (500) feet;
- K. No ATV shall be operated in a manner which violates Iowa Code Section 321, which shall be and is adopted as applicable to the operation of ATVs in the City as are all section of the Danville City Code concerning the operation of motor vehicles.

Section 9. PENALTY. In addition to the suspension or revocation of the ATV permit, a person who violates this chapter is guilty of a simple misdemeanor punishable as provided under Iowa Code.

- A. Any person guilty of violating this Chapter two (2) times shall be subject to permanent revocation of the City of Danville permit.

Section 10. NEGLIGENCE. The owner and operator of an ATV are liable for any injury or damage occasioned by the negligent operation of the ATV. The owner of an ATV shall be liable for any such injury or damage only if the owner was the operator of the ATV at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV at the time the injury or damage occurred.

Section 11. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 12. 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 13. EFFECTIVE DATE. This ordinance shall be effective following final passage, approval and publication of this ordinance as required by law.

Section 14. This ordinance is adopted as an amendment to the 2014 Danville Municipal Code.

PASSED, SIGNED AND APPROVED this ____ day of _____, 2017.

LeRoy Lippert, Mayor, City of Danville, Iowa

Attest:

Susan K. Rogers, City Clerk,
City of Danville, Iowa