

**ORDINANCE NO. 2023-21**

**AN ORDINANCE AMENDING CHAPTER 75 OF THE NORTH LIBERTY CODE OF ORDINANCES GOVERNING THE USE OF OFF-ROAD UTILITY VEHICLES (UTV's)**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:**

**SECTION 1. AMENDMENT OF CHAPTER 75.** Chapter 75 of the North Liberty Code of Ordinances is amended to read as follows:

**75.01 PURPOSE.**

The purpose of this chapter shall be to regulate the use of all-terrain vehicles and snowmobiles upon public property and streets within the corporate City limits and to provide penalties for the violations thereof.

**75.02 SHORT TITLE.**

The ordinance codified in this chapter shall be known and may be cited and referred to as the "North Liberty All-Terrain Vehicles and Snowmobile Ordinance."

**75.03 DEFINITIONS.**

As used in this chapter, unless the context otherwise requires, the following words are defined as follows:

1. "All-terrain vehicle" or "ATV" means the same as defined in Iowa Code Section 321I.1.
2. "Off-road motorcycle" means the same as defined in Iowa Code Section 321I.1. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.
3. "Off-road utility vehicle" or "UTV" means the same as defined in Iowa Code Section 321I.1.
4. "Operate" means to ride in or on, other than as a passenger, use or control the operation of a snowmobile, UTV or an ATV in any manner, whether or not the snowmobile, UTV or ATV is moving.
5. "Operator" means every person who operates or is in actual physical control of a snowmobile, UTV or an ATV.

6. "Owner" means a person other than a lienholder, having the property right in or title to a snowmobile, UTV or an ATV. The term includes a person entitled to the use or possession of a snowmobile, UTV or an ATV subject to an interest in another person, reserved or created by agreement in securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.
7. "Person" means an individual, partnership, firm, corporation, association, and the estate, its agencies and political subdivisions.
8. "Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel.
9. "Snowmobile" means the same as defined in Iowa Code Section 321G.1.
10. "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.

#### **75.04 SNOWMOBILES RESTRICTED IN CITY LIMITS.**

It is unlawful for any person to operate a snowmobile within the corporate City limits, except upon the terms, conditions and limitations enumerated in Chapter 321G, Code of Iowa, and this chapter.

#### **75.05 DESIGNATED ROUTES AND OPERATION – SNOWMOBILES.**

1. The City Council may from time to time, by resolution, designate routes for the operation of snowmobiles on public property within City limits. A map of such designated routes shall be published on the City's official web site, and a copy made available at the office of the City Clerk.
2. Snowmobiles may be operated on the routes designated in accordance with paragraph 1 above between the edge of the sidewalk closest to the roadway and the roadway on the designated side of the street, or on the five-foot adjacent shoulder on the designated side of the roadway if there is no sidewalk.
3. Snowmobiles may only be operated on the above-referenced designated routes for the purpose of entering or exiting the City or for the purpose of allowing the operator to reach his/her destination but not for general recreational purposes.

4. Operation of snowmobiles within the City is strictly prohibited between the hours of twelve a.m. and six a.m. on Saturday and Sunday and between the hours of ten-thirty p.m. and six a.m. Sunday through Thursday.

5. The City Administrator or designee may waive the limitations for designated routes and hours of operation in the event of emergency or exigent circumstances and snowmobiles operators agree to assist the City in specific relief or transportation tasks.

(Ord. 2021-16 - Dec. 21 Supp.)

#### **75.06 MISCELLANEOUS RULES – SNOWMOBILES.**

No person shall operate a snowmobile within the City limits except in compliance with the following rules and regulations:

1. Any person operating a snowmobile within the City shall obey all designated speed limits and other posted traffic signs or traffic-control devices.
2. No person shall operate a snowmobile within the City unless it is currently registered and numbered with the state, as provided in Chapter 321G, Iowa Code.
3. The operator must yield the right-of-way to all motor vehicles.
4. Snowmobiles shall not be operated abreast with one or more other snowmobiles.
5. Snowmobiles operating within the City shall be equipped with at least one headlight and one taillight and the headlight and taillight shall be lighted at all times when operated within the City limits.
6. Snowmobiles shall not be operated without suitable and effective muffling devices as defined in Chapter 321G, Iowa Code.
7. No person shall operate a snowmobile in a careless, reckless or negligent manner so as to endanger any person, including the operator, or the property of another or to cause injury or damage thereto.
8. No person shall operate a snowmobile while under the influence of alcohol or illegal substances as defined in the Iowa Code.
9. Snowmobiles shall not be operated on private property without the express permission of the property owner.
10. Except for city highways which have not been plowed during the snow season as provided in Iowa Code § 321G.9(4)(a), and for designated routes in Chapter

75.05, no person shall operate a snowmobile on any public property, including the City parks, within the City.

(Ord. 2021-16 - Dec. 21 Supp.)

### **75.07 OPERATION ON PUBLIC PROPERTY.**

1. It is unlawful for any person to operate any all-terrain vehicle (ATV), off-road motorcycle, or off-road utility vehicle on roadways, streets, highways or other public property within the corporate City limits, unless said operation strictly complies with one or more of the exceptions set forth in Iowa Code Section 321.234A or this Chapter.

2. Parks and Other City Land. ATVs, snowmobiles and UTVs shall not be operated in any park, on any trail, on any playground, or upon any other City-owned property without the express permission of the City, with the exception of the operation of snowmobiles on designated routes.

3. The provisions of Section 75.07(2) concerning the prohibition of operation of UTV's on City-owned property notwithstanding, properly equipped UTVs may be operated in accordance with the requirements of Section 75.09 upon any City roadway, and may utilize City-owned driveways, lanes, and parking lots. This subparagraph shall not be construed as permitting the use of UTVs on parks, trails, or playgrounds. This subparagraph 75.07(3) shall be automatically repealed and be of no further force or effect as of December 31, 2024.

### **75.08 LIMITATION OF LIABILITY.**

The City, the owners or tenants of property, public lands or right-of-way within the City limits, their agents, employees or officers, owe no duty of care to keep said property or lands safe for use by persons operating a snowmobile, an ATV, an off-road motorcycle, or an off-road utility vehicle, or to give any warning of a dangerous condition, use, structure, obstruction or activity on the property, whether known or unknown. The City and the owners and tenants of property within the City, their agents, employees and officers, are not liable for actions taken to allow or facilitate the use of property, public lands or right-of-way or permitting the use thereof. Operation of a snowmobile in violation of this chapter or Chapter 321G or operation of an ATV, an off-road motorcycle, or an off-road utility vehicle in violation of this chapter or Chapter 321I shall not create a basis for liability or subject the City, owners or tenants of property to any liability for said operations.

## **75.09 OPERATION OF UTVs**

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

1. Operators of 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 a 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 UTVs operated within City limits shall register their UTV with the Iowa Department of Natural Resources, and proof of such registration shall be provided, upon request, to any peace officer requesting it. Out-of-state UTV operators must provide appropriate proof of registration from their home state upon request by any peace officer.
4. UTVs may only be operated on the roadways between the hours of 6:00 a.m. and 10:30 p.m.
5. Operators of UTVs must adhere to noise restrictions set forth under North Liberty Code Chapter 53.
6. UTVs must display lighted headlamps and taillamps at all times while the vehicle is operated on City streets or highways.
7. Operators of UTVs must adhere to all traffic and parking laws, codes, rules, and regulations applicable to other motor vehicles, unless directed otherwise by this chapter.
8. UTVs must be equipped with:
  - A. Operational turn signal lamps with a manually operated switch controlled by the driver.
  - B. Operational speedometer, calibrated in miles per hour, which is fully illuminated when the headlamps are activated.
  - C. Operational horn with a switch controlled by the driver.
  - D. Two operational headlamps and taillamps must be affixed to each side on the front and back of the UTV. Taillamps shall be red and include a stop lamp actuated by pressing the brake pedal. The use of lightbars,

spotlights, or decorative lights is not permitted while the UTV is being operated on City streets or highways.

E. Rear-facing mirror providing the operator with a clear view of the rear.

F. Operational muffler, working in good order, which complies with the standards and procedures required by Iowa Code Section 321I.12 and North Liberty Code of Ordinances Chapter 53.

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 Section 321.445 while the UTV is in motion.

A. Children under one year old and weighing less than 20 pounds must be secured in a rear-facing child restraint system while the UTV is motion.

B. Children ages one to six years must be secured in a child restraint system (safety seat or booster seat) while the UTV is in motion.

(1) 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 will be transported in the cargo portion or bed of a UTV unless they are contained within an enclosure secured to the 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 shall be allowed while the UTV is being operated.

13. Drivers may not operate a UTV under the influence of intoxicating liquor or narcotics as prescribed under Iowa Code Chapter 321J.

14. No 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.

15. This Section 75.09 shall be automatically repealed and be of no further force or effect as of December 31, 2024.

**SECTION 2. REPEALER.** All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 3. SCRIVENER'S ERROR.** The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

**SECTION 4. SEVERABILITY.** 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 5. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on July 11, 2023.

Second reading on \_\_\_\_\_, 2023.

Third and final reading on \_\_\_\_\_, 2023.

CITY OF NORTH LIBERTY:

\_\_\_\_\_  
CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. 2023-21 in the Cedar Rapids *Gazette* on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK