

ORDINANCE NO. 929

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF LE MARS, IOWA, BY AMENDING CHAPTER 75,
"ALL-TERRAIN VEHICLES AND SNOWMOBILES"

Be It Enacted by the City Council of the City of Le Mars, Iowa:

SECTION 1. CHAPTER MODIFIED. Chapter 75 of the Code of Ordinances of the City of Le Mars, Iowa, is repealed and the following adopted in lieu thereof:

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

75.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "All-terrain vehicle" or "ATV" means a motorized vehicle, with no less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
(Code of Iowa, Sec. 321I.1)
2. "Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but that contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.
(Code of Iowa, Sec. 321I.1)
3. "Off-road utility vehicle" 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:
(Code of Iowa, Sec. 321I.1)
 - 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.

An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

4. "Snowmobile" means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

75.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the Code of Iowa or a snowmobile within the City in violation of the provisions of Chapter 321G of the Code of Iowa 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.

(Code of Iowa, Ch. 321G & 321I)

75.04 OPERATION. Snowmobiles and ATVs may be operated on all streets within the City limits with the following restrictions:

1. Streets. Snowmobiles and ATVs shall not be operated on:
 - A. Business U.S. Highway 75.
 - B. State Highway 3.
2. Parks and Other City Land. Snowmobiles and ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.
3. Sidewalks or Parking. Snowmobiles and ATVs 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 chapter.
4. Recreational Trail. Snowmobiles and ATVs shall not be operated on any hard surfaced recreational trail.
5. License. No person shall operate a snowmobile or an ATV on the public streets of the City without being at least 16 years of age and have a valid motor vehicle operator's license.

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

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this 5th day of January, 2016.

ATTEST:

Dick Kirchoff, Mayor

Beverly Langel, City Clerk

CLERK'S CERTIFICATE

STATE OF IOWA)
 * ss:
PLYMOUTH COUNTY)

I, Beverly Langel, City Clerk of the City of Le Mars, Iowa certify that the foregoing Ordinance was passed by a duly constituted quorum of the City Council of the City of Le Mars, Iowa, meeting in regular session on the 5th day of January, 2016 and that said Ordinance was published in the official City newspaper, the Le Mars Daily Sentinel, in its issue date this ____ day of _____, 2016.

Beverly Langel, City Clerk

SEAL

First Reading: 12/01/15

Second Reading: 12/15/15

Third Reading: 01/05/16