

ORDINANCE NO 498

ALL-TERRAIN VEHICLES AND SNOWMOBILES

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA BY AMENDING PROVISIONS PERTAINING TO ALL-TERRAIN VEHICLES “ATV” AND SNOWMOBILES

BE IT ENACTED by the City Council of the City of Cresco, Iowa:

SECTION 1. SECTIONS MODIFIED. Sections 75.03, 75.05 and 75.08 of the Code of Ordinances of the City of Cresco, Iowa, are modified and the following adopted in lieu thereof:

75.03 GENERAL REGULATIONS.

Iowa Code Section 321I.10 subsection 3 states that a city may regulate the operation of registered ATVs and may designate streets under the jurisdiction of the city within its corporate limits, and two-lane primary and secondary road extensions in the city, which may be used for the operation of such vehicles.

The City of Cresco does not allow for the operation of an ATV, off-road motorcycle, or snowmobile on any streets within the City. Exceptions and rules are listed in sections 75.04 and 75.05.

75.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs shall not be operated on a city street unless one or more of the following conditions apply:
 - a. The operation is between sunrise and sunset and is incidental to the vehicle’s use for agricultural purposes. For purposes of this paragraph, “incidental to the vehicle’s use for agricultural purposes” includes stopping in the course of agricultural use to obtain fuel for the ATV or to obtain food or a nonalcoholic beverage for the operator.
 - b. The operation is incidental to the vehicle’s use for the purpose of surveying by a licensed engineer or land surveyor.
 - c. The ATV is operated by an employee or agent of a political subdivision or public utility for the purpose of construction or maintenance on or adjacent to the city street.
 - d. The ATV is operated by an employee or agent of a public agency as defined in Iowa Code Section 34.1 for the purpose of providing emergency services or rescue.
 - e. The ATV is operated for the purpose of mowing, installing approved trail signs, or providing maintenance on a snowmobile or ATV trail designated by the Department of Natural Resources.

- f. The ATV is operated for the purpose of snow removal and travels on the most direct route between properties or to obtain fuel.

The following paragraphs are added.

6. A person operating an ATV in the city pursuant to subsection 1, paragraphs “a” or “f”, shall not operate upon any City street that is a primary road extension through the City. However, ATV’s may cross such a primary road extension. Within the City of Cresco, “primary road extension” shall be taken to mean Highway 9 (2nd Avenue SE/SW), 3rd Street West (Granger), and 3rd Street SW (Protivin Road).

7. A person operating an ATV on a highway shall have a valid driver’s license and operate the vehicle at speeds of thirty-five miles per hour or less. In addition, a person operating an ATV on a highway pursuant to subsection 1, paragraphs “b” through “f”, shall be at least eighteen years of age and have financial liability coverage in effect for the vehicle and carry proof of such financial liability coverage in accordance with section 321.20B.

75.08 EQUIPMENT ON MOTOR VEHICLES. An ATV is a motor vehicle for purposes of this chapter. Therefore, an ATV operated on a highway shall be equipped with the parts, lamps, and other equipment in proper condition and adjustment as required under the Iowa Code chapter 321 for motor vehicles, including but not limited to the parts, lamps, and equipment required under Section 321.386 (headlamps), 321.387 (rear lamps), 321.404 (brake lights), 321.432 (horn), and 321.437 (mirror) of the *Code of Iowa*.

Every ATV shall be equipped with at least one and not more than two headlamps. An ATV shall display lighted headlamps at all times while the vehicle is operated on a city street.

SECTION 2. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

ADOPTION OF ORDINANCE NO. 498

Council Member _____ moved the adoption of the foregoing Ordinance and Council Member _____ seconded said motion. Thereupon the Mayor called for a roll call vote and the following Council members voted in favor of the adoption of the foregoing Ordinance:

And the following Council members voted against the adoption of the foregoing Ordinance:

The Mayor thereupon declared the Ordinance passed and adopted by affirmative vote by the Council and Ordinance No. 498 is approved and adopted this __ day of _____, 2022.

CITY OF CRESCO

BY _____
Mayor David J. Brenno

ATTEST:

BY _____
City Clerk Michelle Elton

Summary of Ordinance No. 498:

First Reading: 8/15/2022

Second Reading: _____

Third Reading: _____

I certify that a summary of the foregoing was published as Ordinance No. 498 on the ___ day of _____, 2022.

City Clerk Michelle Elton