

ORDINANCE 231

AN ORDINANCE REGULATING THE OPERATION OF UTV'S IN THE CITY OF AGENCY, IOWA.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF AGENCY, IOWA, AS FOLLOWS:

SECTION 1: That CHAPTER 10, SECTION 10.03 BE ADDED to the Code of Ordinances of the City of Agency, is hereby amended, to read as follows:

10.03.010 Purpose: The purpose of this Chapter is to permit the operation of Off Road Utility Vehicles (UTV's) in the City as authorized in the Code of Iowa. This Chapter applies whenever an Off Road Utility Vehicle is operated on any street or alley, subject to those exceptions stated herein.

“Off Road Utility Vehicle” (UTV) means a motorized floatation-tire with not less than four and no more than eight low-pressure tires that is limited in engine displacement to less the 1500 cubic centimeters and in total dry weight to not more than 1800 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and steering wheel or control levers for control.

“Roadway” means that portion of road improved, designed, or ordinarily used for vehicular travel.

10.03.020 Operation of Off Road Utility Vehicle (UTV) Permitted: An UTV may be operated upon the streets of the City by persons possessing a valid Iowa operator's license and at least sixteen (16) years of age, except as prohibited in Section 03.030 of this Chapter.

Operation of a UTV is only permitted on the roadway, not in the ditch.

Operation of a UTV upon the street of Agency in only permitted from sunrise to sunset.

The operator of a UTV must obey all applicable provisions related to motor vehicle traffic and parking regulations.

All UTV's shall yield the right of way to all other motor vehicle traffic.

All UTV's must exhibit a flag and/or slow moving vehicle sign on the rear of the vehicle.

10.03.030 Restrictions:

1. A person shall **not** drive or operate a UTV:
 - a. At a rate of speed greater than 25 miles per hour.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

- c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
 - d. Without a lighted headlight, taillight and brake light.
 - e. Without adequate brakes.
 - f. Upon an operating railroad right-of-way; a UTV may be driven directly across a railroad right-of-way only at an established road crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer or railroad employee of a utility with authority enter upon the railroad right-of-way in the lawful performance of the employee's duties.
2. A person shall not operate or ride a UTV with a firearm in the person possession unless it is unloaded and enclosed in a carrying case with only one noted exception: a non-ambulatory person may carry an uncased and unloaded firearm while operating or riding a UTV as defined in Iowa Code 2019, section 321I.14.2. Non-ambulatory persons must show proof of that status when carrying firearms.
 3. A person shall not operate a UTV with more persons on the vehicle than it was designed to carry. This does not apply to a person who operates a UTV as part of a farm operation as defined in the Code of Iowa.
 4. A person shall not operate a UTV unless the operator has a valid driver's license, is at least 16 years of age, the vehicle is duly registered with The Iowa Department of Natural Resources (IA DNR), the vehicle is duly registered with Wapello County, and the operator has proof of insurance.
 5. A person 18 years of age and younger, shall be required to take and pass an Iowa DNR approved UTV Education Course and show proof of passing the course.
 6. No person shall cause damage to the road surface; displace surface material; distribute foreign or earthen material onto the roadway.

10.03.040 Negligence: The owner and operator of a UTV are liable for any injury or damage occasioned by the negligent operation of the UTV. The owner of a UTV shall be liable for any such injury or damage only if the owner was the operator of the UTV at the time the injury or damage occurred or if the operator had the owner's consent to operate the UTV at the time the injury or damage occurred.

10.03.050 Accident Reports: If a UTV is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five-hundred dollars or more, either the operator or someone acting for the operator shall immediately notify the County Sheriff or another Law Enforcement Agency in the State. If the accident occurred on Public Land, Public Ice, or a Designated Riding Trail under the jurisdiction of the Commission, the operator shall file with the Commission a report of the accident, within seventy-two hours, containing information s the Commission may require. All other accidents shall be reported as required under Iowa Code.

10.03.060 Permits:

1. UTV owners may apply for a permit on the forms provided by the City Clerk of Agency.
2. The City Clerk of Agency shall NOT issue a permit until the owner has provided the following:
 - a. Evidence that the owner is at least 16 years of age, possesses a valid driver's license and proof of passing an Iowa DNR approved UTV Education Course.
 - b. Proof that the UTV is registered with Iowa DNR.
 - c. Proof that the owner has liability insurance covering operation of UTV in the amount of a minimum of \$50,000 bodily injury per person, \$100,000 bodily injury per accident and \$50,000 Property damage.
 - d. Owners age 16 and 17 must provide proof that they have passed Iowa DNR approve UTV Education Course.
3. Owners will be issued a numbered sticker to affix to the left front fender or Similar component.
4. The fee for such permits shall be set by the Agency City Council by Resolution.
5. Permits will be granted for one (1) year valid from January 1st thru December 31st. Permits may be purchased at any time during the year and will not be prorated in price. First time permits purchased in the last quarter of the calendar year may be granted validation through December 31st of the following calendar year for an additional \$5 fee.
6. The permit may be suspended or revoked, by the Sheriff, upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There shall be no refund of the permit fee. Should a permit be suspended or revoked, the owner must receive approval of the Wapello County Sheriff to allow reinstatement of an existing permit or issuance of a new permit. The Sheriff will notify the County Recorder of any suspensions or revocations.
7. The County Recorder will provide the Sheriff with a list of current permit holders.

10.020.070 Violations: Each violation of the Chapter shall be a simple misdemeanor punishable by a fine of at least \$65.00 but no to exceed \$625.00 and the Court may order imprisonment not exceed 30 days in lieu of a fine or in addition to a fine (Iowa Code Section 903.1(a)). In addition, the City shall suspend the permit to operate the UTV on City streets for 30 days for the 1st offense; 60 days for the 2nd offense; and permanent revocation for the 3rd offense occurring within a calendar year for any violation of this Chapter or any traffic laws of the City or the State of Iowa.

SECTION 3: Repealer

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

SECTION 4: Serverability Clause

If any section, provision or part of this Ordinance shall be judged 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 effective upon its passage and publication as required by law.

Passed and Approved on the **First Reading** by the City Council of the City of Agency, Iowa this 14th day of May, 2020.

Mayor, Nathan Bissell

Attest:

Cynthia VanAntwerp, City Clerk

Roll Call:	Aye	Nay	Absent
Boos	<u> x </u>	<u> </u>	<u> </u>
Campbell	<u> x </u>	<u> </u>	<u> </u>
Deshler	<u> x </u>	<u> </u>	<u> </u>
Thrasher	<u> x </u>	<u> </u>	<u> </u>
Ulin	<u> x </u>	<u> </u>	<u> </u>

Passed and Approved on the **Second Reading** by the City Council of the City of Agency, Iowa this 11th day of June, 2020.

Mayor, Nathan Bissell

Attest:

Cynthia VanAntwerp, City Clerk

Roll Call:	Aye	Nay	Absent
Boos	<u> x </u>	<u> </u>	<u> </u>
Campbell	<u> x </u>	<u> </u>	<u> </u>
Deshler	<u> x </u>	<u> </u>	<u> </u>
Thrasher	<u> x </u>	<u> </u>	<u> </u>
Ulin	<u> x </u>	<u> </u>	<u> </u>

Passed and Approved on the **Third Reading** by the City Council of the City of Agency, Iowa this 9th day of July, 2020.

Mayor, Nathan Bissell

Attest:

Pam Muntz, Deputy City Clerk

Roll Call:	Aye	Nay	Absent
Boos	<u> x </u>	<u> </u>	<u> </u>
Campbell	<u> </u>	<u> </u>	<u> x </u>
Deshler	<u> x </u>	<u> </u>	<u> </u>
Thrasher	<u> x </u>	<u> </u>	<u> </u>
Ulin	<u> x </u>	<u> </u>	<u> </u>

First Reading:5.14.2020

Second Reading:6.11.2020

Third Reading:7.9.2020

Adopted:7.9.2020

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