

ORDINANCE NO. 2022-06

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ELKADER, IOWA, BY AMENDING PROVISIONS PERTAINING TO ALL-TERRAIN VEHICLES

Be It Enacted by the City Council of the City of Elkader, Iowa:

**SECTION 1. SUBSECTION MODIFIED.** Subsection 3 of Section 75.02 of the Code of Ordinances of the City of Elkader, Iowa, is repealed and the following adopted in lieu thereof:

3. "Off-road utility vehicle" or "UTV" 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" or "UTV" 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 UTV is also subject to the provisions of this chapter governing the operation of ATVs.

**SECTION 2. SECTION MODIFIED.** Section 75.06 of the Code of Ordinances of the City of Elkader, Iowa, is repealed and the following adopted in lieu thereof:

**75.06 OPERATION OF ATVS AND UTVS.** The operators of ATVs and UTVs shall comply with the following restrictions as to where ATVs and UTVs may be operated within the City:

1. Streets. ATVs and UTVs may be operated on roadways or highways in accordance with Section 321.234A of the *Code of Iowa*. A City may regulate the operation of registered ATVs and UTVs 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. In designating such streets, the City may authorize ATVs and UTVs to stop at service stations or convenience stores along a designated street.

*(Code of Iowa, Sec. 321I.10[1 and 3])*

2. Trails. ATVs and UTVs shall not be operated on snowmobile trails except where designated.

*(Code of Iowa, Sec. 321I.10[4])*

3. Parks and Other City Land. ATVs and UTVs shall not be operated in any park, playground, or upon any other City-owned property without the express permission of the City.

4. Sidewalk or Parking. ATVs and UTVs 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."

5. Direct Crossing. An ATV or UTV may make a direct crossing of a highway that is not part of the interstate road system provided all of the following occur:

(Code of Iowa, Sec. 321.10[5])

A. The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

B. The ATV or UTV is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

D. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

E. The crossing is made from a street, roadway, or highway on which the ATV or UTV is authorized to operate to a street, roadway, or highway on which such vehicle is authorized to operate.

**SECTION 3. 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 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

This Ordinance shall be effective after its passage and publication as required by law.

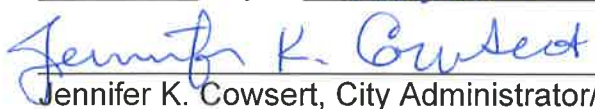
PASSED AND APPROVED this <sup>29<sup>th</sup></sup> day of October, 2022.

  
Josh R. Pope, Mayor

ATTEST:  
  
Jennifer K. Cowser, City Administrator/Clerk

I certify that the foregoing was published as Ordinance No. 2022-06 on the

2<sup>nd</sup> day of November, 2022.

  
Jennifer K. Cowser, City Administrator/Clerk

First Reading 9/26/2022	Y	N	Second Reading 10/10/2022	Y	N	Third Reading 10/24/2022	Y	N
Grau	+		Grau	+		Grau	+	
Schmidt	+		Schmidt	+		Schmidt	+	
Lane	+		Lane	+		Lane	+	
Henning	+		Henning	+		Henning	+	
Hauber	+		Hauber	+		Hauber	+	