

ORDINANCE NO. 834

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE, IOWA, 2003, BY ESTABLISHING A NEW CHAPTER TO BE KNOWN AS CHAPTER 82 PROVIDING FOR THE LEGAL OPERATION OF OFF-ROAD UTILITY VEHICLES WITHIN THE CITY LIMITS

BE IT ORDAINED, by the City Council of the City of Clear Lake, Iowa:

82.01 PURPOSE. The purpose of this amendment is to permit the operation of “UTVs” (Off-road Utility Vehicles), on certain streets in the City, as authorized by Section 321.247 of the Code of Iowa, as amended. This chapter applies whenever a UTV is operated on any street or alley, subject to those exceptions stated herein.

82.02 DEFINITION. Off-road Utility Vehicle (“UTV”) means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to no more than 2,000 pounds and 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.

82.03 OPERATION OF UTVS PERMITTED. UTVs may be operated upon the streets of the City by persons who are 18 years of age or older and possess a valid driver’s license. While operated on a City street, the number of passengers permitted on a UTV shall not exceed the number of seats intended for passengers. While on city streets, operators must have on their person or in the UTV proof of the required insurance. Both driver and passengers must wear seat belts at all times and must keep feet and hands inside of the vehicle while the vehicle is in motion.

82.04 PROHIBITED LOCATIONS.

1. Streets. UTVs shall not be operated upon any City streets with a posted speed limit of greater than 35 mph or any City street or parts of any City streets listed below:
 - a. US HWY 18
 - b. Iowa HWY 122
 - c. 4th Avenue S. between S. 24th Street and the eastern City limits;
 - d. N. 8th Street from 14th Avenue N. to the north City limits;
 - e. S. 8th Street from 15th Avenue S. to the south City limits;
 - f. However, UTVs may cross the aforementioned streets, except US HWY 18 and Iowa HWY 122 shall be crossed at controlled intersections.
2. Trails. UTVs shall not be operated on any City recreational bike trail or lanes.
3. Sidewalks. UTVs shall not be operated upon sidewalks, unless operated for official city use or snow removal.

4. "Parking". UTVs shall not be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk referred to as the "parking".
5. City Parks and other land owned by the City of Clear Lake. UTVs shall not be operated in City parks or upon other city owned land unless for a special event authorized by the City Council and the operator possess a valid City permit.
6. Special Exemptions.
 - a. The Chief of Police is authorized to permit UTVs to operate on restricted City streets or sidewalks for certain special events.
 - b. Any UTV meeting the specifications in section 82.05 being operated for official city use.

82.05 EQUIPMENT. UTVs operated upon City streets shall be equipped with at least the following:

1. A slow moving vehicle sign.
2. Mufflers. No person shall operate an UTV that is constructed or altered in a manner that noise emitted from the machine exceeds 96 decibels on the A scale when measured in the manner prescribed in the revised 2008-05, Society of Automotive Engineers Standard J1287, titled "Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles."
(Code of Iowa, Sec. 321I.12)
3. Headlight and taillight. Every UTV must have a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.
(Code of Iowa, Sec. 321I.13)
4. Brakes. Every UTV shall be equipped with working brakes.
(Code of Iowa, Sec. 321I.13)
5. Vehicles cannot be home built or substantially modified from the manufacturer's specifications.
6. Seat Belts. The vehicle must be equipped with manufacturer seat belts.
7. The vehicle must be equipped with a roll-over protection system (ROPS) installed by the manufacturer.
8. Rear view mirror.

82.06 HOURS OF OPERATION. UTVs may be operated on City streets only between sunrise and sunset as set by the U. S. Naval Observatory, except for emergency situations or for loading or unloading from a transport trailer; except that UTVs with lighted headlights and taillights may be operated during prohibited hours to perform snow removal activities and also to travel the most direct route from place of residence to and from Clear Lake to be operated on public land, snow, or ice of Clear Lake in compliance with Iowa Department of Natural Resources rules.

82.07 SPEED. No UTV shall be operated at a speed in excess of thirty-five (35) miles per hour or more than the posted speed limit if less than thirty-five miles per hour, nor shall any UTV be operated at a speed greater than is reasonable and proper for the existing conditions.

82.08 TRAFFIC CODE. Any person operating an UTV, including those for which a City of Clear Lake permit has been issued, shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic. No person shall leave an UTV unattended on public property while the motor is running or the keys are in the ignition switch.

82.09 PARKING PROHIBITED. UTVs shall not be parked overnight on City streets or alleys at any time.

82.10 PERMITS. No person shall operate a UTV on any public street, or alley for any purpose unless the UTV has passed a safety inspection by the Police Department and the operator possesses a City of Clear Lake permit to operate a UTV on city streets, issued by the Police Chief.

1. UTV owners may apply for a permit on form provided by the Police Department.
2. The Police Chief shall not issue a permit until the owner/operator has provided the following:
 - a. Evidence that the owner possesses a valid driver's license as defined in the Code of Iowa, Sec. 321.1.
 - b. Proof owner/operator has liability insurance (minimum limit of \$300,000 coverage) covering operation of UTVs on city streets.
 - c. Owner/operator has obtained a valid Iowa Department of Natural Resources Registration Certificate as defined in Chapter 321I of the Code of Iowa.
3. The operator of a UTV shall display the City permit sticker prominently on a rear fender or on a similar component which is clearly visible from the rear.
4. The fee for such permits shall be twenty-five (\$25.00) dollars. Permits shall be granted for one year valid from January 1 through December 31.
5. Permit Fee Exemption.
 - a. Any Federal, State, County, or City-owned UTV, being operated in an official capacity.
 - b. The permit fee may be waived at the discretion of the Chief of Police for any UTV operated for special events.
6. Permits can be revoked by the Chief of Police as result of any violation of the City's Code or the Code of Iowa. The revocation, including a description of the violation, shall be provided in writing to the owner of the UTV. The revocation may be appealed to the City Council within 10 days of the written notice of revocation of the permit.

82.11 ACCIDENT REPORTS. Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever a UTV is involved in an accident resulting in injury or death to anyone, or property damage amounting to one thousand five hundred dollars (\$1,500) or more, and shall file an accident report within forty-eight (48) hours, in accordance with State law.

82.12 VIOLATION AND PENALTY. In addition to the suspension or revocation of the permit, a person who violates this Chapter is guilty of a simple misdemeanor punishable as follows:

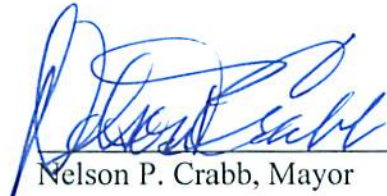
1. First Offense – a fine of seventy-five dollars (\$75.00), unless otherwise specified in the Code of Iowa, and revocation of the City of Clear Lake permit for a period of up to one year.
2. Second or Subsequent Offense – a fine of one-hundred dollars (\$100.00), unless otherwise specified in the Code of Iowa, and permanent revocation of the City of Clear Lake permit.

REPEALER. All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

EFFECTIVE DATE. This Ordinance and the rights and privileges herein granted shall not become effective or binding until this ordinance has been approved in accordance with the Iowa law.

PASSED and APPROVED this 18th day of December, 2017.

First Reading: December 18, 2017
Second Reading: December 18, 2017
Third Reading: December 18, 2017
Published: December 20, 2017



Nelson P. Crabb, Mayor

Attest:



Jennifer Larsen, City Clerk