

**AN ORDINANCE AMENDING CHAPTER 75 OF THE STATE CENTER CITY CODE TO RESTRICT THE DEFINITION OF ALL-TERRAIN VEHICLES FOR PURPOSES OF OPERATION WITHIN THE CITY LIMITS OF THE CITY OF STATE CENTER**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STATE CENTER, IOWA:**

**Section 1. SECTION MODIFIED. Section 75.02 is hereby amended to read as follows:**  
Definitions. For use in this chapter the following terms are defined:

As used in this chapter, unless the context otherwise requires:

1. "All-terrain vehicle" means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat; however, a saddle designed to be straddled by the operator and handlebars for steering control, shall not qualify for operation within the City of State Center, Iowa.

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3. "Off Road Utility Vehicles", as defined in Section 321I.1(16) of the Code of Iowa, shall be included in the category of All Terrain Vehicles for the purpose of this ordinance, but does not change the distinctions under Iowa law concerning the need to register said vehicles with IDNR.

**Section 2. SECTION MODIFIED. Section 75.03 is hereby amended to read as follows:**  
GENERAL REGULATIONS. No person shall operate an ATV within the City in violation of the provisions of Chapter 321J of the Code of Iowa or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation. No person shall operate a snowmobile within the City in violation of the provisions of Chapter 321G of the code of Iowa or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, number, equipment and manner of operation.

**Section 3. NEW SECTION. Section 75.07. Registration and operation.** ATV's as defined in this Chapter must be registered and operated only at the times and in the manner permitted under Chapter 82 of the City Code, as if they were golf carts as defined in that Chapter.

**Section 4. REPEALER.** All ordinances or part of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 5. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid, unconstitutional or unenforceable for any reason, such adjudication shall not affect the validity or enforcement of the remaining provisions.

**Section 6. EFFECTIVE DATE.** This Ordinance shall become effective from and after its final

upon the next regular term of office.

[Iowa Code §380.6, 7(3), §362.3, §372.13(8)]

Passed by the Council on this 16 day of October, 2013 and approved this 23 day of October, 2013

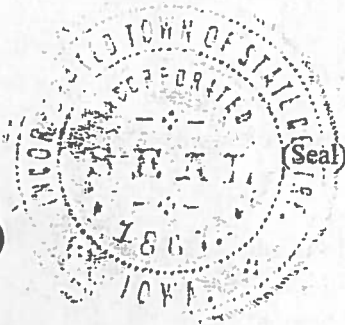
The City of State Center, Iowa

  
Harlan Quick, Mayor

Attest:   
Lori Martin, City Clerk

I certify that the foregoing was published as Ordinance No 320 on the 31 day of October, 2013.

  
Lori Martin, City Clerk



## CHAPTER 75

### ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Places of Operation

75.05 Negligence

75.06 Accident Reports

**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 flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, or a two-wheeled, off-road motorcycle, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than seven hundred fifty (750) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. Two-wheeled, off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration and not for the purpose of regulation.

*(Code of Iowa, Sec. 321G.1[1])*

2. "Snowmobile" means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis or tread, and is designed for travel on snow or ice.

*(Code of Iowa, Sec. 321G.1 [18])*

**75.03 GENERAL REGULATIONS.** No person shall operate an ATV or snowmobile within the City in violation of the provisions of Chapter 321G of the Code of Iowa or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.

*(Code of Iowa, Ch. 321G)*

**75.04 PLACES OF OPERATION.** The operators of ATVs and snowmobiles shall comply with the following restrictions as to where ATVs and snowmobiles may be operated within the City:

1. Streets. ATVs and snowmobiles shall be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council. *Res 13-26  
EFF 9-18-13*  
(Code of Iowa, Sec. 321G.9[4a])
2. Exceptions. ATVs and snowmobiles may be operated on prohibited streets only under the following circumstances:
  - A. Emergencies. ATVs and snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.  
(Code of Iowa, Sec. 321G.9[4c])
  - B. Direct Crossing. ATVs and snowmobiles may make a direct crossing of a prohibited street provided:
    - (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
    - (2) The ATV or snowmobile is brought to a complete stop before crossing the street;
    - (3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and
    - (4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.  
(Code of Iowa, Sec. 321G.9[2])
3. Railroad Right-of-way. ATVs and snowmobiles shall not be operated on an operating railroad right-of-way. An ATV or snowmobile may be driven directly across a railroad right-of-way only at an established 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.  
(Code of Iowa, Sec. 321G.13[8])
4. Trails. ATVs shall not be operated on snowmobile trails and snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.  
(Code of Iowa, Sec. 321G.9[4f and g])
5. Parks and Other City Land. ATVs and snowmobiles shall not be operated in any park, playground or upon any other City-owned property

without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. ATVs and snowmobiles 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.

**75.05 NEGLIGENCE.** The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV or snowmobile at the time the injury or damage occurred.

*(Code of Iowa, Sec. 321G.18)*

**75.06 ACCIDENT REPORTS.** Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred dollars (\$200.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with State law.

*(Code of Iowa, Sec. 321G.10)*