

CHAPTER 77

ALL-TERRAIN VEHICLES

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77.01 PURPOSE. The purpose of this Chapter is to regulate the operation of an all-terrain vehicle, off-road motorcycle, or off-road utility vehicle within the City.

77.02 DEFINITIONS. For use in this Chapter, the following terms are defined:

1. “All-terrain vehicle” means a motorized flotation-tire vehicle with not less than three low-pressure tires, but not more than six low-pressure tires, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand (1,000) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Code of Iowa, Sec. 321I.1)

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this Chapter governing the operation of all-terrain vehicles.

(Code of Iowa, Sec. 321I.1)

3. “Off-road utility vehicle” means a motorized flotation-tire vehicle, with not less than four and not more than eight low-pressure tires, that is limited to engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than one thousand eight hundred (1,800) 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. An operator of an off-road utility vehicle is also subject to the provisions of this Chapter governing the operation of all-terrain vehicles.

(Code of Iowa, Sec. 321I.1)

77.03 GENERAL REGULATIONS. No person shall operate an all-terrain vehicle, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the *Code of Iowa* or any vehicle in violation of 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. 321I)

77.04 OPERATION OF ALL-TERRAIN VEHICLES, OFF ROAD MOTORCYCLES AND OFF ROAD UTILITY VEHICLES. The operators of all-terrain vehicles, off road motorcycles and off road utility vehicles shall comply with the following restrictions as to where said vehicles may be operated within the City:

1. Streets. All-terrain and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the *Code of Iowa* or on such streets as may be designated by resolution of the Council. A UTV or ATV may be used to remove snow, spread ice melt or sand in response to a weather event on all streets and UTV's may be used only pursuant to the resolution passed by Council.

(Ord. 5-2019 – Feb. 20 Supp.)

2. Trails. All-terrain and off-road utility vehicles shall not be operated on snowmobile trails or bike trails except where designated.

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

3. Railroad Right-of-way. All-terrain and off-road utility vehicles shall not be operated on an operating railroad right-of-way, but 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. 321I.14[1h])

4. Parks and Other City Land. All-terrain and off-road utility vehicles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. All-terrain and off-road utility vehicles 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," unless it is a UTV or ATV used to remove snow, spread ice melt or sand in response to a weather event.

6. Direct Crossing. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway provided all of the following occur:

(Code of Iowa, Sec. 321I.10[5])

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

B. The all-terrain vehicle or off-road utility vehicle 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 designated as an all-terrain vehicle trail by a state agency, county, or city to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city.

(Subsection 6 – Ord. 16-2017 – Jan. 18 Supp.)

77.05 NEGLIGENCE. The owner and operator of an all-terrain vehicle, off-road motorcycle, or off-road utility vehicle is liable for any injury or damage occasioned by the negligent operation of said vehicle. The owner of an all-terrain vehicle, off-road motorcycle, or off-road utility vehicle shall be liable for any such injury or damage only if the owner was the operator of the vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the vehicle at the time the injury or damage occurred.

(Code of Iowa, Sec. 321I.19)

77.06 ACCIDENT REPORTS. Whenever an all-terrain vehicle, off-road motorcycle, or off-road utility vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321I.11)

77.07 PERMIT. The following requirements apply to Permit Fees for operators of any all-terrain vehicle, off-road motorcycle, and off-road utility vehicle:

1. No person shall operate an all-terrain vehicle, off-road motorcycle, off-road utility vehicle on any public street or alley, for any purpose, unless the operator possesses a City of Tripoli permit to operate said vehicle within Tripoli, Iowa and said vehicle is used either for landscaping, snow removal or purposes associated with landscaping and snow removal.
2. Owners and operators of an all-terrain vehicle, off-road motorcycle, or off-road utility vehicle may apply for a permit from the City of Tripoli on forms provided by the City and available at City Hall.
3. An authorized employee or agent of the City of Tripoli shall not issue a permit until the owner or operator has provided the following:
 - A. Evidence that the owner or operator is at least eighteen (18) years of age and possesses a valid Iowa driver's license.
 - B. Proof that the owner or operator has liability insurance covering operation of the vehicle.
 - C. Proof that the vehicle complies with the equipment standards enumerated in Section 1 of this Chapter.
4. All permits shall be issued for a specific vehicle. Permit holders will be issued a number and will purchase 3" minimum reflective numbers to affix to the left side rear fender or similar component.
5. The annual cost for such a permit shall be set by resolution of the Council and is payable at the time the permit is granted. Permits may be granted for one year and will be valid from January 1 through December 31. Permits may be purchased at any time during the year, but will be valid only through December 31.

(Ord. 5-2019 – Feb. 20 Supp.)

6. The permit may be suspended or revoked 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 refunds for the permit fee.
7. All permits shall uniquely identify the name and address of the owner or operator.

77.08 EQUIPMENT. All vehicles governed by this Chapter shall be equipped with a minimum of the following features:

1. A safety flag, the top of which shall be a minimum of five (5) feet from ground level.
2. Adequate brakes.
3. A muffler that allows the vehicle to operate without violating the City's noise ordinance.
4. A mirror that allows the operator to view behind the vehicle.
5. Working turn signals, if installed by the manufacturer at the time of purchase.

6. All equipment necessary to keep the vehicle in good mechanical condition and thoroughly safe for transportation of passengers.

7. Working lights if operated between sunset and sunrise.

77.09 TIMES OF OPERATION. All vehicles governed by this Chapter may be operated on city streets only between sunrise and sunset, unless said vehicle has working headlights and tail lights.

77.10 SPEED. All vehicles governed by this Chapter shall operate at speeds no more than posted and must obey all other traffic laws of the City of Tripoli and the State of Iowa. No vehicle governed by this Chapter shall travel faster than thirty-five miles per hour (35 mph).

77.11 PENALTY. In addition to the suspension or revocation of the permit, any violator of this Chapter is guilty of a municipal infraction of this Code of Ordinances.

77.12 PURPOSE. The purpose of this Chapter is to regulate the operation of any all-terrain vehicle (ATV), off road motorcycle or off road utility vehicle within the city and to allow said use of those vehicles solely for snow removal and landscaping.

(Ch. 77 – Ord. 1-2017 – Apr. 17 Supp.)