

Ordinance 2020-04**AN ORDINANCE TO DESIGNATE THAT PORTION OF THE ROADWAYS UPON WHICH OFF-ROAD UTILITY VEHICLES, AS DEFINED BY IOWA CODE SECTION 321I, MAY BE OPERATED DURING SPECIFIED PERIODS, AND TO ESTABLISH REGULATIONS OF SUCH OPERATION.**

WHEREAS, the City of Harlan (The City) has evaluated the traffic conditions on all roadways and has determined that Off-Road Utility Vehicles as defined by Iowa Code Section 321I can be operated without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic, and;

WHEREAS, pursuant to Iowa Code Section 321I.10, the City may permit operation of said vehicles on the roadways designated by the City for use during a specified period, and;

WHEREAS, the operation of said vehicle would be regulated under Iowa Code Chapters 231I, 321.20B, 321A.21, and other applicable provisions of Iowa law;

NOW, THEREFORE, be it resolved by the City of Harlan, Shelby County, Iowa, that the following regulations are hereby adopted regarding operation of Off-Road Utility Vehicles on roadways within the City:

SECTION 1: CHAPTER 78 CREATED. Chapter 78, titled, "Off-Road Utility Vehicles" is hereby created and the following Sections are adopted.

78.01 Purpose: The purpose of this Ordinance is to designate that portion of roadways upon which Off-Road Utility Vehicles may be operated during a specified period, to specify said period, and to establish regulations regarding such operation.

78.02 Definitions:

- 1) Off-Road Utility Vehicle – as defined in Iowa Code Section 321I.1, means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 1,800 pounds and that has a seat of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.
- 2) Roadway – as defined in Iowa Code Section 321I.1, means that portion of a roadway improved, designed, or ordinarily used for vehicular travel.

78.03 Operation on Roadways: A registered Off-Road Utility Vehicle may be operated on a City roadway and such operation further limited to the hours from official sunrise to official sunset of the same day, as established by the National Weather Service.

78.04 Unlawful Operations:

- 1) A person shall not drive or operate an Off-Road Utility Vehicle:
 - a. At a rate of speed in excess of the posted speed limit, nor greater than reasonable or proper under all existing circumstances.
 - 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 and taillight at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five-hundred feet ahead.
 - e. In any tree nursery or planting in a manner which damages or destroys growing stock.
 - f. On any public land, ice, or snow, in violation of official signs prohibiting such operation in the interest of safety for person, property, or the environment. Any officer appointed by the Council may post an official sign in an emergency for the protection of person, property, or environment.
 - g. In any park, wildlife area, preserve, refuge, game management area, or any portion of a meandered stream, or any portion of the bed of a non-meandered stream, which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water, except on designated riding areas and designated riding trails. This paragraph does not prohibit the use of ford crossing of public roads or any other ford crossing when use for agricultural purposes; the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed; or the operation of off-road utility vehicles on ice.
 - h. Upon an operating railroad right-of-way. An Off-Road Utility Vehicle 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. This paragraph does not apply to a law enforcement officers or employee's duties or to an employee of a utility with authority to enter upon the railroad right-a-way in the lawful performance of the employee's duties.
- 2) A person shall not operate or ride in an Off-Road Utility Vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a non-ambulatory person may carry an uncased and unloaded firearm while operating or riding in an Off-Road Utility Vehicle.
 - 3) A person shall not operate an Off-Road Utility Vehicle:
 - a. With more persons on the vehicle then it was designated to carry.
 - b. Paragraph (a) does not apply to a person who operates an Off-Road Utility Vehicle as part of a farm operation as defined in Iowa Code Section 352.2
 - 4) A person shall not operate an Off-Road Utility Vehicle on a designated riding area or designated trail unless the riding area or trail is signed as open to Off-Road Utility Vehicle operation.
 - 5) A person shall not operate a vehicle other than an Off-Road Utility Vehicle on a designated riding area or designated trail unless the riding area or trail is signed as open to such other use.
 - 6) A person shall not operate an Off-Road Utility Vehicle unless the operator is 18 years of age or older and has a valid Iowa Driver's License; unless the vehicle is duly registered; and unless the operator has proof of insurance complying with that required of the operator of a motor vehicle pursuant to applicable Iowa Statutes, Rules, and

Regulations, including but not limited to Iowa Code Sections 321.20B, and 321A.21.

78.05 Identification Stickers: Individuals who operate an Off-Road Utility Vehicle on the roadways of the City of Harlan must obtain an identification sticker from the office of the Shelby County Recorder. The following conditions apply:

- 1) The owner of each Off-Road Utility Vehicle shall be required to provide proof of ownership including but not limited to a bill of sale, registration, and other documentation as may be accepted by the Recorder.
- 2) Each applicant for an identification sticker must provide proof that the vehicle is properly registered pursuant to Iowa Code Section 321I.3 and DNR regulations.
- 3) Each applicant for an identification plate must pay a fee in the amount of \$25.00
- 4) Identification Sticker shall be affixed to the right-rear portion of all Off-Road Utility Vehicles in such a manner as to be clearly visible.

78.06 Exempt Vehicles: Registration shall not be required for vehicles exempted under Iowa Code Section 321I.9(3).

78.07 Penalties: Violation of this Ordinance shall constitute a SIMPLE MISDEMEANOR punishable by a minimum fine of \$65.00, a maximum fine of \$625.00, plus applicable court costs.

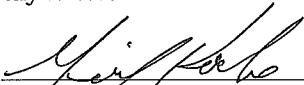
SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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 become effective July 7, 2020.

PASSED AND APPROVED this 7th day of July 2020.


Attest: Jane Smith, City Clerk


Mike Kolbe, Mayor