

Ordinance No. 2-2021

AN ORDINANCE CREATING A NEW CHAPTER 10.55 UTILITY TERRAIN VEHICLES (UTV) OF THE DENVER CITY CODE OF THE CITY OF DENVER, IOWA.

BE ORDAINED by the City Council of the City of Denver, Iowa that the Denver City Code is hereby amended by adding a new Section Chapter 10.55 Utility Terrain Vehicles (UTV).

Regulations Regarding Utility Terrain Vehicles

10.55.01 Purpose

10.55.02 Definitions

10.55.03 Operation on Roadways

10.55.04 Restrictions

10.55.05 Negligence

10.55.06 Accident Reports

10.55.07 Exempt Vehicles

10.55.08 Street Etiquette

10.55.09 Violation & Penalties

SECTION 10.55.01 PURPOSE.

The purpose of this chapter is to permit the operation of "UTVs" (Utility Terrain Vehicles), as authorized by Section 321.234A of the Code of Iowa, on certain highways in the City. This chapter applies whenever a UTV is operated on any city street or alley, subject to those exceptions stated herein.

The City of Denver has no jurisdiction or control of roadways outside of the city limits.

SECTION 10.55.02 DEFINITIONS.

1. "UTVs" (Utility Terrain Vehicles) 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 of not more than 1,900 pounds and that has a seat which is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.
2. "Highway" means any street, alley, avenue, boulevard or other roadway square or public places open to public travel in this City. (Ord. 17-68 §1(8), 1969)

SECTION 10.55.03 OPERATIONS ON HIGHWAY.

UTV's may be operated and regulated under Iowa Codes 321I, 321.20B and 321.234A. Operational time of day shall be from sunrise to sunset, as established by the National Weather Service, at which time said operations shall cease. Except as noted otherwise, herein, any person operating a UTV on City highways shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic, or the direction of a fire department officer during a fire.

SECTION 10.55.04 RESTRICTIONS.

1. A person shall not drive or operate an UTV:
 - a. Unless they are A. 18 years of age, have a valid driver's license-are registered with the Iowa Department of Natural Resources (IDNR) with properly displayed registration decal and have a valid proof of insurance on their UTV OR
 - b. Operators under the age of 18 and who possess a valid driver's license and have a valid IDNR Certification for Off-Road Utility Vehicle education course.
2. Operators under the age of 18 shall have an approved helmet.
3. Operators shall abide by all traffic laws and posted traffic signs and operate at a rate of speed not greater than thirty-five miles per hour.
4. No person shall operate a UTV without brakes, a lighted headlight and taillight to render clearly discernible persons and vehicles at a distance of five hundred feet ahead and back, and, have a minimum one mirror to allow visibility to a minimum distance of 200 feet behind the vehicle.
5. No person shall operate a UTV in a careless, reckless, or negligent manner endangering the person or property of another or causing injury or damage to the same.
6. No person shall operate a UTV with more persons on the vehicle than it was designated to carry or have more than one person per seat (two per bench seat).
7. The operator and passengers of an UTV shall wear the seatbelt or harness as so equipped by the manufacturer
8. All passengers must be properly seated while the UTV is in motion.
9. No children under the age of six are permitted on a UTV.
10. No person shall operate a UTV at any city parks or any other land owned by the City, unless permission is granted by the Denver City Council.
11. No person shall operate a UTV on private property without the consent of the property owner.
12. No person shall operate a UTV on recreational bike/walking trails or sidewalks.

SECTION 10.55.05 NEGLIGENCE

1. The owner and operator of a UTV are liable for any injury or damage occasioned by the negligent operation of the UTV.

2. All persons who operate or ride on UTVs on streets inside the city limits of Denver do so at their own risk and peril. The city has no liability under any theory of liability, for UTVs that are operated on the highway of the city.

SECTION 10.55.06 ACCIDENT REPORTS

1. 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 (\$1,500.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer as required under Iowa Code Sections 321I.11 and 321.266.

SECTION 10.55.07 EXEMPT VEHICLES.

1. Ambulance, Fire, Law Enforcement, and Denver Public School UTVs are exempt from these hours of operation and areas prohibited in performance of their duties.
2. Special events can be exempt from UTV hours of operation and areas prohibited only with the prior approval of the Denver City Council. (i.e. Denver Breakaway Days Volunteers, Denver Diplomats, Class Reunions etc.)
3. UTV used exclusively for farm implements

SECTION 10.55.08 STREET ETIQUETTE.

- a. Except when executing a left turn, UTVs shall be driven as close as practical to the right-hand edge of any highway.
- b. When necessary to prevent congestion of traffic UTVs shall be pulled to the right-hand edge of the highway and be stopped to allow other motor vehicles traveling in the same direction to pass.
- c. When two or more UTVs are being operated in the same direction and in the general vicinity on a highway, they shall proceed in single file.
- D. A UTV may be parked on a highway or parking lots only in designated parking spaces.

SECTION 10.55.09 VIOLATION & PENALTIES.

Violation of this Ordinance constitutes a Simple Misdemeanor. The scheduled fine for violation of this section shall be one hundred dollars (\$100.00) plus all applicable court costs and fees.

1. All ordinances or parts of ordinances which conflict herewith are repealed.
2. 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.

3. This ordinance shall be in full force and effect from and after its passage and publication, as provided by law from and after the 16th day of February, 2021.

1st Reading was Passed, approved, and adopted this 1st day of February, 2021.

2nd Reading was Passed, approved, and adopted this 16th day of February, 2021.

3rd Reading was Passed, approved, and adopted this 1st day of March, 2021.

Rod Diercks, Mayor

ATTEST:

Larry Farley, City Clerk/Admin.