

**ORDINANCE NO. 2018-04**  
**AN ORDINANCE AMENDING THE CITY CODE OF DURANT, IOWA, BY**  
**AMENDING CHAPTER 13 Traffic Code Section 13-42 through 13-46**

**WHEREAS**, the Durant City Council, Durant, Iowa, has voted to amend the City Code to allow for the use of All Terrain Vehicles (ATVs) and Utility Terrain Vehicles (UTVs) for snowplowing private property from November 1 to April 1; and

**WHEREAS**, the following is currently City Code; SNOWMOBILES

13-43 SNOWMOBILE DEFINITIONS.

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.
2. "Operate" means to control the operation of a snowmobile.
3. "Operator" means a person who operates or is in actual control of a snowmobile.

13-44 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
4. In a careless, reckless or negligent manner so as to endanger the safety of any person property of any other person.
5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.
6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver, who is actually occupying a seat in the vehicle.
7. No person shall operate a snowmobile in the City from eleven o'clock (11:00) p.m. to six thirty o'clock (6:30) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

13-46 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle.
2. Adequate brakes in good condition and at least one headlight and one taillight.

A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

**WHEREAS**, the following shall be the amended:

**SECTION 1. AMEND CHAPTER 13**

13-43 Shall become Snowmobile, ATVs and UTVs Definitions:

4.) “ATV-All Terrain Vehicle” defined as an all-terrain vehicle (ATV) is defined as a motorized off-highway vehicle designed to travel on, not less than three and no more than six, typically, four low-pressure or non-pneumatic tires, that is limited in engine displacement to less than one thousand (1000) cubic centimeters and in total dry weight to less than one thousand two hundred pounds (1,200), and having seat designed to be straddled by the operator and handlebars for steering control; with snow removal blade attached.

5.) “UTV-Utility Terrain Vehicle” defined as a side-by-side small, with not less than four, no more than eight non highway tires, that has a seat that is bucket or bench style for 2- to 6-person, four-wheel drive off-road vehicle, not straddled by operator, and has a steering wheel for control; with snow removal blade attached.

13-44 REGULATIONS. It shall be unlawful for any person to operate a snowmobile, ATV and UTV under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property. .
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons. ATVs & UTVS may only be operated for snow removal when there has been two or more inches of snow fallen.
4. In a careless, reckless or negligent manner so as to endanger the safety of any person property of any other person.
5. Without having such snowmobile, ATV, and UTV registered as provided for by Iowa Statute. An exception for snowmobile that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.
6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver, who is actually occupying a seat in the vehicle.
7. No person shall operate a snowmobile, ATV and UTV in the City from eleven o'clock (11:00) p.m. to six thirty o'clock (6:30) a.m., except for the purpose of loading and unloading such vehicle from another vehicle or trailer.
8. No person shall operate an ATV or UTV in the City except from November 1<sup>st</sup> through April 1<sup>st</sup> for the sole purpose of driving to and from private properties for the purpose

of snow removal from private properties after a snow emergency has been declared by the City of Durant. A snow emergency may be declared when two or more inches of snow are forecast.

13-46 EQUIPMENT REQUIRED. All snowmobiles, ATVS, and UTVs operated within the City shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle.
2. Adequate brakes in good condition and at least one headlight and one taillight.
3. A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track or wheels.
4. A slow moving vehicle sign and bicycle flag. The flag shall be five (5) feet from the ground level with a minimum of (2) two feet above the highest point of the ATV, UTV and snowmobile.
5. Any person operating a snowmobile, ATV, and UTV upon city streets and right of way shall be a valid licensed driver of eighteen years of age or older. Any person operating these vehicles shall strictly adhere to all traffic signs, 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.
6. No ATV, Snowmobile, or UTV may operate on any city street at a speed in excess of twenty five miles per hour (25 m.ph) or any city streets that posted are greater than twenty five miles per hour, nor shall any ATV, UTV or Snowmobile be operated at a speed greater than is reasonable and proper for the existing weather and road conditions.

**SECTION 2. REPEALER.** All ordinances or parts thereof 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 this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be effect from and after its final passage, approval and publication as provided by law.

**PASSED AND ENACTED** by the City Council of Durant, Iowa, the 28th day of January, 2019.

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Scott Spengler, Mayor

ATTEST:

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Deana Cavin, City Operations Officer/Clerk

1<sup>st</sup> Reading 12/17/2018

2<sup>nd</sup> Reading 01/14/2019

3<sup>rd</sup> Reading 01/28/2019