

Ordinance 2020-02

UTILITY VEHICLES

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Chapter # then 1 PURPOSE. The purpose of this chapter is to regulate the operation of utility terrain vehicles (UTVs) within the City corporate limits. All persons operating UTVs must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and other pedestrians. All persons who operate or ride UTVS on streets inside the corporate limits of City of Durant do so at their own risk. The city has no liability for permitting UTVs to be operated on the streets. **Cannot prevent someone from suing the city for injury or damage to person or property caused by a City permitted UTV. HOWEVER, this is good to put into the ordinance as a preventative and to put all citizens/residents/passengers/pedestrians on notice.**

Chapter # then 2 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Off-road utility vehicle" means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, 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.
2. UTVS can be referred to as side by side and recreational off highway vehicles. Does not include golf carts, All Terrain Vehicles, motorbikes or snowmobiles, or vehicles specifically designed to carry a disabled person, implements husbandry as defined in Iowa Code 321.1 (32).

Chapter # then 3 GENERAL Specifications. **In lieu of manufacturer recommendations or specifications, I would impose a requirement that all UTVs must be registered by the State of Iowa in the applicable county of the owner's residence and must meet all requirements of the Code of State of Iowa.**

1.) UTVs are originally manufactured with the following:

- ~~a. Between 900 to 1,999 lbs.~~
- ~~b. Cargo or dump box~~
- ~~c. Steering wheel, tail light brake light 2 head lights, seat belts or similar device~~
- ~~d. Max width 65 inches~~
- ~~e. Seating for (2) occupants, non-straddled seats~~
- ~~f. A roll bar or similar device~~
- ~~g. Not less than four and not more than eight non-highway tires, low pressure tires, or rubberized tracks~~

2.) Maximum width shall be 74 inches maximum weight shall be two thousand pounds, and having a wheel base of one hundred ten inches or less. A utility type vehicle must have a minimum width of fifty inches, minimum weight of at least 900 pounds or a wheel base of over sixty one inches.

Chapter # then 4 OPERATION OF UTVS PERMITTED

UTVS may be operated upon the streets of the City by persons who are 18 years of age or older. All owner/operators must obtain a city permit from the Durant Police Department. Possession a valid **Iowa (Can it be a valid driver's license in any state or only Iowa? Iowa gives reciprocity for valid driver's licenses in other states as long as they have a valid driver's license in their state of residence such as Illinois)** Driver's license. While operated on a city street the number of passenger permitted on a UTV shall not exceed the number of seats for intended passengers. No children five years or under allowed. ~~Any child required to be in a child safety seat in an automobile shall also be required to be in a child safety seat while riding in the UTV.~~ Operators must have proof of insurance on them with their driver's license while operating the UTV on city streets. All persons driving or riding in the UTV shall have seat belts on.

Chapter # then 5 EQUIPMENT UTVs operating on City streets shall be equipped with at least the following equipment:

1. A slow moving vehicle sign **IS 1 and 2 an either/or (OR) or both required (AND)**
2. A bicycle safety flag, where by the flag shall be a minimum five (5) feet from the ground level and extend a minimum two (2) feet above the highest point of the UTV.
3. UTVS shall be equipped with tail light, 2 head lights, muffler, turn signals, brakes to stop and hold vehicle in position, seat belts or harness system.
4. Steering wheel and no straddled seats
5. Seating for minimum of (2) occupants, non-straddled seats
6. A roll bar or similar device
7. Not less than four and not more than eight non-highway tires, low pressure tires, or rubberized tracks

Chapter # then 6 HOURS

UTV Hours of Operation: UTVs may be operated on City streets only between sunrise and sunset as set by the U.S. Naval Observatory from April 1st through November 15th each year. **Add info date specific from November 16-March 31st. Is snow removal allowed any time of the year? Is no UTV allowed except for snow removal allowed November 16th-March 31st?** Only during snow removal may UTVS operate during prohibited hours, if they have a blade for snow removal attached and are used for that purpose.

Chapter # then 7 TRAFFIC CODE

Any person operating a UTV on any public street, or alley for any purpose, shall strictly adhere to all traffic signs and signals, and other traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic. No person shall leave an UTV unattended on any public property while motor is running or keys are in ignition switch.

No UTV shall be operated at a speed in excess of the lesser of twenty five (25) miles per hour or the posted speed. Nor shall any UTV be operated at a speed greater than is reasonable and proper for the existing street conditions.

All UTVS must cross at an approximate ninety (90) degree angle to the direction of the street

In the City of Durant 5th Street is also Highway 927 (Historic Highway 6). For the purposes of this ordinance it shall be referred to as 5th Street and include all areas from the west corporate city line to the east corporate city line.

No UTVS shall operate or drive on Railroad property.

No UTV shall be operated upon 5th Street

No UTV shall be operated on 1st Avenue (Yankee Avenue).

No UTV shall be operated on Vail Ave (14th Ave South of 5th Street)

The following intersections will NOT be used for crossing 5th Street: **Is it easier to enforce for the PD to have 3 locations no crossing allowed OR 2-3 locations that crossing is allowed. I recommend consulting Orville.**

At 14th Ave (Vail Ave) south of 5th Street

At 5th Avenue and 5th Street

At 6th Avenue and 5th Street

PARKING: UTVs shall adhere to the same parking laws as automobiles. There will be no parking on 5th Street. Owners/Operators shall utilize their own driveways for parking at their properties.

STORAGE of UTVS shall be in an enclosed garage or shed. No parking overnight in yards or streets. If the owner/operator does not have an enclosed space, they will follow the same criteria as the recreational vehicle ordinance (Chapter 60 Section 60-21)

Chapter # then 8 PERMITS

No person shall operate a UTV on any public street or alley, for any purpose unless the UTV has passed a safety inspection by the Durant Police Department and the operator possesses a City of Durant permit to operate a UTV, issued the Chief of Police or designated officer. Any non-resident of the City of Durant that would like the privilege of operating a UTV within city limits will need to register for a permit.

1. Owners may apply for a permit from the Durant Police Department on forms provided by the city.
2. The Police Chief shall not issue a permit until the owner/operator has provided the following:
3. A. Evidence that the owner possess a valid driver's license and is at least (18) eighteen years of age.

B. Proof the owner/operator has liability insurance (minimum limit of \$300,000 coverage) covering operation of UTV on city streets.
4. Permit and proof of insurance must be kept in the UTV at all times.
5. The annual fee for such permit shall be set by resolution by city council.
6. Permits expire annually on December 31, regardless of date of issue.

7. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit, has abused the privilege of being a permit holder or has violated an applicable State, County, or City law. There will be no refund of the permit fee. The suspension or revocation may be appealed to the City Council within ten (10) days of the date of mailing of the written notice of suspension or revocation of the permit. The owner shall request the appeal in writing and submit the same to the City Clerk within the prescribed time period. There will no tolerance of UTVS speeding and driving recklessly on city streets or alleys.

8. No UTVS are permitted on any sidewalks in the city limits. No UTVS are permitted in City Parks unless prior approval from city council has been given at a prior council meeting before a city wide event. This shall not apply to City of Durant Public Works or Durant Municipal Electric personnel.

Chapter # then 9 NEGLIGENCE. The owner and operator of an UTV are liable for any injury or damage occasioned by the negligent operation of the UTV. The owner of an UTV shall be liable for any such injury or damage by the operator of the UTV at the time the injury or damage occurred or if the operator had the owner's consent to operate the UTV at the time the injury or damage occurred. **The City shall not have any liability for any injury or damage to person or property caused by any UTV whether or not permitted by the City of Durant or operated within the City limits of Durant. Any operator or owner of any UTV operated or permitted within the City of Durant, Iowa acknowledges that they are solely and individually responsible for any injury or damage to person or property whether passenger, operator, owner, automobile operator or passenger and that by accepting a permit by the City of Durant, they agree to indemnify and hold harmless the City therein from any claims of injury or damage to persons or property under this City Ordinance.**

Chapter # then 10 ACCIDENT REPORTS. Either the operator or someone acting for the operator, shall immediately notify the Durant Police Department or other law enforcement via dialing 911 whenever a UTV is involved in an accident resulting in injury, or death, or property damage amounting to \$1,000 (one thousand dollars) or more and shall file an accident report within forty-eight (48) hours in accordance with state law.

Chapter # then 11 VIOLATION AND PENALTY

1. A person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of two hundred fifty dollars (\$250) **plus applicable courts and**

criminal surcharge and revocation of the City of Durant permit for a period of six months.

2. Any person guilty of violating this ordinance two times shall be subject to permanent revocation of the City of Durant permit and revocation of privileges to operate any UTV within city limits.
3. Persons violating this ordinance may also be prosecuted and subject to penalties set out in Section 3211.36 of the Code of Iowa.

Chapter # then 12 ANNUAL REVIEW

The city council shall annually review this chapter to determine if the ordinance warrants an amendment or repeal. **I recommend either an automatic renewal if not changed by Council or automatically expired. A default setting works best legally especially in cases of inclement weather at year end or desire/need of council to re-evaluate mid-calendar year.**

