



City of Muscatine

ITEM NUMBER 2022-0353

AGENDA ITEM SUMMARY

DATE: 8/18/2022

STAFF

Anthony Kies, Captain
Brett Talkington, Police Chief

SUBJECT

Resolution setting a public hearing for ATV/UTV Ordinance Revisions

EXECUTIVE SUMMARY

The City Council has directed City staff to prepare revisions to Title 7, Chapter 2 of Muscatine City Code related to All-terrain Vehicles. Prior to any action by the Council, a public hearing must be held. This Resolution requests setting a public hearing for September 1, 2022 at 7:00 p.m. in City Hall Council Chambers.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

BACKGROUND/DISCUSSION

The City Council has directed City staff to prepare an ordinance reflecting City staff recommendations for Public Use of ATVs and Utility Terrain Vehicles (UTVs) in Muscatine.

CITY FINANCIAL IMPACT


N/A

ATTACHMENTS

1. ATV-UTV
2. ATV UTV Resolution Setting a Public Hearing
3. UTV Code
4. TITLE 7 chapter 2 Current Code

PUBLIC NOTICE
NOTICE OF TIME AND PLACE FOR A PUBLIC HEARING
ON AN ORDINANCE REVISION REGULATING ATV/UTV

Public Notice is hereby given that the City Council of the City of Muscatine, Iowa will hold a public hearing to hear objections to the revisions proposed to City Code Title 7 Chapter 2 All Terrain Vehicles. Said hearing will be held in the City Council Chambers at City Hall, Muscatine, IA on September 1, 2022. If unable to attend in person please see link on agenda to join virtually at www.muscatineiowa.gov.


Carol Webb (Aug 19, 2022 21:42 CDT)

Carol Webb, City Administrator

RESOLUTION NO. 2022-0353

RESOLUTION SETTING THE TIME AND PLACE TO CONDUCT A PUBLIC HEARING ON AN ORDINANCE REVISING CHAPTER 7 OF TITLE 2 OF CITY CODE REGARDING ALL-TERRAIN VEHICLES

WHEREAS, The City of Muscatine’s current regulations regarding All-Terrain Vehicles (ATVs) can be found in Chapter 7 of Title 2 of the City Code of Muscatine; and


WHEREAS, The City Code of Muscatine provides that any registered all-terrain vehicles owned by the City of Muscatine may be operated by Muscatine Public Safety personnel on all highways and streets in the City of Muscatine, Iowa, and other public places when required in carrying out their duties as directed by the Police Chief; and

WHEREAS, The City Council has directed City staff to prepare an ordinance reflecting City staff recommendations for Public Use of ATVs and Utility Terrain Vehicles (UTVs) in Muscatine; and

WHEREAS, a public hearing must be conducted by the City Council of Muscatine prior to the adoption of changes to the ATV ordinance and the addition of a UTV ordinance.


NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Muscatine, that a Public Hearing is hereby established to review and to allow the public to comment on the proposed ordinance amending ATV regulations and adding UTV regulations in Chapter 7 of Title 2 of the City Code of Muscatine. Said hearing is to be conducted at 7:00 P.M. on Thursday, September 1, 2022, in the City Hall Council Chambers.

PASSED, APPROVED, AND ADOPTED by the City Council for the City of Muscatine, Iowa, on this, the 18th day of August 2022.


Bradley Bark (Aug 19, 2022 21:06 CDT)

Dr. Brad Bark, Mayor

ATTEST:


Carol Webb (Aug 19, 2022 21:42 CDT)

Carol Webb, City Clerk



Chapter 7-2-6 - ALL-TERRAIN VEHICLES & OFF-ROAD UTILITY VEHICLES

Purpose Of Chapter

Definitions – Off-Road Utility Vehicles and All-Terrain Vehicles

Minimum Equipment Standards For Operation

Prohibited Streets/Highways; Crossing

Exempt All-Terrain Vehicles And Off-Road -Utility Vehicles

Leaving Motor Running Or Keys in Ignition

Violation Of A "Stop" Signal

Purpose Of Chapter

The purpose of this chapter is to provide reasonable rules and regulations for the maintenance and operation of all-terrain vehicles and/or off-road utility vehicles on approved roadways within the city of Muscatine, Iowa.

Definitions - All-Terrain Vehicles

For use within this chapter, the following words, terms and phrases are defined as follows:

All-terrain vehicle (ATV): A motorized vehicle with not less than three and not more than six Department of Transportation rated tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. ATV are not allowed on city streets.

Off-road -utility vehicle (UTV): A motorized vehicle with not less than four and not more than eight Department of Transportation rated 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.

"Off-road -utility vehicle" includes the following vehicles:

- A. Type 1 is defined as an off-road -utility vehicle with a total dry weight of 1,250 pounds or less and a width of 50 inches or less.
- B. Type 2 is defined as an off-road -utility vehicle (other than a Type 1 off-road utility vehicle), with a total dry weight of 2,000 or less and a width of 65 inches or less.

C. Type 3 is defined as an off-road -utility vehicle with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

Operate: To ride in or on, other than as a passenger, use, or control the operation of an all-terrain vehicle in any manner, whether or not the all-terrain vehicle or off-road -utility vehicle is moving.

Operator: A person who operates or is in actual physical control of an all-terrain vehicle or off-road -utility vehicle.

Person: An individual, partnership, firm, corporation, association, any body of persons, whether incorporated or not, and the state, its agencies, and political subdivisions.

Street or highway: The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three (33) feet each side of the center line of the roadway.

Minimum Equipment Standards For Operation

Each off-road -utility vehicle (UTV) shall comply with the following standards for operation:

A. Vehicles more than 40 inches wide shall be equipped with turn signal lamps and have a manually operated switched controlled by the driver.

B. Vehicles shall be equipped with a properly operating speedometer and odometer calibrated in miles per hour and miles respectively and shall be fully illuminated when the headlamp(s) are activated.

C. Vehicles shall be equipped with an electrically actuated horn, and emit a sound clearly audible from a distance of 200 feet. The horn shall be actuated with a switch easily accessible to the driver when operating the vehicle.

D. Vehicles shall be equipped with a headlamp that shall be in a plane that is perpendicular to a vertical plane through the longitudinal centerline of the vehicle. The headlamps shall be mounted not less than 24 inches, nor more than 54 inches, above the road surface when measured to the headlamp center.

E. Vehicles shall be equipped with tail lamp or lamps mounted on the rear of the vehicle, exhibiting a red light plainly visible from a distance of 500 feet to the rear. The tail lamps shall be mounted not less than 15 inches, nor more than 72 inches, above the roadway.

F. Vehicles shall be equipped with a stop lamp that is actuated by the brake switch to indicate braking of the vehicle.

- G. Vehicles shall be equipped with Department of Transportation rated tires which shall display the proper markings on the sidewall of the tire.
- H. Vehicles shall be equipped with a rear facing mirror and shall provide the operator with a clear view of the rear.
- I. Vehicles operated within city limits shall be equipped with a muffler.

Operating Provisions

All operation of off-road -utility vehicles on city streets or highways must adhere to all city, county and state regulations relating to the use of such vehicles. All-terrain vehicles are not allowed on city streets in Muscatine for any reason. In addition to the provisions of Iowa Code Chapter 321 and Section 321(I), the following provisions shall apply:

- A. Every off-road -utility vehicle operated upon streets or highways of the City of Muscatine shall be registered annually with the Muscatine County Recorder and shall be required to pay a registration fee in such amount established by the Muscatine County Board of Supervisors.
- B. The operator of each off-road -utility vehicle shall be required to provide, upon request by any peace officer, proof of ownership including but not limited to bill of sale or registration. This requirement shall be satisfied if an off-road -utility vehicle is in compliance with the registration requirements of any state within the United States of America.
- C. A person shall not operate an off-road -utility vehicle unless the operator has a valid driver's license issued by any state within the United States of America and is age 18 or older.
- D. A person shall not operate an off-road -utility vehicle unless the operator has proof of insurance complying with that required of an operator of a motor vehicle pursuant to applicable provisions of the Iowa Code, Rules and Regulations, including but not limited to Iowa Code Sections 321.20B and 321A.21.
- E. The operator and passengers shall wear the seatbelt or harness as so equipped by the manufacturer.
- F. A person shall not drive or operate an off-road -utility vehicle:
 - 1. At a rate of speed greater than the posted speed limit.
 - 2. In a careless, reckless, or negligent manner so as to:
 - a. Endanger any person.
 - b. Cause injury or damage to person or property.

c. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.

3. While under the influence of intoxicating liquor or narcotics or habit forming drugs as prescribed under Iowa Code Section 321J.

4. In any City park, wildlife area, reserve, refuge, game management area, or any portion of a 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 trails.

5. Upon operating railroad right-of-way, an off-road -utility vehicle may be driven directly across 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 officer or railroad employee of a utility authority to enter upon the railroad right-of-way in the lawful performance of the employee's duty.

6. With more persons on the vehicle than designed to be carried or seated.

7. On any road, street, highway or interstate prohibited by the State of Iowa.

Prohibited Streets/Highways; Crossing

A. In addition to all roads prohibited under state law, operation of off-road - utility vehicles shall be prohibited on the following streets and/or highways:

1. Hwy 61
2. Park Avenue
3. Dick Drake Hwy

B. An off-road -utility vehicles may make a direct crossing of a street or highway listed in this section, but no person shall make a direct crossing of any such street or highway with an off-road -utility vehicles, unless:

1. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway, and at a place where no obstruction prevents a quick and safe crossing;

2. The all-terrain vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
3. The operator of the off-road utility vehicle yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
4. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

Exempt All-Terrain Vehicles And Off-Road -Utility Vehicles

The following all-terrain vehicles and off-road -utility vehicles shall be exempt from registration pursuant to Iowa Code, Section 321I.9 and the requirements of this Ordinance:

- A. All-terrain or off-road -utility vehicles owned by the United States, this state, or another state, or by a governmental subdivision thereof, and used for enforcement, search and rescue, or official research and studies, but not for recreational or commercial purposes.
- B. All-terrain or off-road -utility vehicles used exclusively to conduct agricultural purposes and in accordance with Iowa Code Section 321.234A(1)(a).

Leaving Motor Running Or Keys In Ignition

It is unlawful for the owner or operator of an all-terrain vehicle to leave or allow an all-terrain vehicle or off-road -utility vehicle to remain unattended on public property while the motor is running or while the keys for starting the vehicle are left in the ignition.

Violation Of A "Stop" Signal

A person, after having received a visual or audible signal from a peace officer to come to a stop, shall not operate an all-terrain vehicle or off-road -utility vehicle in willful or wanton disregard of the signal or interfere with or endanger the officer or any other person or vehicle, or increase speed or attempt to flee or elude the officer.

Penalty For Violation

Any person or owner of property who violates the provisions of this Chapter shall be guilty of a misdemeanor and subject to a penalty as set out in Section 1-2-14 of this Code of Ordinances.

Standard Penalty.

Unless another penalty is expressly provided for violation of any particular provision, section or chapter, any person failing to perform a duty or obtain a license required by this Code of Ordinances or violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least one hundred-five dollars (\$105.00) but not to exceed eight hundred fifty-five dollars (\$855.00).

**TITLE 7 - VEHICLES AND TRAFFIC
CHAPTER 2 – TRAFFIC REGULATIONS IN GENERAL**

SECTIONS:

- 7-2-1 Parades; Processions
- 7-2-2 Clinging to Vehicles
- 7-2-3 Riding on Parts of Vehicles Not for Passengers
- 7-2-4 Operation of Golf Carts
- 7-2-5 Avoidance of Traffic Control Devices
- 7-2-6 All-Terrain Vehicles
- 7-2-7 Driving through Funeral or Other Procession
- 7-2-8 Driving on Sidewalks
- 7-2-9 Careless Driving
- 7-2-10 Driving on Private Property
- 7-2-11 State Law; Law of the Road

7-2-1 Parades; Processions. No procession or parade, except forces of the United States Army, Navy, or Marine Corps, the military forces of this state, and the forces of the Police and Fire departments, shall occupy, march, or proceed along any street except in accordance with a permit issued pursuant to Title 3, Chapter 3 of the City Code.

7-2-2 Clinging to Vehicles. Any person riding upon any bicycle, moped, motorcycle, coaster, sled, roller skates, skateboards, or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway.

7-2-3 Riding on Parts of Vehicles Not for Passengers.

- A. It shall be unlawful for the driver of any vehicle to permit any person to ride on the fenders, running boards, front ends, or rear ends of such vehicle or any part of a vehicle not intended for passengers, except for the purpose of repairing the same.
- B. It shall be unlawful for any person to ride on the fenders, running boards, front ends, or rear ends of any vehicle, or any part of a vehicle not intended for passengers, except for the purpose of repairing such vehicle.

7-2-4 Operation of Golf Carts. A person possessing a valid operator's license may operate a golf cart on city streets provided, however, that a golf cart shall not be operated upon a city street which is a primary road extension through the City but shall be allowed to cross a city street which is a primary road extension through the City. The golf carts shall be equipped with adequate brakes, a slow moving vehicle sign, and bicycle safetyflag and operate on the streets only from sunrise to sunset.

7-2-5 Avoidance of Traffic Control Devices. It is unlawful for any person operating a motor vehicle to leave the roadway and travel across public or private property to avoid an official traffic control device.

~~**7-2-6 All-Terrain Vehicles.** As provided in Iowa Code Section 321G.9(4)(a) and any amendments thereto, any registered all-terrain vehicle owned by the City of Muscatine may be operated by Muscatine public safety personnel on all highways and streets in the City of Muscatine, Iowa, and other public places when required in carrying out their duties as directed by the Police Chief.~~

7-2-7 Driving Through Funeral or Other Procession.

- A. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless.
- B. Each driver in a funeral or other procession shall drive as near the right-hand edge of the roadway as practicable, shall follow the vehicle ahead as close as is practical and safe, and shall have the headlights turned on.

7-2-8 Driving on Sidewalks. The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway.

7-2-9 Careless Driving. No driver of a vehicle shall operate or halt the same negligently or needlessly in disregard to the rights or safety of persons or property.

7-2-10 Driving on Private Property. No driver of a vehicle shall operate or halt the same on private property without the consent of the owner thereof.

7-2-11 State Law; Law of the Road. The provisions of Chapter 321 of the Code of Iowa are hereby adopted by reference and it shall be unlawful for any person to violate any provision or amendments thereto, where the violation of such statute or statutes is declared, directly or indirectly, to be a misdemeanor, except such provisions as are by their nature inapplicable and not within the powers granted to cities of the class and size of this city to adopt.

*** Proof of Publication ***

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the dates listed below.

PUBLIC NOTICE
NOTICE OF TIME AND PLACE FOR A PUBLIC HEARING ON AN ORDINANCE REVISION REGULATING ATV/UTV
Public Notice is hereby given that the City Council of the City of Muscatine, Iowa will hold a public hearing to hear objections to the revisions proposed to City Code Title 7 Chapter 2 All Terrain Vehicles. Said hearing will be held in the City Council Chambers at City Hall, Muscatine, IA on September 1, 2022. If unable to attend in person please see link on agenda to join virtually at www.muscatineiowa.gov.
Carol Webb, City Administrator

CITY OF MUSCATINE- Legals account

215 Sycamore Street
MUSCATINE, IA 52761

ORDER NUMBER 134634

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Timothy J. Simpson

Section: Notices & Legals
Category: 2635 Legal Ordinance
PUBLISHED ON: 08/26/2022

TOTAL AD COST: 12.02

FILED ON: 8/29/2022

Subscribed and sworn to before me by said affiant this 29 day of August 2022

Michelle Graham

Notary Public in and for Scott County, Iowa



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OWA
POLITICAL
PAC
FEBRUARY 23, 2025
My Commission Expires
Commission Number 837641
MICHELLE GRAHAM