

CITY OF CARSON UTV PERMIT FORM

UTV OWNER AND UTV INFORMATION.

Name of Applicant: _____

Address of Applicant: _____

Date of Birth: _____ Current Age: _____

Driver's License #: _____ Expiration Date: _____

*A copy of the UTV owner's valid driver's license must accompany this application.

Name of UTV Owner: _____

Address of UTV Owner: _____

Email of UTV Owner: _____

UTV Information:

Manufacturer: _____ Model: _____ Color: _____

Year: _____ VIN or Serial Number: _____

Liability Insurance Company: _____

Policy #: _____ Expiration Date of Policy: _____

____ I hereby state that the UTV to be operated upon City streets in Carson, Iowa will, at all times, be currently registered with the Iowa Department of Natural Resource as required by law and shall be in good mechanical condition, thoroughly safe for transportation of passengers, and equipped with: turn signals, speedometer and odometer, adequate brakes and break lights, headlights, taillights, and a mirror to provide the driver with adequate vision from behind.

____ I acknowledge I have received and read a copy of Chapter 75 of the City of Carson Code of Ordinances, and will abide by the regulations set forth in the Ordinance.

____ I agree to affix the permit decal to the rear of the vehicle so it is clearly visible.

____ I agree to send updated liability insurance policy information to the City of Carson and if I change policies or when the policy renews.

____ I understand that permits may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the permit cost.

Date of Application _____

Signature of Applicant

UTV PERMIT

Permit _____ Approved _____ Denied _____

Permit Fee: \$25.00 Date Paid: _____ Cash or CC or Check#: _____

Date Approved: _____ Permit Number: _____

Permit Valid Until: _____

Signature of City Administrator Clerk _____ Date _____

ORDINANCE 244

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARSON, IOWA, BY REPEALING CHAPTER 75 ENTITLED "ALL-TERRAIN VEHICLES AND SNOWMOBILES" IN ITS ENTIRETY AND RE-ADOPTING THE SAME AS REVISED FOR THE PURPOSE OF ADDING A PERMIT REQUIREMENT AND OTHER REGULATIONS AND REPEALING ANY AND ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT. ENACTING .

BE IT ENACTED by the City Council of the City of Carson, Iowa:

Section 1. CHAPTER REPEALED. The Code of Ordinances of the City of Carson, Iowa, is amended by repealing Chapter 75 in its entirety and adopting the following in lieu thereof:

CHAPTER 75

ALL TERRAIN VEHICLES AND SNOWMOBILES

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles, off-road motorcycles, off-road utility vehicles and snowmobiles within the City.

75.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "All-terrain vehicle" or "ATV" means a motorized vehicle with not less than three and not more than six nonhighway 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.
(Code of Iowa, Sec. 321I.1)
2. "Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the Code of Iowa, but that contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.
(Code of Iowa, Sec. 321I.1)
3. "Off-road utility vehicle" means " a motorized vehicle with not less than four and not more than eight nonhighway 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:

(1) "Off-road utility vehicle--type 1" means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.

(2) "Off-road utility vehicle--type 2" means an off-road utility vehicle, other than a type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.

(3) "Off-road utility vehicle--type 3" means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

An off-road utility vehicle--type 1 shall not be permitted to operate on public streets or roadways within the City of Carson.

4. "Snowmobile" means a motorized vehicle that weighs less than one thousand (1,000) pounds, that uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.
5. "Operate" shall mean to ride in or on other than as a passenger, use, or control the operation of an all-terrain vehicle or snowmobile in any manner, whether or not the all-terrain vehicle is moving.
6. "Operator" shall mean a person who operates or is in actual physical control of an all-terrain vehicle, Off-road motorcycle or snowmobile.
7. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.
8. "Street" or "Highway" means 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 feet each side of the center line of the roadway. Includes roadway, alley, or trail used for vehicular traffic including a state or county highway.

75.03 GENERAL REGULATIONS. No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the Code of Iowa or a snowmobile within the City in violation of the provisions of Chapter 321G of the *Code of Iowa* or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

(Code of Iowa, Ch. 321G & Ch. 321I)

75.04 RESTRICTIONS ON OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.
2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:
 - a. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.
 - b. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided:
 - i. The crossing is made at an angle of approximately ninety degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
 - ii. The snowmobile is brought to a complete stop before crossing the street;
 - iii. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
 - iv. In crossing a divided street, the crossing is made only at an intersection of such street with another street.
3. Railroad Right-of-way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile 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.
4. Trails. Snowmobiles shall not be operated on bike trails, walking trails, or All-Terrain Vehicle trails except where so designated.
5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without snow cover.

6. Sidewalks or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

75.05 OPERATION OF ALL-TERRAIN VEHICLES, OFF-ROAD MOTORCYCLES AND OFF-ROAD UTILITY VEHICLES. No person shall operate an ATV, off-road motorcycle or off-road utility vehicle on any roadway, street, highway or alley within the City unless a permit has been issued for such ATV, off-road motorcycle or off-road utility vehicle in accordance with this section.

In addition, the owners and operators of ATVs, off-road motorcycles or off-road utility vehicles for which a permit has been issued shall comply with the following additional restrictions as to the operation of ATVs, off-road motorcycles or off-road utility vehicles (excluding off-road utility vehicles -type 1) within the City.

1. Permits. Owners of ATVs, off-road motorcycles or off-road utility vehicles (excluding off-road utility vehicles -type 1) may apply at the Carson City Office for a permit to allow the operation of an ATV, off-road motorcycle or off-road utility vehicle (excluding off-road utility vehicles -type 1) on City Streets. Each ATV, off-road motorcycle or off-road utility vehicle (excluding off-road utility vehicles -type 1) to be driven on City Streets must have a permit. Applications for a permit must be submitted using forms provided by the City. The fee for the permit shall be \$25 for one year. The permit will be issued by the City Administrator Manager when the required application has been completed, including all required information. A copy of the permit shall be carried by any operator while operating the ATV, off-road motorcycle or off-road utility vehicle on the City Streets. A permit decal shall be displayed next to the registration decal in the manner prescribed by rules of the Natural Resource Commission. This permit will allow the ATV, off-road motorcycle or off-road utility vehicle (excluding off-road utility vehicles -type 1) to be driven on the streets in the City of Carson, Iowa. No permit will be issued for Off-road utility vehicles -type 1. The operation under this ordinance applies to those roadways lying inside the city limits of the city of Carson, Iowa, and does not apply to roadways outside of corporate boundary of the City.
2. Streets. ATVs, off-road motorcycles or off-road utility vehicles for which a permit has been issued may be operated upon streets under the jurisdiction and within the corporate city limits of Carson, Iowa. ATVs, off-road motorcycles or off-road utility for which a permit has been issued vehicles shall not be operated upon any City street which is a primary road extension or state highway through the City, to wit:

Highway 92

However, ATVs, off-road motorcycles or off-road utility vehicles for which a permit has been issued may cross such primary road extension or highway at any public

intersections.

3. Trails. ATVs, off-road motorcycles or off-road utility vehicles shall not be operated on bike trails, walking trails or snowmobile trails except where so designated.
4. Private Property. ATVs, off-road motorcycles or off-road utility vehicles may only be operated on private property with the express consent of the owner.
5. Sidewalk or Parking. No ATV, off-road motorcycle or off-road utility vehicle shall be operated upon sidewalks unless engaged in snow removal or maintenance activities, nor shall they be operated upon that portion of the street from the curb to the sidewalk or property line, commonly referred to as the "parking", or any off-street right-of-way, except for the purpose of snow removal, maintenance or landscaping activities.
6. Parks or Other City Land. A permit may be issued for the operation of an ATV, off-road motorcycle or off-road utility vehicle in City parks or other city land for special events authorized by the city council.
7. License. No person shall operate an ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued on the public streets of the City without a valid motor vehicle operator's license, and must be 18 years of age.
8. Equipment. All ATVs, off-road motorcycles and off-road utility vehicles for which a permit has been issued shall be equipped according to the following provisions:
 - a. Mufflers required. An all-terrain vehicle, off-road motorcycle or off-road utility vehicle for which a permit has been issued shall not be operated without suitable and effective muffling devices. An all-terrain vehicle, off-road motorcycle or off-road utility vehicle for which a permit has been issued shall comply with the sound level standards and testing procedures established by the society of automotive engineers under SAE J1287. (Code of Iowa, Sec 321I.12). No person shall operate an all-terrain vehicle, off-road motorcycle or off-road utility vehicle for which a permit has been issued within the City limits, which is equipped with a muffler cut-out, bypass or similar device.
 - b. All all-terrain vehicles, off-road motorcycles or off-road utility vehicles for which a permit has been issued that is more than 40 inches wide shall be equipped with turn signal lamps and have a manually operated switched controlled by the driver. All all-terrain vehicles, off-road motorcycles or off-road utility vehicles for which a permit has been issued 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. All all-terrain vehicles, off-road motorcycles or off-road utility vehicles for

which a permit has been issued 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. All all-terrain vehicles, off-road motorcycles or off-road utility vehicles for which a permit has been issued 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. All all-terrain vehicles, off-road motorcycles or off-road utility vehicles for which a permit has been issued 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. All all-terrain vehicles, off-road motorcycles or off-road utility vehicles for which a permit has been issued shall be equipped with a stop lamps that are actuated by the brake switch to indicate braking of the vehicle.
 - f. All all-terrain vehicles, off-road motorcycles or off-road utility vehicles for which a permit has been issued vehicles shall be equipped with a DOT rated tire which shall display the proper markings on the sidewall of the tire.
 - g. All all-terrain vehicles, off-road motorcycles or off-road utility vehicles for which a permit has been issued shall be equipped with a rear facing mirror and shall provide the operator with a clear view of the rear.
 - h. All all-terrain vehicles, off-road motorcycles or off-road utility vehicles for which a permit has been issued shall be equipped with brakes that function properly.
9. Traffic Code Observed. Any operator of any ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued must observe all state and local traffic control regulations and devices and shall not operate an ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued at a speed in excess of that posted, nor at any time operate an ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued at a speed greater than is reasonable and proper under the existing conditions.
10. Manner of Operation. An operator of any ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued shall not drive or operate a ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued 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.

11. Under the Influence. An operator of any ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued shall not drive or operate an ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued while under the influence of intoxicating liquor or narcotics or habit-forming drugs as prescribed under chapter 321J of the Iowa Code.
12. Railroad. An operator of any ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued shall not drive or operate an ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued shall not be operated on an operating railroad right-of-way. A An operator of any ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued shall not drive or operate an ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued 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.
13. Passengers. An operator of any ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued shall not drive or operate an ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued with more persons on the vehicle than designed to be carried or seated.
14. Seatbelts. An operator of any ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued shall wear and shall cause any passengers to wear the seatbelt or harness as so equipped by the manufacturer.
15. Unattended ATVs, Off-Road Motorcycle or Off-Road Utility Vehicle and Parking. No owner or operator of an ATV, off-road motorcycle or off-road utility vehicle shall leave the ATV, off-road motorcycle or off-road utility vehicle unattended on public property while the motor is running or with keys in the ignition switch. Owners and operators of ATVs, off-road motorcycle or off-road utility vehicle for which a permit has been issued must obey all parking regulations in the City.
16. Registration. The owner or operator of an ATV, off-road motorcycle or off-road utility vehicle for which a permit has been issued must maintain current vehicle registration as required by Iowa law.
17. Hours of Operation. All-terrain vehicles, off-road motorcycles or off-road utility vehicles for which a permit has been issued may be operated on City streets only during between the hours of 9:00 a.m. and 9:00 p.m.

75.06 FINANCIAL RESPONSIBILITY / NEGLIGENCE. The owner or operator of an ATV, off-road motorcycle or off-road utility vehicle or snowmobile must maintain and provide current proof of financial responsibility in accordance with Iowa Code Section 321.20B and Iowa Code Section 321A.21. The owner and operator of an ATV, off-road

motorcycle, off-road utility vehicle or snowmobile are jointly and severally liable for any injury or damage caused by the negligent operation of the ATV, off-road motorcycle, off-road utility vehicle or snowmobile.

75.07 ACCIDENT REPORTS. Whenever an ATV off-road motorcycle, off-road utility vehicle or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five dollars (\$1,500.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with the State law.

75.08 EXEMPT VEHICLES. 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. Registration shall not be required for all-terrain or off-road vehicles used exclusively to conduct agricultural operations pursuant to Iowa Code 321.9(3) or for all-terrain or off-road vehicles used in accordance with section 321.234A, subsection 1, paragraph "a".

75.09 PENALTIES OF VIOLATIONS. Any person who violates these provisions of this Chapter shall be guilty of a municipal violation and penalty for violating the provisions of this Chapter shall be as set forth:

\$250 for the first occurrence
\$500 for each subsequent occurrence

In addition, any person who violates the provision of this Chapter shall have any permit issued under Section 75.05(1) above revoked for the following periods of time:

- A. First Offense: Loss of permit for six (6) months;
- B. Second Offense: Loss of permit for twelve (12) months; and
- C. Third Offense: Permit shall be permanently revoked.

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

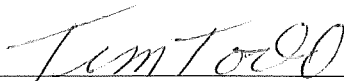
Section 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law, as of Aug. 9, 2021.

Passed by the Council on first reading the 12 day of July 2021.

Passed by the Council on second reading the 9 day of August 2021.

Passed by the Council on third reading the ___ day of waived 8.9.21 2021 and directions to the City Clerk to publish the Ordinance as approved.



Tim Todd, Mayor

Attest:



Brianne Duede, City Clerk

I certify that the foregoing was published as Ordinance No. 244 on the 17 day of August, 2021.



Brianne Duede, City Clerk

Proof of Publication is on file in the Clerk's office.