

**CITY OF MUSCATINE
ORDINANCE 2024-0024**

**ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 6-D OF CITY CODE,
REGARDING THE USE OF UTVS WITHIN CITY LIMITS OF MUSCATINE**

WHEREAS, The City of Muscatine’s current All-Terrain Vehicle (“ATV”)/Off Road Utility Vehicle ("UTV") regulations can be found in Section 6, Chapter 7 of Title 2 of the City of Muscatine; and

WHEREAS, on May 12, 2022 City Council directed City Staff to prepare changes to City Code regarding UTV regulations and to draft regulations related to use of Off-Road Utility Vehicles (“UTV”) within the City; and

WHEREAS, on October 6, 2022 the City Council approved a resolution and directed for its publication allowing the use of UTVs within the limits of Muscatine with the exception of Dick Drake Way, Park Avenue and Highway 61; and

WHEREAS, on January 4, 2024, the City Council directed staff to prepare changes to City Code regulating the use of UTVs on City streets to include their use on Park Avenue and Dick Drake Way; and

WHEREAS, a public hearing was conducted on Feb 1, 2024 by the City Council of Muscatine prior to the adoption of this ordinance.

NOW THEREFORE, be it ordained by the City Council of the City of Muscatine, in the State of Iowa, as follows:

SECTION 1: AMENDMENT “7-2-6 Off-Road Utility Vehicles And All-Terrain Vehicles” of the Muscatine Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7-2-6 Off-Road Utility Vehicles And All-Terrain Vehicles

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

1. “All-Terrain Vehicle (ATV)” shall mean a motorized vehicle with not less than three and not more than six nonhighway tires that is limited to 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. ATVs are not allowed on city streets.
2. “Off-Road Utility Vehicle (UTV)” shall mean 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:

- 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.
3. "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.
 4. "Operator." A person who operates or is in actual physical control of an All-Terrain Vehicle or Off-road Utility Vehicle.
 5. "Person." An individual, partnership, firm, corporation, association, any body of persons, whether incorporated or not, and the state, its agencies, and political subdivisions.
 6. "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 feet each side of the center line of the roadway.

B. Minimum Equipment Standards for Operation. Each Off-road Utility Vehicle (UTV) shall comply with the following standards for operation:

1. Vehicles more than 40 inches wide shall be equipped with turn signal lamps and have manually operated switched controlled by the driver.
2. 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.
3. Vehicles shall be equipped with an electronically 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.
4. 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.
5. 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.
6. Vehicles shall be equipped with a stop lamp that is actuated by the brake

switch to indicate braking of the vehicle.

7. Vehicles shall be equipped with nonhighway tires which shall display the proper markings on the sidewall of the tire.
8. Vehicles shall be equipped with a rear facing mirror and shall provide the operator with a clear view of the rear.
9. Vehicles operated within the city limits shall be equipped with a muffler.

C. Operating Provisions. All operations 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 Chapter 321(I), the following provisions shall apply:

1. 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.
2. 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.
3. 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.
4. 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.
5. The operator and passengers shall wear the seatbelt or harness as so equipped by the manufacturer.
6. A person shall not drive or operate an Off-road Utility Vehicle:
 - a. At a rate of speed greater than the posted speed limit.
 - b. In a careless, reckless, or negligent manner so as to:
 - (1) Endanger any person.
 - (2) Cause injury or damage to person or property.
 - (3) Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
7. While under the influence of intoxicating liquor or narcotics or habit-forming drugs as prohibited under Iowa Code Section 321J.
8. 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.
9. 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.

10. With more persons on the vehicle than designed to be carried or seated.
11. On any road, street, highway or interstate prohibited by the State of Iowa.

D. Prohibited Streets/Highways; Crossing.

1. An Off-road Utility Vehicle may make a direct crossing of a street or highway prohibited by the State of Iowa provided section provided that all of the following occur:
 - a. 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;
 - b. The Off-road Utility Vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - c. The operator of the Off-road Utility Vehicle yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
 - d. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city.

E. 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:

1. 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.
2. All-terrain or Off-road Utility Vehicles used exclusively to conduct agricultural purposes and in accordance with Iowa Code Section 321.234A(1)(a).
3. All-terrain or Off-road Utility Vehicles used exclusively as farm implements.

F. 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.

G. 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.

H. 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.

- I. **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).

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

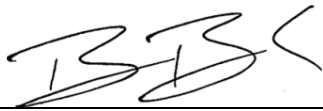
SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

SECTION 5: <>
First Reading:
Second Reading:
Third Reading:

PASSED AND ADOPTED BY THE CITY OF MUSCATINE CITY COUNCIL MARCH 07, 2024.

Presiding Officer

Attest



Dr. Brad Bark, Mayor, City of
Muscatine



Carol Webb, City Clerk, City of
Muscatine

