

The City Council of the City of Sibley, Iowa, met in regular session in the council chambers, Sibley, Iowa, at _____ o'clock, p.m. on May 13, 2013. There were present Mayor Jerry Johnson, in the chair, and the following named council members:

Buchholtz, Henningsen, Groote, Pedley

Absent: Nobles

Councilperson Groote introduced the following Ordinance entitled "AN ORDINANCE AMENDING TITLE 6 MOTOR VEHICLES AND TRAFFIC by adding CHAPTER 11 ATVS and ORVS" for the third and final reading and moved that the Ordinance be passed and approved. Councilperson Buchholtz seconded the motion to pass and approve the Ordinance. The roll was called and the vote was:

AYES: Groote, Buchholtz, Pedley, Henningsen

NAYS: None

WHEREUPON, the Mayor declared the ordinance to be adopted as follows:

Ordinance No 640-13

AN ORDINANCE AMENDING TITLE 6 MOTOR VEHICLES AND TRAFFIC

BE IT ENACTED BY THE CITY COUNCIL OF SIBLEY, IOWA:

SECTION I. ENACTMENT. The Sibley Code Title 6 Motor Vehicles and Traffic shall be amended by adding Chapter 11 as shown below:

CHAPTER 11

ATV's and ORV's

SECTION:

- 6-11-1: ATV's and ORV's define
- 6-11-2: General Regulations
- 6-11-3: Operation of ATVs and ORVs
- 6-11-4: Negligence
- 6-11-5: Accident Reports
- 6-11-6: Hours of Operation
- 6-11-7: Towing

6-11-1: **DEFINITIONS:** The term "ATV" and "ORV" are defined as follows:

1. "All-Terrain Vehicle" or "ATV" means a motorized (gasoline powered) vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by operator and handlebars for steering control.

2. "Off-Road Utility Vehicle" or "ORV" means a motorized vehicle with not less than four and not more than eight non-highway tires that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to not more than 2,000 pounds and 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 lever for control.

6-11-2: **GENERAL REGULATIONS:** No person shall operate an ATV or ORV within the City limits of Sibley in violation of the provisions of Chapter 321G and 321H of the Code of Iowa or rules established by the Natural Resource Commissions of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.

6-11-3: **OPERATION OF ATVs and ORVs:** The operators of ATVs and ORVs shall comply with the following restrictions as to where and when ATVs and ORVs may be operated within the City.

1. Streets. Permitted ATVs and ORVs may be operated upon streets under the jurisdiction and within the corporate city limits of Sibley.
2. Trails. ATVs and ORVs shall not be operated on bike trails, walking trails or snowmobile trails except where so designated.
3. Private Property. ATVs and ORVs may only be operated on private property with the express consent of the owner.
4. Sidewalk or Parking. No ATV or ORV 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", of any off-street right-of-way, except for the purpose of snow removal, maintenance or landscaping activities.
5. Parks of Other City Land. A special use permit may be issued for the operation of an ATV or ORV in City parks or other City land for special events authorized by the City Council.
6. Operator License. No person shall operate an ATV or ORV on the public street of the City without a valid motor vehicle operator's license and who is not at least 18 years of age.
7. Equipment. All ATVs and ORVs shall be equipped according to the following provisions:
 - a. Mufflers. No person shall operate an ATV or ORV that is constructed or altered in a manner that noise emitted from the machine exceeds 96 decibels on the A scale when measured in the manner prescribed in the revised 2008-05, Society of Automotive Engineers Standards J1287, titled "Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles.
 - b. Headlamp, Tail Lamp, Brakes. Every ATV and ORV shall be equipped with a headlight and tail light which shall remain lighted at all times during operation. Every ATV and ORV shall be equipped with brakes in good working condition.
8. Traffic Code Observed. Any operator of any ATV or ORV must observe all state and local traffic control regulations and devices and shall not operate an ATV or ORV at a speed in excess of that posted, nor at any time operate an ATV or ORV at a speed greater than is reasonable and proper under the existing conditions.
9. Unattended ATVs or ORVs and Parking. No owner or operator of an ATV or ORV shall leave the ATV or ORV unattended on public property while the

motor is running or with keys in the ignition switch. Owners and operators of ATVs and ORVs must obey all parking regulations in the City. ATVs and ORVs may not be parked on sidewalks or in front yards.

10. Registration. The owner or operator of an ATV or ORV must maintain current vehicle registration and title as required by Iowa law.


- 6-11-4 **NEGLIGENCE.** The owner and operator of an ATV or ORV are liable for any injury or damage caused by the negligent operation of the ATV or ORV. The owner of an ATV or ORV shall be liable for any such injury or damage only if the owner was the operator of the ATV or ORV at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV or ORV at the time the injury or damage occurred. ATV and ORV operators must carry proof of insurance coverage when operating an ATV or ORV in the City of Sibley.
- 6-11-5: **ACCIDENT REPORTS.** Whenever an ATV or ORV is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,500 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 48 hours, in accordance with State law.
- 6-11-6: **HOURS OF OPERATION:** ATVs and ORVs shall not be operated between the hours of 1:00 A.M. and 5:00 A.M. except for emergency situations or for loading or unloading from a transport trailer, and except that an ATV or ORV may be operated during prohibited hours for snow removal purposes.
- 6-11-7: **TOWING:** No items shall be towed by an ATV or ORV unless coupled to said ATV or ORV by a rigid tow bar.

SECTION II. REPEALER. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION III. SEVERABILITY CLAUSE. If any section, provisions, 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 action, provisions, or part thereof not adjudged invalid or unconstitutional.

SECTION IV. WHEN EFFECTIVE. The Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED, by the Council the 13th day of
May, 2013.



Jerry Johnson Mayor

ATTEST:



Kristen L. Vipond, City Clerk

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