

ORDINANCE #16-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTA, IOWA, 2014 BY DELETING SECTIONS 15.1 TO 15.13 OF TITLE IV, CHAPTER 2, ARTICLE 15 GENERAL PROVISION AND AMENDING TITLE IV BY ADDING A NEW CHAPTER 5 SNOWMOBILES, ARTICLE 18 GENERAL PROVISIONS

WHEREAS, the City of Alta, Iowa want to regulate the use of snowmobiles within the City; and,

WHEREAS, the City wants to create a new and separate chapter and article within the City's 2014 Code of Ordinances for the regulation of snowmobiles; and

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

Section 1. Title IV, Chapter 2 ATV'S, ORUV'S & RECREATIONAL VEHICLES, SNOWMOBILES, Article 15-General Provisions is amended by deleting sections 15.01 to and including Section 15.13;

Section 2. Title IV, Chapter 2 ATV'S, ORUV'S & RECREATIONAL VEHICLES, SNOWMOBILES will now read as follows:

Chapter 2 ATV'S, ORUV'S & RECREATIONAL VEHICLES

Section 3. A new Title IV, Chapter 5, Article 18 Snowmobiles is created to read as follows:

CHAPTER 5: SNOWMOBILES

ARTICLE 18 - GENERAL PROVISIONS

18.01 DEFINITIONS. For use in this article the following terms shall be defined:

1. "OPERATOR" shall mean a person who operates, or is in actual physical control, of a snowmobile.

(Code of Iowa, Sec. 321G.1(18))

2. SNOWMOBILE DEFINED. "*Snowmobile*" means a motorized vehicle weighing less than one thousand pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight 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, as defined in section 321I.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads.

(Code of Iowa, Sec. 321G.1(20))

3. "STREET" shall mean a public thoroughfare, roadway, alley, or trail used for motor vehicular traffic including a state, or county highway.

18.02 LIMITATIONS OF OPERATION. The operators of snowmobiles shall observe the following limitations:

1. **HOUR OF OPERATION.** No person shall operate a snowmobile on public or private property within the city between the hours of 11:00 p.m. and 6:00 a.m., except when responding to an emergency.
2. **ADEQUATE SNOW AND ICE COVER.** A snowmobile may be operated within the City of Alta on a public street with adequate snow or ice cover, as long as no possibility that damage will occur to the street.
3. **PROHIBITED STREETS.** Snowmobiles may not be operated on any of the following designated streets or right-of-way of such streets:

(Code of Iowa, 321G.9(4)(a))

a. Main Street

b. Iowa Highway 7

4. **POINT TO POINT.** For the purpose of transportation from your residence within the city to the city limits, and from the city limits to your residence. No snowmobile shall be driven on any roadway solely for entertainment or pleasure.

(Code of Iowa, Sec. 321G.9(4)(a))

5. **PARKS AND OTHER PUBLIC LAND.** Snowmobiles shall not be operated in any city park, playground or upon any other publicly owned property except with the express permission of the governing body thereof.
6. **PRIVATE PROPERTY.** No snowmobile shall be operated upon private property without the express consent of the owner thereof.
7. **SIDEWALK OR PARKING.** No snowmobiles shall be operated upon the public sidewalk, nor shall they be operated upon 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.

18.03 **MANNER OF OPERATION.** No person shall operate a snowmobile in the city except as hereafter provided:

1. **REGISTRATION.** No snowmobile shall be operated in the city unless registered pursuant to state law and unless the identifying number set forth in the registration is displayed on each side of the snowmobile.

(Code of Iowa, Sec. 321G.3 & 321G.5)

2. **EQUIPMENT.** All snowmobiles shall be equipped with muffling devices, lights and other equipment required by state law or regulation.

(Code of Iowa, Sec. 321G.11, & 321G.12, 321G.13))

3. **TRAFFIC CODE.** Snowmobile operators shall observe all state and local traffic-control regulations and devices.

(Code of Iowa, Sec. 321.256)

4. **SPEED.** Snowmobiles shall not be operated on streets at a speed in excess of twenty (20) miles per hour nor at any time at a rate of speed greater than reasonable and proper under all existing circumstance.

(Code of Iowa, 321G.13(1a))

5. **CARELESS OPERATION.** No person shall operate a snowmobile in careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

(Code of Iowa, 321G.13 (1)(b))

6. **INTOXICATED.** No person shall operate a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

(Code of Iowa, Section 321G.13(1c))

7. **LIGHTS.** No person shall operate a snowmobile without a lighted headlight and tail-light from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred (500) feet ahead.

(Code of Iowa, Sec. 321G.13(1d))

8. **UNATTENDED.** No operator or owner shall leave or allow a snowmobile to be or remain unattended or public property while the motor is running or with keys in the ignition switch.

9. **DIRECT CROSSING.** A snowmobile may make a direct crossing of a prohibited street or highway provided:

(Code of Iowa, Sec. 321G.9(2))

- A. **Ninety Degree Angle.** The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing; and
- B. **Complete Stop.** The snowmobile is brought to a complete stop before crossing the shoulder or main traveling way of the street or highway;
- C. **Yield To Traffic.** The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

10. **OPERATION BY PERSONS UNDER SIXTEEN.** A person under sixteen years of age shall not operate a snowmobile on a designated snowmobile trail, public land, or public ice unless the operation is under the direct supervision of a parent, legal guardian, or another person of at least eighteen years of age authorized by the parent or guardian, who is experienced in snowmobile operation and who possesses a valid driver's license, as defined in section 321.1, or an education certificate issued under this chapter.

(Code of Iowa, 321G.20)

11. EDUCATION CERTIFICATE. A person twelve through seventeen years of age shall not operate a snowmobile on public land, public ice, a designated snowmobile trail, or land purchased with snowmobile registration funds in this state without obtaining an education certificate approved by the department and having the certificate in the person's possession, unless the person is accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and possesses a valid driver's license, as defined in section Code of Iowa 321.1, or an education certificate issued under Chapter 321.G Code of Iowa.

(Code of Iowa, 321G.24(1))

12. ISSUANCE OF EDUCATION CERTIFICATE FROM ANOTHER STATE. A valid snowmobile safety or education certificate or license issued by a governmental authority of another state shall be considered a valid certificate or license in this state if the certification or licensing requirements of the governmental authority are substantially the same as the requirements of this chapter 321G Code of Iowa as determined by the commission.

(Code of Iowa, 321G.24(5))

13. SINGLE FILE. Snowmobiles shall be driven in a single file manner in the proper lane of traffic as close to the curb or edge of roadway as is possible under existing conditions.

14. TOWING. No item shall be towed by a snowmobile unless coupled to said snowmobile by a rigid tow bar.

15. NURSERY. No snowmobile shall be operated in any tree nursery or planting in a manner which damages or destroys growing stock.

(Code of Iowa, Sec. 321G.13(1)(e))

16. RAILROAD RIGHT-OF-WAY. Upon 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 this 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 in the lawful discharge of the officer's or employee's duties or to an employee of a utility with the authority to enter upon the railroad right-of-way in a lawful performance of the employee's duties.

(Code of Iowa, Section 321 G.13(1h))

17. FIREARMS. No person shall operate or ride in any snowmobile with any firearm in the person's possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed in a carrying case.

(Code of Iowa, Sec. 321.G13(2))

18. VIOLATION OF "STOP" SIGNAL. It shall be unlawful for any person, after having received a visual or audible signal from any peace officer to come to a stop, to operate a snowmobile in willful or wanton disregard of such signal or interfere with or endanger the officer or any other person or vehicle, or increase the person's speed or attempt to flee or elude the officer.

(Code of Iowa, Sec. 321.17)

19. WITHOUT INSURANCE. Without having in force at time of operation, a policy of insurance affording coverage for the operation of a snowmobile against liability imposed by law for bodily injury or death and for property damage. The minimum limits of coverage required of an owner shall be \$10,000 for one person who is injured or killed in any one accident and \$20,000 for two or more persons who are injured or killed in one accident. For property damage, the minimum coverage shall be \$5,000. If requested by a law enforcement (or other designated city official or employee), an owner or operator of a snowmobile shall present proof within 24 hours that a policy of insurance is currently in force.

- 18.04 NEGLIGENCE. The owner and operator of any snowmobile shall be liable for any injury or damage occasioned by the negligent operation of such snowmobile.

(Code of Iowa, Sec. 321G.18)

- 18.05 FINES. Fines for a violation of section 18.02 through 18.12 of this Article will be as follows:

1. All violations covered under the Iowa Compendium of Scheduled Violations and Scheduled Fines will be charged as set out by the State of Iowa.
2. All other violations not specifically referenced by the Code of Iowa will be as follows:
 - a. 1st Offense: \$50.00 fine
 - b. 2nd Offense: \$100.00 fine
 - c. 3rd Offense: \$150.00 fine
 - d. Any fine not paid within 72 hours will be forwarded to Magistrate Court and be assessed a 35% surcharge and a \$60 court cost.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged 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 6. When Effective. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Pass and approved by the City Council of the City of Alta, Iowa, this 2nd day of May, 2016.

Mayor

Attest: _____
City Clerk