

## **Section 105.10 Off-Road Utility Vehicles**

**105.10.01 PURPOSE.** The purpose of Sections 105.10.01 through 105.10.10 is to establish registration of Off-Road Utility Vehicles (ORVs) for operation on certain streets within the City of Waverly as authorized and pursuant to Section 321.234A and Chapter 321I of the Code of Iowa, 2011 as amended.

**105.10.02 DEFINITIONS.** Off-road utility vehicle (ORV) 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:

“**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.

“**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.

“**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.

**105.10.03 GENERAL REGULATIONS.** No person shall operate an Off-Road Utility Vehicle (ORV) within the City limits of the City of Waverly, Iowa in violation of the provisions of Chapter 321I of the Code of Iowa or rules enacted by the Iowa Department of Natural Resources governing the registration, numbering, equipping or manner of operation; or the provisions of Sections 105.10.01 through 105.10.10 of this Code.

**105.10.04 OFF-ROAD UTILITY VEHICLES REGISTERED.** No person shall operate an Off-Road Utility Vehicle on any public street or alley for any purpose unless said vehicle is registered with the City of Waverly. The City of Waverly will not register an All-Terrain Vehicle (ATV), as defined by Iowa Code 321G.1, for operation under this ordinance.

1. ORV owners shall register an ORV with the Waverly Police Department using forms provided by the Police Department.
2. The Police Department shall not register a vehicle under this provision until the following has occurred:
  - a. The ORV is registered with the Iowa DNR and such registration is displayed in accordance with Iowa Code 321I.
  - b. Owner(s) has provided a policy of liability insurance which is insuring the person named as insured and any person using an insured ORV with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance, or use of an insured ORV. The owners shall maintain such financial responsibility.
  - c. The Police Department has inspected the ORV to verify it meets the requirements of this Ordinance.
  - d. Owner has paid the registration fee set out below.

3. The registration sticker shall be displayed visibly and prominently on the left rear fender.
4. All registrations issued shall uniquely identify the name and address of the owner/operator.
5. The biennial registration fee with the City of Waverly shall be twenty-five dollars (\$25.00). Registrations expire on December 31<sup>st</sup>.
6. Registrations shall be assigned to the owner of an ORV. When the owner of a registered ORV transfers, sells or assigns ownership of the ORV to another person, the owner shall remove the registration sticker from the ORV.

#### **105.10.05 EXEMPT VEHICLES**

1. Registration is not required for the following ORVs:
  - a. A vehicle owned by the United States, this state, or another state, or by a governmental subdivision of a state and is used for: Enforcement, Search and rescue, Official research and studies.
  - b. ORVs used exclusively for agricultural purposes.

**105.10.06 EQUIPMENT.** Any ORV registered with the City of Waverly shall be equipped as required by Section 321.12 and 321.13 of the Code of Iowa, including but not limited to: muffler, headlight, taillight, turn signals and brakes. ORV's shall also be equipped with a bicycle safety flag of fluorescent orange color on a staff holder to put such flag at least five feet (5') above the surface of the street, and slow-moving vehicle sign attached to the rear of the ORV. Trailers attached to an ORV must display taillights. No attachment, other than a trailer, shall extend beyond 2' of the ORV, nor shall the attachment block required safety equipment.

#### **105.10.07 OPERATION.**

1. No person shall operate an ORV on any city street, alley or right of way who is not at least sixteen (16) years of age and does not have a valid Iowa Driver's license.
2. Traffic Code. Any person operating an ORV shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.
3. Speed. No ORV shall be operated at a speed in excess of the lesser of thirty-five (35) miles per hour or that posted, nor shall any ORV be operated a speed greater than is reasonable and proper for the existing conditions.
4. Lights. No ORV shall be operated without a lighted headlight and taillight at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.
5. Unattended ORV's and Parking. No person shall leave an ORV unattended on public property while the motor is running, or the keys are in the ignition switch. Owner/Operators shall comply with all parking regulation in the City.
6. Hours of Operation. No ORV shall be operated in the City of Waverly from sunset to sunrise. ORV's may be operated during prohibited hours to perform snow removal activities.
7. Passengers. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle. Passengers on an ORV must be able to place both feet flat on

the floorboards with their backs resting against the seat back.

8. A person shall not operate an ORV while under the influence of intoxicating liquor or narcotics or habit-forming drugs in accordance with 321J.

#### **105.10.07 LOCATIONS.**

1. City Streets. Registered ORV's may be operated upon streets under the jurisdiction and within the corporate limits of the City of Waverly. ORV's shall not be operated upon any city street that is a primary road extension or state highway. For the purpose of this ordinance Bremer Avenue (East city limits to 20th St West Bremer), 4th Street SW, 20th Street SW/Heritage Way, and Cedar River Parkway/10<sup>th</sup> Avenue SW shall be considered primary road extensions. ORV's may cross such primary road extensions provided all the following occur:
  - a. The crossing is made at an angle of approximately ninety degrees to the direction of the roadway 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 roadway.
  - c. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
  - d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
  - e. 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.
2. Trails. ORV's shall not be operated on any recreational, bike or walking trail unless the trail is specifically designated to allow use of ORV's.
3. Sidewalks. ORV's shall not be operated upon sidewalks unless the operator is engaged in snow removal or sidewalk maintenance activities for the abutting property.
4. "Parking". ORV's shall not be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk referred to as the "parking" unless engaged in snow removal, maintenance, or landscaping activities for the abutting property.
5. City Parks and other land owned by the City of Waverly. ORV's shall not be operated in City parks or upon other city owned land unless for a special public event authorized by the Police Chief.
6. Private Property. ORV's may only be operated on private property with the express consent of the owner.

**105.10.08 ACCIDENT REPORTS.** Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever an ORV is involved in an accident resulting in injury or death to anyone, or property damage amounting to fifteen hundred (\$1,500) or more.

**105.10.09 STOPPING AND INSPECTING.** A peace officer may stop and inspect an ORV operated, parked, or stored on public streets, highways, public lands, or frozen waters of the state to determine if the ORV is registered, numbered, or equipped as required by 321I.

**105.10.10 VIOLATION AND PENALTY.**

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of one-hundred dollars (\$100.00) and revocation of the City of Waverly registration for a period of two months.
2. Any person guilty of violating this ordinance two times in a twelve (12) month period shall be subject to a fine of two hundred (\$200.00) and revocation of the City of Waverly registration for a period of two years.
3. Any person guilty of violating this ordinance three times shall be subject to a fine of three-hundred dollars (\$300.00) and permanent revocation of the City of Waverly registration.
4. Persons violating this ordinance may also be prosecuted, and subject to the penalties set out in, Section 321I.36 of the Code of Iowa.

(Ord. 1098 3-15-22)