

ORDINANCE 495

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BUFFALO, IOWA, BY ADDING A NEW CHAPTER TO TRAFFIC AND VEHICLES TO AUTHORIZE THE OPERATION OF UTV'S ON CITY STREETS IN THE CITY OF BUFFALO, IOWA, PURSUANT TO IOWA CODE SECTION 321.247, AND IMPOSING SAFETY REQUIREMENTS, AND REQUIRING A SPECIAL PERMIT.

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

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of Buffalo, Iowa, is amended by adding 2.1-9.101, entitled UTV's, which is hereby adopted to read as follows:

2.1-9.101 PURPOSE. The purpose of this chapter is to permit the operation of UTVs on certain streets in the City, as authorized by Section 321.247 of the *Code of Iowa*, as amended. This chapter applies whenever a UTV is operated on any street or alley, subject to those exceptions stated herein.

2.1-9.102 DEFINITION. UTVs have several different names including LUVs, utility vehicles, side by sides and recreational off-highway vehicles. Utility-type models include, but are not limited to, Kubota and Kawasaki Mule; newer, sport-type models include the Polaris RZR and the Kawasaki Teryx.

2.1-9.103 BASIC SPECIFICATIONS.

1. Not a Golf Cart. Golf cart means a vehicle whose speed attainable in one mile does not exceed 25 miles per hour on a paved, level surface, and that is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course. A golf cart is more particularly described in Chapter 2.1-8.101 of this Code.

2. Not a low speed vehicle. Low-speed vehicle means a low-speed vehicle, as defined in 49 CFR 571.3, that satisfies the equipment standards under 49 CFR 571.500 and that was originally manufactured to meet the applicable equipment standards under 49 CFR 571.500.

3. UTVs are originally manufactured with the following:

- A. Between 900 lbs and 1,999 lbs.
- B. Four or more low pressure tires.
- C. Cargo or dump box.

- D. Steering wheel, tail light, brake light, 2 headlights, seat belts or similar device.
- E. Max width of 65 inches.
- F. Seating for at least 2 occupants, non-straddled seats.

2.1-9.104 OPERATION OF UTVS PERMITTED. UTVs may be operated upon the streets of the City by persons who are 18 years of age or older and are possessing a valid Iowa operator's license. While operated on a City street, the number of passengers permitted on a UTV shall not exceed the number of permanent seats intended for passengers. While on city streets, operators must have on their person or in the UTV proof of the required insurance.

2.1-9.105 PROHIBITED STREETS AND OTHER RESTRICTED AREAS OF OPERATION. UTV'S shall not be operated upon a City street which is a primary road extension through the City. Primary road extensions are those streets that are also a State Highway. UTV'S are also prohibited from traveling on the following streets within the City of Buffalo::

- A. Dodge Street ;
- B. Jefferson Street;
- C. Front Street (Hwy 22)

2.1-9.106 OPERATION.

1. Traffic Code. Any person operating a UTV, including those for which a City of Buffalo permit has been issued, shall 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 or the direction of a fire department officer during a fire.

2. Speed. No UTV shall be operated at a speed in excess of the lesser of 25 miles per hour or a posted speed limit, nor shall any UTV be operated at a speed greater than is reasonable and proper for the existing conditions.

3. Trails. UTV'S shall not be operated on any recreational, bike or walking trails, unless the trail is specifically designed to allow use of motor vehicles. A UTV may be driven directly across a recreational, bike

or walking trail only at an established crossing.

4. Sidewalks. UTV's shall not be operated upon sidewalks.

5. Parking. UTV'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".

6. Direct Crossing. UTV's may make a direct crossing of a prohibited street provided:

A. The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

B. The UTV is brought to a complete stop before crossing the street;

C. The driver/operator yields the right-of-way to all on-coming traffic which constitutes an immediate hazard.

7. Parks. UTV's shall not be operated within City parks and other land owned by the City, unless for a special event authorized by the City Council and the operator possesses a valid permit issued by the City of Buffalo.

8. Motor. No person shall leave an UTV unattended on public property while the motor is running or the keys are in the ignition switch.

2.1-9.107 EQUIPMENT. UTVs operated upon City streets shall be equipped with at least the following:

1. A slow-moving vehicle sign.
2. A bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level and a minimum of two (2) feet above the highest point of the UTV.

3. UTVs operated on City streets shall be equipped with a muffler, headlights, taillights, review mirror located on the driver's or operator's side and adequate brakes to stop and hold the UTV in a stopped position.

4. UTVs operated on City streets shall be equipped with an adequate exhaust system.

2.1-9.108 HOURS OF OPERATION. UTVs may be operated on City streets from sunrise to sunset unless performing snow removal activities.

2.1-9.109 SPEED. No UTV shall be operated at a speed in excess of the lesser of the twenty-five (25) miles per hour or that posted, nor shall any UTV be operated at a speed greater than is reasonable and proper for the existing conditions.

2.1-9.110 PERMITS. No person shall operated a UTV on any public street, or alley for any purpose unless the UTV has passed a safety inspection by the Buffalo Police Department and the operator possesses a City of Buffalo permit to operate a UTV on City streets, issued by the Police Chief or designated Officer.

1. UTV owners may apply for a permit from the Buffalo Police Chief on forms provided by the City.

2. The Police Chief shall not issue a permit until the owner/operator has provided the following:

A. Evidence that the owner possesses a valid driver's license and is at least eighteen (18) years of age.

B. Proof owner/operator has liability insurance (minimum limit of \$100,000 coverage) covering operation of UTVs on City streets.

3. Permits must be kept in the UTV at all times.

4. All permits issued shall uniquely identify the name and address of the owner.

5. The annual fee for such permits shall be set by resolution.

6. The permits expire annually on December 31, regardless of the date of issue.

7. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit, has abused the privilege of being a permit holder or has violated an applicable State County or City law. There will be no refund of the permit fee. The suspension or revocation, including a description of a violation, shall be

provided in writing to the owner of the UTV. The suspension or revocation may be appealed to the City Council within ten (10) days of the date of mailing of the written notice of suspension or revocation of the permit. The owner shall request the appeal in writing and submit the same to the City Clerk within the prescribed time period.

2.1-9.111 ACCIDENT REPORTS. Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever a UTV is involved in an accident resulting in injury or death to anyone, or property damage amounting to one thousand (\$1,000.00) or more, and shall file an accident report within forty-eight (48) hours, in accordance with State law.

2.1-9.112 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 Buffalo permit for a period of two (2) months.

2. Any person guilty of violating this Ordinance two (2) times in a twelve (12) month period shall be subject to a fine of two hundred dollars (\$200.00) and revocation of the City of Buffalo permit for a period of two (2) years.

3. Any person guilty of violating this Ordinance three (3) times shall be subject to a fine of three hundred dollars (\$300.00) and permanent revocation of the City of Buffalo permit.

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 effective after the final passage, approval and publication as provided by law.

Mayor Doug Anderson

Attest:

Tanna Leonard, City Clerk

First Reading: October 03, 2016

Second Reading: November 07, 2016

Third Reading: December 05, 2016

Date of Publication: