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ORDINANCE NO. 2420

ORDINANCE AMENDING THE CITY CODE OF NEWTON, IOWA, BY ADDING CHAPTER 75:
ALL-TERRAIN VEHICLES, OFF-ROAD UTILITY VEHICLES, GOLF CARTS, AND
SNOWMOBILES

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Newton, Iowa as follows:

SECTION 1. The Code of Ordinances of the City of Newton, Iowa, is hereby by adding or ~~deleting~~ the following:

75.01 Purpose of Chapter.

The purpose of this chapter is to provide reasonable rules and regulations for the maintenance and operation of all-terrain vehicles, off-road utility vehicles, golf carts, and snowmobiles within the City of Newton, Iowa.

75.02 Effective Dates and Termination.

This ordinance shall only remain in effect from the effective date of passage, pursuant to Iowa Code 380.6, for a period of twelve (12) months after said date.

75.03 Definitions.

For use within this Chapter, the following words, terms, and phrases are defined as follows:

All-terrain vehicle (ATV). Means a motorized vehicle with not less than three (3) but not more than six (6) tires or rubberized tracks, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand (1,000) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. Two-wheeled, off-road motorcycles as defined in Section 321.11 of the Code of Iowa, shall also be considered an all-terrain vehicle.

Golf Cart. Means a three (3) or more wheeled recreational vehicle primarily designed for transportation of person(s) and sporting equipment in the sport of golf that is either electric powered or gas powered.

Off-road utility vehicle (UTV). A motorized vehicle with not less than four (4) and not more than eight (8) 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. This definition 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.

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.

Operator. A person who operates or is in actual physical control of an all-terrain vehicle or off-road -utility vehicle.

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.

75.04 General Regulations. In general, golf carts and snowmobiles are not allowed to be operated on City streets unless authorized in writing by the Chief of Police or as otherwise set forth elsewhere in this ordinance. In addition, all persons operating an ATV, UTV, golf cart, or snowmobile shall adhere to all City, county and state regulations relating to the use of such vehicles—including but not limited to the provisions of Chapter 321G of the Code of Iowa, the Newton Code of Ordinances, and/or rules established by the Iowa Department of Natural Resources governing registration, numbering, equipment, and manner of operation. In addition, the following provisions shall apply:

1. Every such vehicle operated upon City streets or highways shall be registered annually and be required to pay all registration fees.
2. The operator shall be required to provide, upon request by any law enforcement official, proof of ownership including but not limited to bill of sale or registration. This requirement shall be satisfied if said vehicle is in compliance with the registration requirements of any state within the United States of America.
3. A person shall not drive or operate an off-road -utility vehicle at a rate of speed greater than the posted speed limit or 35 mph, whichever is less.

75.05 Minimum Equipment Standards for UTV and ATV Operation.

Operators of UTVs and ATVs must adhere to the following equipment requirements and restrictions while operating UTVs and ATVs within the City limits.

- A. Operators of UTVs and ATVs must be 18 years of age or older and possess a valid driver's license.
- B. A person shall not operate a UTV or ATV 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, including but not limited to Sections 321.20B and 321A.21.
- C. Owners of UTVs and ATVs shall register their vehicle(s) with the Iowa Department of Natural Resources and proof of such registration shall be provided upon request to any City official. Out-of-state UTV and ATV owners or operators must provide appropriate proof of registration from their home state upon request by a City official.
- D. Operators of UTVs and ATVs must adhere to all noise restrictions set forth under the City Code of Ordinances and/or any temporary restrictions established by the City Council.
- E. UTVs and ATVs must display lighted headlamps, tail lamps, and a stop lamp, at all times, while the vehicle is operated on City streets or highways.
- F. Operators of UTVs and ATVs must signal their intention to turn by means of the hand and arm as provided in section 321.318, or by a mechanical or electrical directional signal lamp or device with a manually operated switch controlled by the driver.
- G. Operators of UTVs and ATVs must adhere to all traffic and parking laws, codes, rules, and regulations, applicable to other motor vehicles, unless directed otherwise by this ordinance.
- H. UTVs and ATVs must adhere to the following equipment requirements:
 1. UTVs must be equipped with operational safety belt or harness.
 2. UTVs and ATVs must be equipped with an operational horn with a switch controlled by the driver, and emit a sound clearly audible from at least a distance of 200 feet. The horn shall be actuated with a switch easily accessible to the driver when operating the vehicle.
 3. UTVs and ATVs must be equipped with headlamp(s) 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.
 4. UTVs and ATVs must be equipped with tail lamp(s) 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.
 5. UTVs and ATVs must be equipped with a stop lamp that is actuated by a brake switch to indicate braking of the vehicle.

6. A rear facing mirror providing the operator with a clear view of the road behind the UTV or ATV.
 7. Operational muffler which complies with the standards and procedures required by Iowa Code 321I.12 and the City Code of Ordinances.
- I. All UTV occupants, except as noted below, must wear safety belts or safety harnesses, which meet the definitions set forth by Iowa Code 321.445 and 321.446.
 1. Children under 1 year old and weighing less than 20 pound must be secured in a rear-facing child restraint system while the UTV is motion.
 2. Children, ages 1-6 years, must be secured in a child restraint system (safety seat or booster seat) while the UTV is in motion.
 3. A child restraint system is a specially designed seating system, including a belt positioning seat or booster seat which meets federal motor vehicle safety standards. The child restraint system must be used in accordance with the manufacturer's instructions, the child must be secured in the child restraint, and the child restraint must be properly secured to the UTV.
 4. No animals will be transported in the cargo portion or bed of a UTV unless they are contained within an enclosure or securely tethered the to the UTV.
 - J. The number of passengers in a UTV shall not exceed the number of factory-installed seatbelts.
 - K. The number of passengers on an ATV shall not exceed the factory recommendation for passengers based on the specific make/model being operated.
 - L. No open containers of alcohol are allowed on the operator or vehicle while the UTV or ATV is being operated.
 - M. Drivers may not operate a UTV or ATV under the influence of intoxicating liquor or narcotics as prescribed under Iowa Code 321J
 - N. No UTV or ATV may be operated in a careless or reckless manner, including but not limited to, endangering any person, causing injury or damage to person or property, creating unnecessary skidding or sliding, and/or causing a wheel or wheels to lose traction or contact with the ground.

75.06 Places of Operation and Prohibited Streets/Highways.

The operators of ATVs, UTVs, golf carts, and snowmobiles shall comply with the following restrictions as to where they may be operated within the City:

- A. Streets and Highways. Except as set forth elsewhere in this Ordinance, the operation of golf carts and snowmobiles is prohibited on all streets and/or highways within the City. Properly equipped UTVs and ATVs may be operated upon any street/highway within the City with limited or prohibited use on the following roadways:
 1. First Avenue (Highway 6) – UTVs and ATVs may be operated on First Avenue (Highway 6) over the most direct and accessible route between any of the following locations:
 - a. An all-terrain vehicle park or trail outside of the City limits
 - b. A secondary road outside of the City limits on which such vehicles are authorized to operate.
 - c. A City street on which such vehicles are authorized to operate.
 - d. An address on First Avenue not directly accessible by an authorized City street.
 - e. The vehicle operator's residence.
 2. 100 – 2300 block of Highway 14 South
 3. 100 – 300 block of Highway 14 North
- B. Trails. ATVs, UTVs, golf carts, and snowmobiles shall not be operated on City trails.

- C. Parks and other City Land. ATVs, UTVs, golf carts, and snowmobiles shall not be operated on any park trail, on any playground, or upon any other City-owned property, with the exception of designated driveways or parking lots.
- D. Sidewalk or Parking. ATVs, UTVs, golf carts, and snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "the parking" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.
- E. Public Ice. ATVs, UTVs, golf carts, and snowmobiles may not be operated upon any frozen creeks, streams, ponds, or lakes within City limits.
- F. Waterways. ATVs, UTVs, golf carts, and snowmobiles may not be operated in any creek, stream, river, or other waterway—nor in any portion of a creek bed, stream bed, or riverbed with City limits.

75.07 Operation Exceptions.

ATVs, UTVs, golf carts, and snowmobiles may be operated on City streets under the following circumstances:

- A. Emergencies. ATVs, UTVs, golf carts, and snowmobiles may be operated on a City street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.
- B. Direct Crossing. UTVs may make a direct crossing of a prohibited City street provided:
 - 1. The crossing is made at an angle of approximately ninety degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
 - 2. The UTV is brought to a complete stop before crossing the street;
 - 3. The driver yields the right-of-way to all on-coming traffic which constitutes and immediate hazard; and
 - 4. In crossing a divided road, the crossing is made only at an intersection of such road with another road.
 - A. Railroad Right-of-way. ATVs, UTVs, golf carts, and snowmobiles shall not be operated on an operational railroad right-of-way. An UTVs may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding the any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.
 - B. Special or Limited Purposes: ATVs, UTVs, golf carts, and snowmobiles may be operated on City streets or other areas of the City for limited or special purposes upon application and authorization from to the Chief of Police.

75.08 Exempt Vehicles.

The following all-terrain vehicles or off-road utility vehicles shall be exempt from registration pursuant to Iowa Code, Section 321.9 and the requirements of this Ordinance if:

- A. The all-terrain or off-road -utility vehicle is owned by the United States, this state, or another state, or by a governmental subdivision thereof, and used for law enforcement, public safety, search and rescue, construction and maintenance activities, or official research studies, but not for recreational or commercial purposes.
- B. The all-terrain or off-road -utility vehicle is used exclusively to conduct agricultural purposes and in accordance with Iowa Code Section 321.234A(1)(a).

75.09 Leaving Motor Running or Keys in the Ignition.

It is unlawful for the owner or operator of an ATV, UTV, golf cart, or snowmobile to leave or allow such vehicles to remain unattended on public property while the motor is running or while the keys for starting the vehicle are left in the ignition.

75.10 Violation of a Stop Signal.

An owner or operator, after having received a visual or audible signal from a peace officer to come to a stop, shall not operate an ATV, UTV, golf cart, or snowmobile 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.

75.11 Negligence.

The owner and operator of an ATV, UTV, golf cart, or snowmobile shall be liable for any injury or damage occasioned by the negligent operation of said vehicle.

75.12 Accident Reports.

Whenever an ATV, UTV, golf cart, or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred (\$200.00) or more, either the owner, operator or someone acting on their behalf shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours in accordance with State Law.

75.13 Penalties for Violations.

- A. Unless another penalty is expressly provided for a violation of any particular provision, section or Chapter of the City Code of Ordinances, 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, shall be subject to fines of one-hundred fifty dollars (\$150) for a first offence, two hundred-fifty dollars (\$250) for a second offence within a twelve (12) month period, and five-hundred dollars (\$500) for any subsequent offences occurring in a twelve (12) month period.

- B. If, over the course of a twelve (12) month period, an operator of a permitted vehicle is cited for two or more violations of the provisions of this Chapter, the operator's privilege to operate a permitted vehicle under the terms and provisions of this Chapter may be suspended for a period of twelve (12) months—in addition to a monetary penalty.

SECTION 2. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

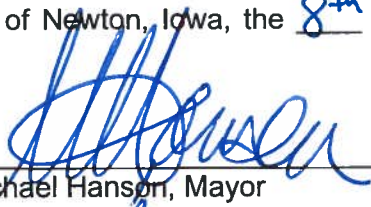
SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be effect from and after its final passage, approval and publication as provided by law.

Passed First Reading by the City Council of Newton, Iowa, 3rd day of October, 2022.

Passed Second Reading by the City Council of Newton, Iowa, the 24th day of October, 2022.

PASSED AND ENACTED by the City Council of Newton, Iowa, the 8th day of November 2022.



Michael Hanson, Mayor

ATTEST:



Katrina Davis, City Clerk



I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the 8th day of November, 2022 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the 11th day of November, 2022.

Dated this 14th day of November, 2022.



Katrina Davis, City Clerk

ORDINANCE NO. ____

**ORDINANCE AMENDING THE CITY CODE OF NEWTON, IOWA, BY ADDING CHAPTER 75:
ALL-TERRAIN VEHICLES, OFF-ROAD UTILITY VEHICLES, GOLF CARTS, AND
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This ordinance shall only remain in effect from the effective date of passage, pursuant to Iowa Code 380.6, for a period of twelve (12) months after said date.

75.03 Definitions.

For use within this Chapter, the following words, terms, and phrases are defined as follows:

All-terrain vehicle (ATV). Means a motorized vehicle with not less than three (3) but not more than six (6) tires or rubberized tracks, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand (1,000) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. Two-wheeled, off-road motorcycles as defined in Section 321.11 of the Code of Iowa, shall also be considered an all-terrain vehicle.

Golf Cart. Means a three (3) or more wheeled recreational vehicle primarily designed for transportation of person(s) and sporting equipment in the sport of golf that is either electric powered or gas powered.

Off-road utility vehicle (UTV). A motorized vehicle with not less than four (4) and not more than eight (8) 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. This definition 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.

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.

Operator. A person who operates or is in actual physical control of an all-terrain vehicle or off-road -utility vehicle.

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.

75.04 General Regulations. In general, golf carts and snowmobiles are not allowed to be operated on City streets unless authorized in writing by the Chief of Police or as otherwise set forth elsewhere in this ordinance. In addition, all persons operating an ATV, UTV, golf cart, or snowmobile shall adhere to all City, county and state regulations relating to the use of such vehicles—including but not limited to the provisions of Chapter 321G of the Code of Iowa, the Newton Code of Ordinances, and/or rules established by the Iowa Department of Natural Resources governing registration, numbering, equipment, and manner of operation. In addition, the following provisions shall apply:

1. Every such vehicle operated upon City streets or highways shall be registered annually and be required to pay all registration fees.
2. The operator shall be required to provide, upon request by any law enforcement official, proof of ownership including but not limited to bill of sale or registration. This requirement shall be satisfied if said vehicle is in compliance with the registration requirements of any state within the United States of America.
3. A person shall not drive or operate an off-road -utility vehicle at a rate of speed greater than the posted speed limit or 35 mph, whichever is less.

75.05 Minimum Equipment Standards for UTV and ATV Operation.

Operators of UTVs and ATVs must adhere to the following equipment requirements and restrictions while operating UTVs and ATVs within the City limits.

- A. Operators of UTVs and ATVs must be 18 years of age or older and possess a valid driver's license.
- B. A person shall not operate a UTV or ATV 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, including but not limited to Sections 321.20B and 321A.21.
- C. Owners of UTVs and ATVs shall register their vehicle(s) with the Iowa Department of Natural Resources and proof of such registration shall be provided upon request to any City official. Out-of-state UTV and ATV owners or operators must provide appropriate proof of registration from their home state upon request by a City official.
- D. Operators of UTVs and ATVs must adhere to all noise restrictions set forth under the City Code of Ordinances and/or any temporary restrictions established by the City Council.
- E. UTVs and ATVs must display lighted headlamps, tail lamps, and a stop lamp, at all times, while the vehicle is operated on City streets or highways.
- F. Operators of UTVs and ATVs must signal their intention to turn by means of the hand and arm as provided in section 321.318, or by a mechanical or electrical directional signal lamp or device with a manually operated switch controlled by the driver.
- G. Operators of UTVs and ATVs must adhere to all traffic and parking laws, codes, rules, and regulations, applicable to other motor vehicles, unless directed otherwise by this ordinance.
- H. UTVs and ATVs must adhere to the following equipment requirements:
 1. UTVs must be equipped with operational safety belt or harness.
 2. UTVs and ATVs must be equipped with an operational horn with a switch controlled by the driver, and emit a sound clearly audible from at least a distance of 200 feet. The horn shall be actuated with a switch easily accessible to the driver when operating the vehicle.
 3. UTVs and ATVs must be equipped with headlamp(s) 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.
 4. UTVs and ATVs must be equipped with tail lamp(s) 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.
 5. UTVs and ATVs must be equipped with a stop lamp that is actuated by a brake switch to indicate braking of the vehicle.
 6. A rear facing mirror providing the operator with a clear view of the road behind the UTV or ATV.

7. Operational muffler which complies with the standards and procedures required by Iowa Code 321I.12 and the City Code of Ordinances.
- I. All UTV occupants, except as noted below, must wear safety belts or safety harnesses, which meet the definitions set forth by Iowa Code 321.445 and 321.446.
 1. Children under 1 year old and weighing less than 20 pound must be secured in a rear-facing child restraint system while the UTV is motion.
 2. Children, ages 1-6 years, must be secured in a child restraint system (safety seat or booster seat) while the UTV is in motion.
 3. A child restraint system is a specially designed seating system, including a belt positioning seat or booster seat which meets federal motor vehicle safety standards. The child restraint system must be used in accordance with the manufacturer's instructions, the child must be secured in the child restraint, and the child restraint must be properly secured to the UTV.
 4. No animals will be transported in the cargo portion or bed of a UTV unless they are contained within an enclosure or securely tethered the to the UTV.
- J. The number of passengers in a UTV shall not exceed the number of factory-installed seatbelts.
- K. The number of passengers on an ATV shall not exceed the factory recommendation for passengers based on the specific make/model being operated.
- L. No open containers of alcohol are allowed on the operator or vehicle while the UTV or ATV is being operated.
- M. Drivers may not operate a UTV or ATV under the influence of intoxicating liquor or narcotics as prescribed under Iowa Code 321J
- N. No UTV or ATV may be operated in a careless or reckless manner, including but not limited to, endangering any person, causing injury or damage to person or property, creating unnecessary skidding or sliding, and/or causing a wheel or wheels to lose traction or contact with the ground.

75.06 Places of Operation and Prohibited Streets/Highways.

The operators of ATVs, UTVs, golf carts, and snowmobiles shall comply with the following restrictions as to where they may be operated within the City:

- A. Streets and Highways. Except as set forth elsewhere in this Ordinance, the operation of golf carts and snowmobiles is prohibited on all streets and/or highways within the City. Properly equipped UTVs and ATVs may be operated upon any street/highway within the City with limited or prohibited use on the following roadways:
 1. First Avenue (Highway 6) – UTVs and ATVs may be operated on First Avenue (Highway 6) over the most direct and accessible route between any of the following locations:
 - a. An all-terrain vehicle park or trail outside of the City limits
 - b. A secondary road outside of the City limits on which such vehicles are authorized to operate.
 - c. A City street on which such vehicles are authorized to operate.
 - d. An address on First Avenue not directly accessible by an authorized City street.
 - e. The vehicle operator's residence.
 2. 100 – 2300 block of Highway 14 South
 3. 100 – 300 block of Highway 14 North
- B. Trails. ATVs, UTVs, golf carts, and snowmobiles shall not be operated on City trails.
- C. Parks and other City Land. ATVs, UTVs, golf carts, and snowmobiles shall not be operated on any park trail, on any playground, or upon any other City-owned property, with the exception of designated driveways or parking lots.

- D. Sidewalk or Parking. ATVs, UTVs, golf carts, and snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “the parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.
- E. Public Ice. ATVs, UTVs, golf carts, and snowmobiles may not be operated upon any frozen creeks, streams, ponds, or lakes within City limits.
- F. Waterways. ATVs, UTVs, golf carts, and snowmobiles may not be operated in any creek, stream, river, or other waterway—nor in any portion of a creek bed, stream bed, or riverbed with City limits.

75.07 Operation Exceptions.

ATVs, UTVs, golf carts, and snowmobiles may be operated on City streets under the following circumstances:

- A. Emergencies. ATVs, UTVs, golf carts, and snowmobiles may be operated on a City street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.
- B. Direct Crossing. UTVs may make a direct crossing of a prohibited City street provided:
 - 1. The crossing is made at an angle of approximately ninety degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
 - 2. The UTV is brought to a complete stop before crossing the street;
 - 3. The driver yields the right-of-way to all on-coming traffic which constitutes and immediate hazard; and
 - 4. In crossing a divided road, the crossing is made only at an intersection of such road with another road.
 - A. Railroad Right-of-way. ATVs, UTVs, golf carts, and snowmobiles shall not be operated on an operational railroad right-of-way. An UTVs may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding the any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.
 - B. Special or Limited Purposes: ATVs, UTVs, golf carts, and snowmobiles may be operated on City streets or other areas of the City for limited or special purposes upon application and authorization from to the Chief of Police.

75.08 Exempt Vehicles.

The following all-terrain vehicles or off-road utility vehicles shall be exempt from registration pursuant to Iowa Code, Section 321I.9 and the requirements of this Ordinance if:

- A. The all-terrain or off-road -utility vehicle is owned by the United States, this state, or another state, or by a governmental subdivision thereof, and used for law enforcement, public safety, search and rescue, construction and maintenance activities, or official research studies, but not for recreational or commercial purposes.
- B. The all-terrain or off-road -utility vehicle is used exclusively to conduct agricultural purposes and in accordance with Iowa Code Section 321.234A(1)(a).

75.09 Leaving Motor Running or Keys in the Ignition.

It is unlawful for the owner or operator of an ATV, UTV, golf cart, or snowmobile to leave or allow such vehicles to remain unattended on public property while the motor is running or while the keys for starting the vehicle are left in the ignition.

75.10 Violation of a Stop Signal.

An owner or operator, after having received a visual or audible signal from a peace officer to come to a stop, shall not operate an ATV, UTV, golf cart, or snowmobile 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.

75.11 Negligence.

The owner and operator of an ATV, UTV, golf cart, or snowmobile shall be liable for any injury or damage occasioned by the negligent operation of said vehicle.

75.12 Accident Reports.

Whenever an ATV, UTV, golf cart, or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred (\$200.00) or more, either the owner, operator or someone acting on their behalf shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours in accordance with State Law.

75.13 Penalties for Violations.

- A. Unless another penalty is expressly provided for a violation of any particular provision, section or Chapter of the City Code of Ordinances, 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, shall be subject to fines of one-hundred fifty dollars (\$150) for a first offence, two hundred-fifty dollars (\$250) for a second offence within a twelve (12) month period, and five-hundred dollars (\$500) for any subsequent offences occurring in a twelve (12) month period.

- B. If, over the course of a twelve (12) month period, an operator of a permitted vehicle is cited for two or more violations of the provisions of this Chapter, the operator's privilege to operate a permitted vehicle under the terms and provisions of this Chapter may be suspended for a period of twelve (12) months—in addition to a monetary penalty.

SECTION 2. REPEALER. All ordinances or parts thereof 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 this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be effect from and after its final passage, approval and publication as provided by law.

Passed First Reading by the City Council of Newton, Iowa, ___ day of _____, 2022.

Passed Second Reading by the City Council of Newton, Iowa, the ___ day of _____, 2022.

PASSED AND ENACTED by the City Council of Newton, Iowa, the ___ day of _____, 2022.

Michael Hanson, Mayor

ATTEST:

Katrina Davis, City Clerk