

ORDINANCE NO. 25-16

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORWALK, IOWA BY AMENDING PROVISIONS PERTAINING TO ALL-TERRAIN VEHICLES, OFF-ROAD UTILITY VEHICLES AND SNOWMOBILES

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

Section 1. Purpose. The purpose of this ordinance is to amend Chapter 75, to permit the operation of off-road utility vehicles within the City Limits of Norwalk, Iowa.

Section 2. Definitions. Chapter 75.02 of the Norwalk Code is hereby amended to add the following definitions.

1. "Off-road utility vehicle" or "UTV" 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" does not include dune buggies, golf carts, go carts, low-speed vehicles, mini trucks, or tracked vehicles.

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

2. "Operate" means to have **immediate, actual physical control over a vehicle, including** an ATV, snowmobile or UTV, **that is in motion and/or has its engine running.**
3. "Operator" means a **person who is in actual physical control of an ATV, snowmobile or UTV.**
4. "Person" means an individual, partnership, firm, corporation, association, any body of persons, whether incorporated or not, and the state, its agencies, and political subdivisions.
5. Factory Muffler: a muffler originally installed by the manufacturer of the UTV or a muffler of similar construction, design, and functionality.
6. Similar Muffler: A muffler that meets or exceeds the manufacturer's specifications for noise reduction, as determined by the manufacturer or a certified mechanic.

Section 3. New Chapter 75.03. General Regulations. Chapter 75.03 of the Norwalk Code is hereby amended to state the following:

No person shall operate an ATV or off-road motorcycle within the City in violation of Chapter 321I of the Code of Iowa or a snowmobile within the City in violation

of the provisions of Chapter 321G of the Code of Iowa or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

Section 4. New Chapter 75.05 Operation of All-Terrain Vehicles. Chapter 75.05 of the Norwalk Code is hereby replaced with the following:

75.05 Operation of Off-road utility vehicles (UTV's).

The operators of UTV's shall comply with the following restrictions when operation within the City:

1. UTVs may be operated upon all City roadways unless otherwise indicated in this Chapter.
2. The speed limit for UTVs shall be not greater than 35 miles per hour or the speed limit for motor vehicles, whichever is lower, on all segments of approved City roads.
3. UTVs cannot be operated on State Highway 28 Except:
 - a. From Elm Avenue South to the City Limits and only on the most direct and accessible route between any of the following locations:
 - i. A secondary road on which such vehicles are authorized to operate (a county road).
 - ii. A city street on which such vehicles are authorized to operate.
 - b. Direct Crossing. UTVs may make a direct crossing of Highway 28 provided all of the following occur:
 - i. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
 - ii. The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.
 - iii. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
 - iv. In crossing a divided portion of the highway, the crossing is made only at an intersection of such highway with another public street or highway.

- v. The crossing is made from a street, roadway, or highway on which the all-terrain vehicle or off-road utility vehicle is authorized to operate to a street, roadway, or highway on which such vehicle is authorized to operate.
4. UTVs may not be operated on any portion of or in the right of way on Highway 5.
5. Operators of UTVs must adhere to all traffic and parking laws, codes, rules, and regulations applicable to other motor vehicles, unless directed otherwise by this chapter.
6. Parks and Other City Land. The operation of UTVs shall be limited to parking lots only in any park or upon any other City-owned property.
7. UTV operators shall ride in single file.
8. Street Etiquette. UTV operators shall ride on the righthand side of the paved portion of the street or highway, unless making a left turn. UTV operators shall ride on the righthand side of a gravel street or highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other street or highway right-of-way is prohibited, unless yielding right-of-way.
9. Sidewalk or Parking. UTVs shall not be operated upon the public sidewalk, bike trail or that portion of the street located between the curb line, and the sidewalk or property line except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.
10. Private Property. UTVs shall not be operated upon private property without the consent of the owner or occupier thereof.
11. With the exception of Lake Colchester or other privately owned lakes, ponds or streams, UTVs may not be operated upon any frozen creeks, streams, ponds, lakes or other waterways within City limits.
12. Waterways. UTVs may not be operated in any creek, stream, river, or other waterway - nor in any portion of a creek bed, stream bed, or riverbed within city limits.

Section 5. New Chapter 75.05A Requirements for UTV Operators. Operators of UTVs must adhere to the following requirements and restrictions while operating UTVs within the City limits:

1. Operators of UTVs within City limits must be 18 years of age or older and possess a valid driver's license.

2. A person shall not operate a UTV within the City limits 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, Rules and Regulations, including but not limited to Iowa Code §§ 321.20B and 321A.21.
3. Owners of UTVs operated within City limits shall register their UTV with the Iowa Department of Natural Resources, and proof of such registration shall be displayed and provided, upon request, to any peace officer requesting it. Out-of-state UTV operators must display and provide appropriate proof of registration from their home state upon request by any peace officer.
4. UTVs must always display lighted headlamps and tail lamps while the vehicle is operated on City streets or highways.
5. UTVs must be equipped with:
 - a. Operational turn signal lamps with a manually operated switch controlled by the driver.
 - b. Operational horn with a switch controlled by the driver.
 - c. Two operational headlamps and taillamps must be affixed to each side on the front and back of the UTV. Taillamps shall be red and include a stop lamp actuated by pressing the brake pedal. The use of light bars, spotlights, or decorative lights is not permitted while the UTV is being operated on City streets or highways.
 - d. Rear-facing mirror providing the operator with a clear view of the rear.
 - e. A system of seat belts, or a similar system, for restraining each occupant of the vehicle in the event of an accident.
 - f. All UTVs operating on public roads must be equipped with a properly functioning factory-installed muffler or a muffler of similar design and performance. The muffler must be designed and installed to meet or exceed factory noise emission standards. No UTV shall be operated with a muffler that has been altered, removed, or is defective, causing excessive noise or emissions.
6. All occupants, except as noted below, must wear safety belts or safety harnesses which meet the definition of a safety belt or safety harness set forth by Iowa Code § 321.445 while the UTV is in motion.

- a. Children under one year old and weighing less than 20 pounds must be secured in a rear-facing child restraint system while the UTV is in motion.
 - b. Children ages one to six years old must be secured in a child restraint system (safety seat or booster seat) while the UTV is in motion.
 - i. 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.
 - c. No animals will be transported in any portion of the UTV, including the cargo portion, bed or attached trailer of a UTV unless they are contained within an enclosure secured to the UTV.
- 7. No seat shall be used by more people than the available factory installed restraint devices or seatbelts.
 - 8. No person may ride on the lap of another.
 - 9. The number of passengers in a UTV shall not exceed the number of factory-installed seats in the UTV.
 - 10. No cargo, materials, supplies, or other items may be transported on UTVs without being properly restrained.
 - 11. UTV operators shall not allow any person in the cargo portion, bed or on an attached trailer while the UTV is being operated.
 - 12. UTV doors or nets must be closed during operation if so equipped.
 - 13. UTV operators shall not operate a UTV equipped with metal studded tires and/or tire chains on or alongside any City street or highway.
 - 14. No open containers of alcohol or THC infused drinks shall be allowed in or on the UTV while it is being operated.
 - 15. Drivers may not operate a UTV under the influence of intoxicating liquor or narcotics or habit-forming drugs as prescribed under Iowa Code Chapter 321J.
 - 16. No UTV will be operated in a careless or reckless manner so as to: endanger any person; cause injury or damage to person or property;

create unnecessary skidding or sliding; or cause a wheel or wheels to lose traction or contact with the ground.

- Section 6. Amendments to Chapters 75.06 and 75.07.** UTV's shall be included as an additional referenced vehicle type in Chapters 75.06 and 75.07 along with those vehicles already referenced in said Chapters.
- Section 7. New Chapter 75.08 Exemptions.** UTVs owned by a government agency or subdivision thereof, and used in an official capacity, are exempt from registration and the requirements of this chapter.
- Section 8. New Chapter 75.09 Civil Penalty.** Both the owner of the vehicle and the operator of the vehicle which is operated in violation of this Chapter are guilty of a municipal infraction and subject to a civil penalty as shown in Chapter 177 for each offense. Additionally, the vehicle may be subject to impoundment at the discretion of the officer if the vehicle cannot be legally operated or driven from its current location. A person who violates the provisions of Iowa Code, Chapter 321I is guilty of a simple misdemeanor punishable as a scheduled violation under Code of Iowa.
- Section 9. Amendment to Chapter 177.** Chapter 177 of the Norwalk Municipal Code is hereby amended to include a Civil Penalty of \$250.00 for violations of this Chapter.
- Section 10. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
- Section 11. Saving 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 12. Effective Date.** This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Norwalk, Iowa on the 15th day of May, 2025.


Tom Phillips, Mayor

Attest:


Lindsey Offenburger, City Clerk

First Reading: April 17, 2025

Second Reading: May 1, 2025

Third Reading: May 15, 2025

Clerk's Certificate

I certify that the foregoing was published as Ordinance No. 25-16 on the 22nd day of May, 2025.


City Clerk