

CITY OF WEST OKOBOJI, IOWA
ORDINANCE NO. 137

AN ORDINANCE AMENDING THE WEST OKOBOJI CODE OF ORDINANCES BY
ADDING NEW TEXT AND REPEALING AND REPLACING TEXT FROM
CHAPTER 75 – ALL-TERRAIN VEHICLES AND SNOWMOBILES

WHEREAS, the West Okoboji municipal Code of Ordinances is on file in the office of the City Clerk, and

WHEREAS, the West Okoboji City Council has considered the proposed changes and it is deemed advisable and recommended to amend the West Okoboji municipal Code of Ordinances.

NOW THEREFORE IT BE ORDAINED, by the City Council of West Okoboji, Iowa;

Section 1. ADD NEW TEXT. The West Okoboji Code of Ordinances is hereby amended by adding new Parts 2, 7, 8 and 9 to Section 75.05. OPERATION OF ATVS AND UTVS.

SECTION 75.05. OPERATION OF ATVS AND UTVS.

2. Highways. ATVs and UTVs may only be operated on state highways, and may not travel upon four-lane or interstate roads. When driving on a two-lane highway or county highway, it must be over the most direct and accessible route to or from all-terrain vehicle park or trail, to the nearest county road, or an authorized city street or one's residence.

7. Gravel or Unpaved Roads. ATVs and UTVs are permitted to drive on any county unpaved gravel road.

8. Roads Under Construction. ATVs and UTVs are not permitted to drive on any gravel or paved roadway that is marked under construction, closed or a detour for normal vehicle traffic.

9. Driving on Roadways during Special Events. ATVs and UTVs may be restricted from county roadways during special events, like RAGBRAI, for a maximum of seven (7) days consecutively or 30 days in a given year.

Section 2. ADD NEW TEXT. The West Okoboji Code of Ordinances is hereby amended by adding new text to Paragraph D. in Part 10. Direct Crossing to Section 75.05. OPERATION OF ATVS AND UTVS.

SECTION 75.05. OPERATION OF ATVS AND UTVS.

10. Direct Crossing. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway provided all the following occur:

(Code of Iowa, Sec. 321I.10[5])

D. Riders may cross a four-lane divided or undivided highway at an intersection from an authorized road so long as it is not an Interstate highway. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

Section 3. REPEAL AND REPLACE ZONING TEXT. The West Okoboji Code of Ordinances is hereby amended by repealing Parts 1, 3, 6, and 9 of Section 75.06 MANNER OF OPERATION OF ATVS AND UTVS and replacing with the following zoning text as new Parts 1, 3, 6, and 9 of Section 75.06.

SECTION 75.06. MANNER OF OPERATION OF ATVS AND UTVS.

1. License. No person who is not at least 18 years of age and in possession of a valid motor vehicle operator's license shall operate an ATV or UTV on the public streets, alleys, or rights-of-way of the City. Any person driving an ATV or UTV must be in possession of valid proof of insurance of such vehicle.

3. Traffic Code. All ATV and UTV operators must observe all State and local traffic control regulations and devices. No ATV or UTV shall be operated on any city street at a speed in excess of 35 miles per hour and shall not operate at a speed in excess of that posted nor at any time operate at a rate of speed greater than is reasonable and proper under the existing conditions.

6. Lights. No person shall operate an ATV or UTV without operational headlights, taillights, brake lights, horn and rearview mirrors.

9. Hours of Operation. ATVs and UTVs shall be allowed to ride day or night, 24 hours per day.

Section 2. REPEALER. All ordinances or parts of the previously adopted West Okoboji Zoning Ordinance in conflict with the provisions of this zoning amendment are hereby repealed.

Section 3. SEVERABILITY CLAUSE. If any section, provision or any part of this zoning amendment is determined to be invalid or unconstitutional, such adjudication shall not affect the validity of the previously adopted West Okoboji Zoning Ordinance as a whole, or any part or provision of the zoning amendment not determined to be invalid or unconstitutional.

Section 4. EFFECTIVE DATE. This zoning amendment shall be in full force and effect from after passage and publication in a newspaper of general circulation.

WHEREAS, a motion was made at the December 12th, 2022, meeting after public hearing by Councilmember Paxton and seconded by Councilmember Olson to consider approval of this Ordinance (first consideration) and upon roll call the following vote was recorded: AYES: Sieh, Olson, Paxton, Powers, Sieh, Hein; NAYS: None. Said motion to consider approval of this Ordinance (first consideration) was approved by the City Council;

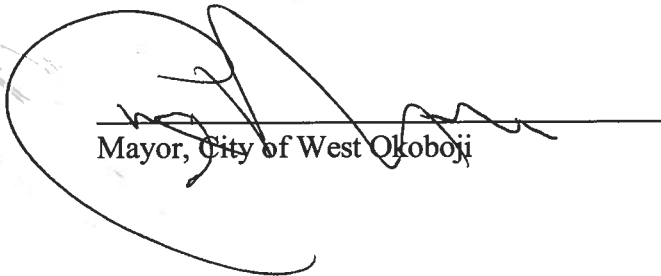
WHEREAS, a motion was made by Councilmember Sieh and seconded by Councilmember Hein to waive the second and third considerations of this Ordinance and upon roll call the following vote was recorded: AYES: Olson, Sieh, Paxton, Powers, Hein; NAYS: None. Said motion to waive the second and third considerations of this Ordinance was approved by the City Council, and therefore, the second and third considerations of this Ordinance were waived;

WHEREAS, a motion was made by Councilmember Paxton and seconded by Powers to adopt this Ordinance and upon roll call the following vote was recorded: AYES: Sieh, Hein, Paxton, Olson, Powers; NAYS: None. Said motion to adopt this Ordinance was approved by the City Council. Thereupon, the Mayor declared this Ordinance, passed and approved on the date shown below.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of West Okoboji,

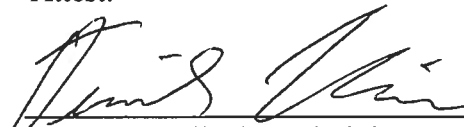
Iowa:

Passed and approved this 12th day of December, 2022.



Mayor, City of West Okoboji

Attest:



West Okoboji City Administrator

I certify that the foregoing ordinance was published as Ordinance No. 137 on the 22nd day of December, 2022.