

RESOLUTION 9-14-22-2
A RESOLUTION SETTING THE TIME AND PLACE OF COUNCIL
MEETINGS

WHEREAS, Chapter 17.04 of the Prairie City Code states "The time and place of the regular meetings of the Council shall be fixed by resolution of the Council."

NOW THEREFORE BE IT RESOLVED that the October 2022, Prairie City Council Meeting will be October 12, 2022, at 6:00 p.m., at Prairie City Council Chambers at City Hall and via Zoom.

Approved and adopted this 14th Day of September, 2022.

Eric Imerman, Mayor

ATTEST

Jodie Wyman, City Administrator/City Clerk

NOTICE

TO THE CITIZENS OF PRAIRIE CITY, JASPER COUNTY, IOWA:

Notice is hereby given that on the 10th day of August, 2022 at six o'clock, a public hearing will be held before the City Council of Prairie City, Iowa, in the Council Chambers of City Hall of Prairie City, Iowa, with reference to adding to the Prairie City Code of Ordinances a new provision as it pertains to UTV Operations.

If you are unable to attend, written notice may be sent to Prairie City, City Hall, at 203 E Jefferson St, Prairie City, IA 50228 no later than 4:30 P.M. on August 10th, 2022, or you can contact City Hall for the Zoom Link.

This Notice is given in accordance with the requirements of Sections 364.7 and 362.3 of the 2017 Code of Iowa and amendments thereto.

ORDINANCE NO. 394

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PRAIRIE CITY, IOWA TO UPDATE UTV/ATV OPERATIONS

WHEREAS, the City of Prairie City, Iowa has property regulations, which provide guidance on the standards for, among other things, UTV/ATV operations; and

WHEREAS, these regulations recognize that certain uses have characteristics that require additional controls in order to protect public health, safety, and welfare, and the City of Prairie City also provides for staff to inspect complaints; and

WHEREAS, the City of Prairie City's requirements are designed, among other things, to enhance public safety, improve the appearance of the community, and conserve the value of properties within the City and its extra-territorial jurisdiction; and

WHEREAS, the language of the Code of Ordinances is intended to provide predictable, uniform standards—which are subject to updating by the City Council from time to time.

NOW THEREFORE BE IT RESOLVED by the City Council of Prairie City, Iowa that it hereby amends City Code Chapter 171 to update UTV/ATV operations. The Council further authorizes City staff to take all action necessary to effectuate these changes, as follows:

SECTION 1. SECTION MODIFIED. Section 171.02, Chapter 171 of the Code of Ordinances of the City of Prairie City, Iowa, is amended by:

171.02 MANNER OF OPERATION – GENERAL REQUIREMENTS. No person shall operate an UTV/ATV in the City except as hereinafter provided.

1. Observance of Traffic Regulations Mandatory. UTV/ATV operators shall observe all State and local traffic control regulations, devices, and laws.
2. Proof of Liability Insurance. UTVs/ATVs must be registered with the state, display provided registration tag, and meet all state required proof of liability insurance requirements. The proof of insurance must be with the UTV/ATV whenever said UTV/ATV is in operation.
3. Standard Equipment Regulations. All UTVs/ATVs shall be equipped with any equipment required by state laws pertaining to the UTV/ATV operations on public roadways, including any safety equipment required under Chapter 321 of the Code of Iowa. Any UTV/ATV vehicles must be equipped with a working muffler that limits the emitted noise to ninety-six (96) decibels or less.
4. Operation Regulations. The following regulations apply to the operation of a UTV/ATV within the City:
 - A. Any operator of an UTV/ATV shall be a minimum of eighteen (18) years of age and possess a valid driver's license.

B. **Passengers on any UTV/ATV shall not exceed the number of seats/passengers intended for said vehicle and must always remain seated.**

C. **Any UTV/ATV operated between sunset and sunrise or in conditions of insufficient lighting must be equipped with a headlight and taillight of sufficient light to render clearly discernible people and vehicles from five hundred (500) feet.**

5. Sidewalks and Adjacent Areas. No UTVs/ATVs shall be operated upon a public sidewalk, nor shall they be operated upon that portion of the street located between the curb line and the sidewalk or property line, referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is allowed by this chapter.

6. Trails and Parks. No UTVs/ATVs shall be operated upon the bike or walking trails, nor shall they be operated within any city or private park **or playground without the express permission of the City.**

7. Parking. Two UTVs/ATVs may use one parking space provided they both park within the parking space lines.

8. Careless Operation Unlawful. No person shall operate an UTV/ATV in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

9. Operating Under the Influence. No person shall operate an UTV/ATV while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

10. Towing. **No towing of passengers on a trailer unless authorized by the city (ie: floats/parade).**

11. Trespassing on Private Property. No UTV/ATV shall be operated upon private property without the express consent of the owner thereof.

12. Community Events – Exception. The Prairie City Police Department may grant exceptions and allow any type of UTV/ATV to be used on any City **restricted area** by community and civic organizations for community events.

SECTION 4. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed First Reading by the City Council of Prairie City, Iowa, ____ day of _____, 2022.

Passed Second Reading by the City Council of Prairie City, Iowa, the ____ day of _____, 2022.

PASSED AND ENACTED by the City Council of Prairie City, Iowa, the ____ day of _____, 2022.

Eric Imerman, Mayor

Attest:

Jodie Wyman, City Clerk

CERTIFICATE

I, Jodie Wyman, City Clerk of the City of Prairie City, Iowa, hereby certify that the foregoing Ordinance No. 394 was published in a Prairie City newspaper published at least once weekly and having general circulation in the City of Prairie City, Iowa, on the ____ day of _____ 2022.

Jodie Wyman, City Clerk

**Red Sentences or words are what I'd like to add to the ordinance. Wording may need some work for better structure to make it more official but is what I'm thinking.

**The highlighted area are parts of the current ordinance that I'd like to remove. Either to make it less restrictive or it maybe be covered with the addition of verbiage in red.

**The green highlighted parts are in the current ordinance. I'm good with with them in there but didn't know if they already be covered or implied in another part of the ordinance and they would just be repeating themselves?

**Blue sentences are my explanation of why I want the change or what I'm thinking.

**This is what Dianne would like in the ordinance or what we covered when we met to look over it. Some may be addition to the ordinance and some may be Notes:.

**This is what Deb gave me for quick notes. Overall she said she liked and agreed with what I was wanting to change and add/subtract. She did give me a few specifics and I have added those below where they would apply.

**These notes are from Derek's comments. In his email to me, he said he liked a lot of the changes I had down to make. He also commented that he would like things to be as simple as possible for citizens and visitors to follow the rules and not create "gotcha" moments. I added notes on any specifics he mentioned.

**I got no comments from Emily. Maybe she sent something directly to city hall which is fine too?

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WHEREAS, these regulations recognize that certain uses have characteristics that require additional controls in order to protect public health, safety, and welfare, and the City of Prairie City also provides for staff to inspect complaints; and

WHEREAS, the City of Prairie City's requirements are designed, among other things, to enhance public safety, improve the appearance of the community, and conserve the value of properties within the City and its extra-territorial jurisdiction; and

WHEREAS, the language of the Code of Ordinances is intended to provide predictable, uniform standards—which are subject to updating by the City Council from time to time.

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SECTION 1. SECTION MODIFIED. Section 171.02, Chapter 171 of the Code of Ordinances of the City of Prairie City, Iowa, is amended by:

171.02 MANNER OF OPERATION – GENERAL REQUIREMENTS. No person shall operate an UTV/ATV in the City except as hereinafter provided.

(I would like to add ATV's to the ordinance because you will see them in the countryside being ridden around. This would also make it easier for them to follow the ordinance and not "push their luck" to come get fuel, snacks or something to eat. Also, I feel they are just as safe as a motorcycle or moped especially at the speed limits of our city street. I'm also expecting them to abide by all the rules like a UTV and have the required equipment for that vehicle.)

Note: Deb wants to add ATV's to the ordinance to allow them.

Note: Derek wants to add ATV's to the ordinance to allow them

1. Observance of Traffic Regulations Mandatory. UTV/ATV operators shall observe all State and local traffic control regulations, and devices, and laws.

***Must be registered with the State and display the registration tag and meet all state required proof of liability insurance requirements.*

Note: Deb like adding the general insurance amount to follow state requirements and removing the below requirements that specify amounts.

***Standard Equipment. All UTV/ATV vehicles shall possess any equipment required by state laws pertaining to UTV/ATV operations on public roadways including any safety equipment required under Chapter 321 of the Code of Iowa.*

***Any UTV/ATV vehicles must be equipped with a working muffler that limits the emitted noise to 96 decibels or less. (I don't think this really follows the state equipment guidelines to my knowledge unless already covered under Chapter 321 somewhere, but I think would be appreciated by non UTV/ATV riding residents in PC. I pulled the idea from Monroe's ordinance)*

Note: Deb commented that the above muffler portion would probably be appreciated but she's not 100% sure it should be added. Was also curious if it would already be covered by another noise ordinance. Possibly a County ordinance? She also mentioned that trucks and tractors can be just as noisy.

***Operation Regulations.*

A. Any operator of a UTV/ATV shall be a minimum of 18 years of age and possess a valid driver's license.

B. Passengers on any UTV/ATV shall not exceed the number of seats/passengers intended for said vehicle and must remain seated at all times. No part of the body of any passenger(s) may hang outside the vehicle.

C. Any UTV/ATV operated between sunset and sunrise or in conditions of insufficient lighting must be equipped with a headlight and taillight of sufficient light to render clearly discernible people and vehicles from 500 feet.

2. Permit Required. (See also subsection 16) No UTV shall be operated in the City unless a permit has been issued to the owner of the said UTV by City staff member. The permit received from the City must be with the UTV whenever it is operated within the City. The permit is good for the calendar year

within which it is issued and shall be renewed annually. There shall be no permits issued if in the previous year the applicant was cited and convicted of any violations of this chapter.

(Nonresidents would have a hard time accessing a permit on the weekends and having this in the ordinance would create conflicts with enforcement if it was decided not to enforce it. I also think having a required permit will keep people from wanting to visit our community in fear of not having it and those willing to take the chance anyway without a permit may or may not take a chance with other portions of the law/ordinance so having the permit still won't do anything.)

Note: Dianne would like to keep the permitting process

Note: Derek would like to remove the permitting process. He felt it was a repetitive process and an unnecessary expense that we wouldn't be able to recoup since we can't charge for the permits.

3. Proof of Liability Insurance. As part of the permit process, the owner of the UTV must provide proof of liability insurance with minimum limits of \$100,000 each person, \$300,000 each accident before a permit will be issued. The proof of insurance must be with the UTV whenever said UTV is in operation.

(Should be covered in above addition but wording may need to be changed a little. Taking out dollar amounts would allow the ordinance to still be good even if state requirements for vehicles driving on road were to change down the road)

Note: Dianne wants to keep the insurance portion of the ordinance in place.

Note: Deb would like to remove the above portion and just cover it with the addition towards the beginning that I added in red.

4. Standard Equipment Regulations. All UTV shall be equipped with the following:

A. Brakes.

B. Slow moving vehicle sign.

C. Bicycle safety flag on the staff holder to put such flag at least five feet above the surface of the street.

Note: Deb specified removing the orange flag. She didn't make any comments on other portions of the equipment section.

Note: Derek had sent an email wanting to remove "B" and "C" of the ordinance since both ATV's and UTV's can travel at any of the posted speed limits.

D. Any other safety equipment which may be required for UTV by Chapter 321 of the Code of Iowa.

(Trying to make equipment requirements align more with state requirements. This not only makes it easier for nonresidents to follow our ordinance when they come to town but also hoping the above additions for equipment will be able to keep our ordinance in compliance if the state were to change their equipment requirements for UTV/ATV road use in the future)

Note: Dianne is ok with removing the equipment portion and going with what is covered in state law.

5. **Operation Regulations.** The following regulations apply to the operation of a UTV within the City:

A. Any operator of an UTV must have a valid driver's license.

B. Any operator must be at least eighteen (18) years of age.

(Just shortened up above. If need to be worded this way, that's fine too.)

Note: I have a note from our meeting "Reworded". I believe the intention is to keep the 18 years of age and drivers license but they would be covered above so could be removed here.

C. All riders in the UTV must remain seated at all times.

D. Seat belts are to be utilized at all times during operation when normal equipment exists.

E. No more than two adult people may ride in the front seat of an UTV and no more than two adult people may ride in the back seat of an UTV, if said seat exists. While operating, any rider must be seated on the seat and no part of the body of any rider will extend beyond the sides of the UTV. Children must be accompanied by an adult driver and must follow all requirements of this subsection except the capacity limits as long as all children are seated on the seat and no part of the body of the child extends beyond the sides of the UTV.

(Clarified/simplified above and I believe aligns with state requirements/rules)

Note: I have a note that Dianne is ok to remove the above "E" statement as long as the body parts portion is added to the above passenger capacity statement.

6. **Times of Operation Limited.** UTVs may be operated after official sunrise and must cease before official sunset, during the time of year when daylight savings time is in effect. UTVs are prohibited on streets during inclement weather when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any other time there is insufficient light clearly to see a person or vehicle on a roadway at a distance of 500 feet.

(Making it align with state rules)

Note: I didn't have any notes written down for the removal of the above statement but I remember having the discussion with Dianne about removing the day light savings time part and then verifying the state law for night time operation and my impression was to follow that.

Note: Derek would like to remove section 6 and the limits to time of day and year limitations since some of the required equipment is headlights and taillights. He also mentioned the ability of moving snow as another reason for not limiting hours of operation.

7. **Sidewalks and Adjacent Areas.** No UTVs/ATVs shall be operated upon a public sidewalk, nor shall they be operated upon that portion of the street located between the curb line and the sidewalk or property line, referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is allowed by this chapter.

8. **Trails and Parks.** No UTVs/ATVs shall be operated upon the bike or walking trails, nor shall they be operated within any city or private park or playground without the express permission of the City.

(Adding “playgrounds” was to make sure they were covered and the city exception was with the idea that maybe some event would allow UTV/ATV usage on the bike trail or in a park/playground area for some reason)

Note: I don’t have a specific note down but I remember Dianne questioning adding “playgrounds”

Note: Derek liked adding playground to the ordinance to make sure they are covered.

9. **Parking.** Two UTVs/ATVs may use one parking space provided they both park within the parking space lines.

10. **Streets upon Which UTVs May Not Be Operated.** UTVs are prohibited from being operated on any portion of:

- a. **North and South State St.**
- b. **East and West 2nd St.**
- c. **East and West North St.**
- d. **Poplar Ave.**
- e. **Prairie Ave.**
- f. **Pacific St.**
- g. **Hwy 117.**
- h. **Hwy S6G.**
- i. **Hwy 163.**

If someone is required to travel on a prohibited roadway, the person may only do so for a reasonable distance. In order to determine whether a particular distance of travel on a prohibited roadways is reasonable; the following factors may be considered: a) the operator’s starting location; b) any planned course of travel by the operator and/or any individuals the operator is riding with; c) the operator’s destination; d) the operator’s place of residence; e) any other pertinent factors.

(State already requires travel on highways be kept to a minimum so if they are following the state rules, people should be moving to side streets anyway when in town. Also, we already had it open for areas where travel on those streets were necessary so that duplicates state rules in place so I don’t see a reason for having it listed.)

Note: Dianne is good with removing the streets portion and restrictions.

Note: Deb supports removing the streets and travel restrictions part of the ordinance.

Note: Derek Supports removing the streets and travel restrictions portion of the ordinance. Felt it created more confusion than need be.

11. Careless Operation Unlawful. No person shall operate an UTV/ATV in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

12. Operating Under the Influence. No person shall operate an UTV/ATV while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

(Can the above 2 statements be eliminated because it may be covered by an above statement (point #1) saying that operators must obey traffic laws? But I can see leaving it in also, that's why it's in green)

13. Towing. No item shall be towed by an UTV.

Note: Dianne is good with removing the towing restriction but would like to add something to the order of "No towing of passengers on a trailer unless authorized by the city" (ie: floats during a parade)

Note: Derek would like to remove the towing restriction. He felt there were several reasons a trailer could be towed including hauling mowers, snowblowers, and even brush to the city's yard waste dump.

14. Trespassing on Private Property. No UTV/ATV shall be operated upon private property without the express consent of the owner thereof.

15. Community Events – Exception. The Prairie City Police Department may grant exceptions and allow any type of UTV/ATV to be used on any City street restricted area by community and civic organizations for community events.

16. Permits/Application and Renewal. No person shall operate an UTV on any public street or alley for any purpose unless the operator possesses a City of Prairie City permit to operate an UTV on City streets, issued by a City staff member. UTV owners may apply for a permit from a City staff member on forms provided by the City. The City staff member shall not issue a permit until the owner/operator has provided the following:

- A. Evidence the operator is eighteen (18) years of age, and possesses a valid Iowa driver's license.
- B. Proof owner/operator has required liability insurance covering operation of an UTV on City streets.
- C. Passes all other requirements set forth on application form.

The owner of an UTV shall display the permit sticker prominently on a rear fender or similar component. All permits issued shall uniquely identify the name and address of the owner/operator.

(This is listed above and reasoning for getting rid of the permit is also listed above)

SECTION 4. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed First Reading by the City Council of Prairie City, Iowa, ____ day of _____, 2022.

Passed Second Reading by the City Council of Prairie City, Iowa, the ____ day of _____, 2022.

PASSED AND ENACTED by the City Council of Prairie City, Iowa, the ____ day of _____, 2022.

Eric Imerman, Mayor

Attest:

Jodie Wyman, City Clerk

CERTIFICATE

I, Jodie Wyman, City Clerk of the City of Prairie City, Iowa, hereby certify that the foregoing Ordinance No. 394 was published in a Prairie City newspaper published at least once weekly and having general circulation in the City of Prairie City, Iowa, on the _____ day of _____ 2022.

Jodie Wyman, City Clerk

RESOLUTION NO. 9-14-22-4

RESOLUTION WAIVING THE SECOND AND THIRD READINGS OF ORDINANCE NO. 394

WHEREAS, IOWA CODE 380.3 requires two considerations before final passage, unless this requirement is suspended by a recorded vote of not less than three-fourths of all of the members of the council, and

WHEREAS, The Council of the City of Prairie City, Iowa, has the ability to suspend the two considerations to approve Ordinance 394,

THEREFORE BE IT RESOLVED that the Council of the City of Prairie City, Iowa is suspending the requirement of Iowa Code 380.3 by approving a resolution waiving the second and third readings of Ordinance 394

This resolution has been approved and adopted this 14th Day of September, 2022.

Eric Imerman,
Mayor

ATTEST:

Jodie Wyman,
City Administrator/City Clerk