

**ORDINANCE NO. 2022-2400**

**AN ORDINANCE TO AMEND CHAPTER 75, POLK CITY MUNICIPAL CODE,  
REGARDING THE USE OF ALL TERRAIN VEHICLES AND OFF-ROAD UTILITY  
VEHICLES WITHIN THE CITY**

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**WHEREAS**, the State has amended Iowa code chapters 321I and 321G of the Iowa Code to allow for the use of all-terrain vehicles (ATV) and off-road utility vehicles (ORV) on county roadways as more particularly provided in those amended state code chapters; and

**WHEREAS**, Polk City Municipal Code has not allowed the use of ATVs and ORVs on streets and roadways within the city limits for many years; and

**WHEREAS**, the recent state amendments to Iowa Code chapters 321I and 321G necessitate updating the language of the Polk City Municipal Code to avoid ambiguity in the interpretation and enforcement of the City Code and consistent with Iowa law; and

**BE IT THEREFORE ORDAINED** by the City Council of the City of Polk City:

**Section 1:** Chapter 75.02, Polk City Municipal Code, should be and the same is hereby amended by adding the following new subsection:

5. "City Street" means all highways, streets, roads, primary and secondary road extensions, whether paved or unpaved, within the City limits.

**Section 2:** Chapter 75.05(1), Polk City Municipal Code, should be and the same is hereby repealed and enacted in lieu thereof is as follows:

§75.05(1) 1. City Streets. ATVs and off-road utility vehicles shall not be operated on City Streets.

**Section 3:** Chapter 75.05(6)(E), Polk City Municipal Code, should be and the same is hereby repealed and enacted in lieu thereof is as follows:

§75.05(6)(E) The crossing is made from a street, roadway, or highway on which the all-terrain vehicle is authorized to operate to a street, roadway, or highway on which the all-terrain vehicle is authorized to operate.

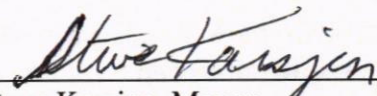
**Section 4. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**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

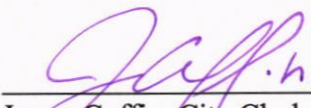
ordinance as a whole or any section, provisions or part thereof not adjudged invalid or unconstitutional.

**Section 4. Effective Date.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

**PASSED AND APPROVED** by the Council this 28 day of November 2022.

  
Steve Karsjen, Mayor

Attest:

  
Jenny Coffin, City Clerk

1st Reading 10/24/22  
2nd Reading 11/14/22  
3rd Reading 11/28/22  
Published by posting 11/29/22