

Des Moines Municipal Code

Multi-use recreational trail means a way or place, the use of which is controlled by the city as an owner of real property, designated by the multi-use recreational trail maps, as approved by resolution by the city council, and no multi-use recreational trail shall be considered as a street or highway.

Sec. 74-115. - Multi-use recreational trails.

(a)

Definition. Multi-use recreational trails are defined pursuant to [section 114-1](#)

(b)

Permitted uses. Except as otherwise provided, the following uses are permitted on multi-use recreational trails:

(1)

Persons walking, jogging or running;

(2)

Persons utilizing or operating a non-motorized device, such as a bicycle, skateboard, inline skates or wheelchair;

(3)

Persons with mobility disabilities using manually operated or power-driven wheelchairs and manually powered mobility aids for the purpose of locomotion;

(4)

Persons with mobility disabilities using an other power-driven mobility device for the purpose of locomotion, as provided in [28 CFR 35](#);

(5)

Official emergency vehicles and authorized maintenance vehicles as necessary to perform the duties of the operator.

(c)

Uses not permitted. Except as otherwise provided, the following uses are not permitted on multi-use recreational trails:

(1)

Motorized vehicles, except where the trail utilizes an existing road, street or highway;

(2)

Equestrian uses;

(3)

Skateboards are not permitted on the portions of trails that utilize an existing road, street or highway.

(d)

Hours of permitted use. Multi-use recreational trails shall be open for use by the public for recreation and transportation at all times, except for the following:

(1)

Hours of use of sections of trails may be limited by the park and recreation board;

(2)

Sections of trails may be closed temporarily in emergency situations by the park and recreation director.

(e)

Official signs. Every user of a recreational trail shall observe and obey any and all official signs posted along a recreational trail, including, but not limited to, speed limits, hours of use, stop signs and yield signs.

(f)

Reasonable speed. Each person using the trail shall travel at a speed that is reasonable and prudent under the conditions then existing and shall not travel in such a manner as to constitute a willful or wanton disregard for the safety of persons or property.

(O.14,141, 15,000)

Sec. 114-234.01. - All-terrain vehicles.

An all-terrain vehicle shall be operated on a highway only between sunrise and sunset and only when the operation on the highway is incidental to the vehicle's use for agricultural purposes. A person operating an all-terrain vehicle on a highway shall have a valid motor vehicle license, and the vehicle shall be operated at speeds of less than 30 miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag which extends not less than five feet above the ground attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches, shall be dayglow in color, and shall be in lieu of the reflective equipment required by I.C. § 321.383.

(C91, § 27-234.01; O.11,650)

State law reference— Similar provisions, I.C. § 321.234A.

Sec. 114-234.02. - Snowmobiles.

(a)

No person shall operate a snowmobile nor shall any snowmobile be operated within the city limits upon any plowed or unplowed roadway or alley unless:

(1)

The roadway or alley shall not be passable by conventional motor vehicles because of snow or ice coverage; or

(2)

Because of snow, ice, or storm conditions, the city manager has authorized the use of snowmobiles citywide as necessary to meet the emergency needs of the public. In such event, snowmobiles may be operated where and when necessary to deal with such emergency needs during that authorized period.

(b)

No person shall operate a snowmobile nor shall any snowmobile be operated:

(1)

On any sidewalk within the city limits.

(2)

On any portion of the street lying between the sidewalk and the roadway within the city limits.

(3)

Within any city-owned park, except upon such portion of a city-owned park as shall be designated by the city park and recreation board and approved by the city council.

(C62, §§ 30-168.01, 30-168.02; O.8810; C75, C79, §§ 27-175.01, 27-175.02; C91, §§ 27-234.02, 27-234.03;

Sec. 42-259. - Motorized vehicles.

(a)

No person shall operate the engine, or auxiliary engine, of a motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or more for a period longer than 20 minutes while such vehicle is standing and located within 150 feet of property zoned and used for residential purposes. This subsection shall not apply to delivery or pickup vehicles that require the operation of the engine to unload or load their vending loads.

(b)

No person shall operate a motor vehicle or a combination of vehicles of a type subject to registration at any time or under any condition in such manner as to exceed the noise limit listed in this subsection for the category of motor vehicle, such noise to be measured at a distance of 50 feet from the vehicle.

Noise Limit In Relation To Legal Speed Limit		
Type of Vehicle	35 mph or Less dBA	Over 35 mph dBA
Any motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 lbs. or more and any combination of vehicles towed by such motor vehicle	88	92
Any motorcycle	<u>82</u>	<u>86</u>
Any other motor vehicle and any combination of motor vehicles towed by such motor vehicle	76	<u>82</u>

This subsection applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other section of this Code relating to motor vehicle mufflers or noise control.

(c)(1)

No person shall operate a recreational vehicle or permit the operation of one or more recreational vehicles, individually or in a group, or in an organized racing event on public or private property in such a manner that the sound level exceeds that set forth in [Section 42-254\(a\)](#) Table 1.

(2)

No person shall operate or permit the operation of any recreational vehicle(s), on public or private land between the hours of 10:30 p.m. and 9:00 a.m.

(3)

This section shall not apply to recreational vehicles when legally operated upon the public streets.

(d)

No person operating or in control of a motor vehicle, recreational vehicle, watercraft, or vessel shall operate or permit the operation of a sound system in the vehicle so as to produce a vibration or sound that is clearly detectable at a distance of 50 feet from the vehicle between the hours of 7:00 a.m. and 7:00 p.m. or clearly detectable at a distance of 25 feet from the vehicle between the hours of 7:00 p.m. to 7:00 a.m.

(e)

No person operating or in control of a garbage truck or other motor vehicle engaged in the business of solid waste collection, shall use such vehicle to pick up or empty a dumpster or other container used for the collection or storage of solid at any location in, or within 150 feet of, an R district or portion of a PUD district restricted to residential use, between the hours of 7:00 p.m. and 6:00 a.m. the following morning, subject to the following:

(1)

Trash pickup at elementary and secondary schools and hospitals is exempt from this requirement.

(2)

The city manager or the city manager's designee may grant an exception to this limitation on the timing of trash pickup where such exception is necessary to avoid an unreasonable risk of harm created by the unusual circumstances of the site. Any such exception may be subject to reasonable conditions imposed to minimize the detrimental impact of granting such exception, and shall be subject to reconsideration in the event of changed circumstances.