

ORDINANCE 679-16

AN ORDINANCE RELATING TO OPERATION OF SNOWMOBILES, GOLF CARTS, ALL TERRAIN VEHICLES AND OFF ROAD UTILITY VEHICLES ON CITY STREETS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POSTVILLE, IOWA:

Section 1. Chapter 75, the Chapter heading, and all sections of the Code of Ordinances are amended by deleting the heading and sections and inserting in lieu thereof the following:

CHAPTER 75

ALL-TERRAIN VEHICLES, OFF ROAD UTILITY VEHICLES, SNOWMOBILES AND GOLF CARTS

75.01	Purpose	75.05	Hours of Operation
75.02	Definitions	75.06	Speed Limit
75.03	General Regulations	75.07	Negligence
75.04	Places of Operation	75.08	Accident Reports

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles, off road utility vehicles, snowmobiles and golf carts within the City.

75.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "All-Terrain Vehicle" or "ATV" All-terrain vehicle means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

(Code of Iowa, Sec. 321I.1[1])

2. "Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the Code of Iowa, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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

3. "Snowmobile" means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (48) inches or less, or any combination of runners, skis or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle which has been altered or equipped with runners, skis, belt-type tracks or treads.

(Code of Iowa, Sec. 321G.1[20])

4. "Golf-Cart" means a motorized vehicle manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. §571.500, i.e. a 4- or 3-wheeled motor vehicle, other than a truck, whose speed attainable in 1 mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface.

5. "Off-Road Utility Vehicle" ("UTV") means a motorized vehicle with not less than four and not more than eight non-highway 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" includes the following vehicles:

(1) "Off-road utility vehicle--type 1" means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.

(2) "Off-road utility vehicle--type 2" means an off-road utility vehicle, other than a type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.

(3) "Off-road utility vehicle--type 3" means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

(Code of Iowa, Sec. 321I.1[18])

75.03 GENERAL REGULATIONS.

1. No person shall operate an ATV, UTV or snowmobile within the City in violation of the provisions of Chapters 321I and 321G of the Code of Iowa or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering, equipment and manner of operation.

(Code of Iowa, Chs. 321I and 321G)

2. The operation of golf carts is allowed on city streets by persons over the age of 18, possessing a valid driver's license. The golf carts shall be equipped with a slow moving vehicle sign, a bicycle safety flag and with adequate brakes and shall meet any other safety requirements imposed by the City of Postville and the State of Iowa. Golf carts shall be registered with the City of Postville annually and proof of insurance must be shown at the time of registration. Each golf cart operated on City streets shall have attached to the right rear of the golf cart a special permit obtained from the City Administrator at an annual fee of \$50.00.

(Code of Iowa, Sections 321.247 and 321I.10[3])

3. No person shall operate a golf cart in violation of the following requirements or any other such requirements as imposed by the City of Postville or the State of Iowa:

A. Operation shall not exceed a rate of speed greater than reasonable or proper under all existing circumstances and in no event shall ever exceed 35 mph.

B. Operation shall not be in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

C. No person shall operate the vehicle while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

D. No person shall operate the vehicle without a lighted headlight and taillight at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.

E. A person shall not operate or ride the vehicle with a firearm in the person's possession.

F. A person shall not operate the vehicle with more persons on the vehicle than it was designed to carry.

G. Persons operating golf carts on the City streets shall, if installed by the manufacturer, use turn signals and brake lights to indicate turns and stopping and wear seat belts.

4. ATVs shall be registered with Allamakee County pursuant to its regulations concerning registration.

75.04 PLACES OF OPERATION.

1. The operators of ATVs and snowmobiles shall comply with the following restrictions as to where they may be operated within the City:

A. Unplowed Streets. Snowmobiles shall be operated only upon streets which have not been plowed during the snow season and on any other streets as may be designated by resolution of the council, except any street which is a state or federal highway.

(Code of Iowa, Sec. 321G.9[4a])

B. Streets. ATVs may be operated on any public streets within the City according to the route as allowed by resolution of the City Council and where signs have been erected designating allowable streets along the route. Operation of ATVs on streets within the City is also subject to the requirements of Section 321.234A of the Code of Iowa. Crossings of State Highways on the designated route must receive Iowa Department of Transportation approval prior to such travel.

C. Traffic Laws Applicable. While being operated on City streets, ATVs are deemed to be motor vehicles subject to all provisions of this Code of Ordinances relating to the operation of motor vehicles, except as may be modified by this chapter. No person shall operate an ATV on City streets without a valid driver's license.

D. Liability Insurance. No person shall operate an ATV or snowmobile on City streets or any other City-owned property unless there is in effect for the ATV or snowmobile an owner's policy of liability insurance which is issued by an insurance carrier authorized to do business in Iowa to or for the benefit of the person named in the policy as insured and the insuring the person names as insurance and any person using the ATV or snowmobile with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance or use of an insured ATV or snowmobile in the amounts not less than the minimum limits specified for motor vehicles in Section 321A.21 of the Code of Iowa.

E. Exceptions. ATVs and snowmobiles may be operated on prohibited streets only under the following circumstances:

(1) Emergencies. ATVs and snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

(2) Direct Crossing. ATVs and snowmobiles may make a direct crossing of a prohibited street provided:

- i. The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
- ii. The ATV or snowmobile is brought to a complete stop before crossing the street;
- iii. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
- iv. In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

F. Railroad Right-of-Way. Snowmobiles and ATVs shall not be operated on an operating railroad right-of-way. A snowmobile or ATV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13 [1h])

G. Trails. ATVs shall not be operated on snowmobile trails and snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f and g])

H. Parks and Other City Land. ATVs and snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least four (4) inches.

I. Sidewalk or Boulevard. ATVs and snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

J. Ride to Right. All operators of snowmobiles shall ride as near the right-hand side of the traveled portion of the street or alley as practicable, exercising due care

when passing a standing vehicle or one proceeding in the same direction, and shall ride in the direction of normal traffic.

K. Near Church, School or Funeral Home. Operation is prohibited at any time in the immediate vicinity of a church or funeral parlor if services are being held or in the immediate vicinity of a school if school is in session.

2. The operators of golf carts shall comply with the following restrictions as to where golf carts may be operated within the City:

A. Golf carts may be operated on all City streets except any street which is a state or federal highway.

(Code of Iowa, Sections 321.247 and 321I.10[3])

B. Direct Crossing. Golf carts are allowed to cross a city street which is a state or federal highway provided:

i. The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

ii. The golf cart is brought to a complete stop before crossing the street;

iii. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and

iv. In crossing a divided street, the crossing is made only at an intersection of such street with another street.

C. Railroad Right-of-way. Golf carts shall not be operated on an operating railroad right-of-way. A golf cart may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

D. Sidewalk or Boulevard. Golf carts shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "boulevard" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

E. Ride to Right. All operators of golf carts shall ride as near the right-hand side of the traveled portion of the street or alley as practicable, exercising due care

when passing a standing vehicle or one proceeding in the same direction, and shall ride in the direction of normal traffic.

F. Near Church, School or Funeral Home. Operation is prohibited at any time in the immediate vicinity of a church or funeral parlor if services are being held or in the immediate vicinity of a school if school is in session.

75.05 HOURS OF OPERATION.

1. No snowmobile or ATV shall be operated in the City between the hours of twelve o'clock (12:00) midnight and seven o'clock (7:00) a.m. except for emergency situations or for loading and unloading from a transport trailer.
2. Golf carts may operate only from sunrise to sunset.

75.06 SPEED LIMIT. A snowmobile or ATV shall not be operated within the City at a speed in excess of 15 mph.

75.07 NEGLIGENCE. The owner and operator of an ATV, snowmobile or golf cart is liable for any injury or damage occasioned by the negligent operation of the ATV, snowmobile or golf cart. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 & 321I.19)

75.08 ACCIDENT REPORTS. Whenever an ATV, snowmobile or golf cart is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with State law and the requirements of the City as stated herein.

(Code of Iowa, Sec. 321G.10)

Section 2. This Ordinance shall be in full force and effect from and after its passage and publication as by law provided.

Passed and approved this 13th day of September, 2016.



Leigh Rekow, Mayor

ATTEST:



Darcy Radloff, City Clerk