

ORDINANCE NO. 2023-01

AN ORDINANCE TO AMEND TITLE III, CHAPTER 3, SECTIONS 3-3-75 THROUGH 3-3-81 OF THE NEW ALBIN, IOWA CITY CODE RELATED TO ALL TERRAIN VEHICLES, OFF-ROAD UTILITY VEHICLES, & GOLF CARTS

WHEREAS, the City of New Albin has an ordinance regulating the use of all terrain vehicles, off-road utility vehicles, and golf carts within the City limits of New Albin, Iowa; and

WHEREAS, the City Council of New Albin, Iowa finds that it is important to protect public safety and the general welfare to regulate the use of all terrain vehicles, off-road utility vehicles, and golf carts within the City limits of New Albin, Iowa; and

WHEREAS, the City's ordinance regulating all terrain vehicles, off-road utility vehicles, and golf carts must be updated to be consistent with Iowa Code.

BE IT ORDAINED by the City Council of the City of New Albin, Iowa, as follows:

Para. 1. That Title III of The New Albin, Iowa City Code, Chapter 3, Sections 3-3-75 related to the definitions for the regulation of All Terrain Vehicles, Off-Road Utility Vehicles, & Golf Carts is amended by deleting the same and inserting in lieu thereof the following:

3-3-75 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "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. "All-terrain vehicle" includes off-road utility vehicles as defined in Iowa Code Section 321I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

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 Iowa Code Chapter 321, but which contains design features that enable operation over natural terrain. An operator of a off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

3. "Off-road utility vehicle" means a motorized vehicle with not less than four and not more than eight nonhighway 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:

(a) "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.

(b) "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.

(c) "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.

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.

Para. 1. That Title III of The New Albin, Iowa City Code, Chapter 3, Section 3-3-76 related to General Regulations of All Terrain Vehicles, Off-Road Utility Vehicles, & Golf Carts is amended by deleting the same and inserting in lieu thereof the following:

3-3-76 GENERAL REGULATIONS.

1. No person shall operate an ATV and UTV within the City in violation of the provisions of Chapter 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.

2. The operation of UTVs, ATVs and golf carts is allowed on city streets by persons over the age of 18, possessing a valid driver's license. The UTVs, ATVs and golf carts shall be equipped with a bicycle safety flag having a minimum size of 4" X 4" and with adequate brakes and shall meet any other safety requirements imposed by the City of New Albin and the State of Iowa. UTVs, ATVs and golf carts shall be registered with the City of New Albin annually, and proof of insurance must be shown at the time of registration. Each golf cart, ATV and UTV operated on City streets shall have attached to the right rear of a special permit obtained from the City Administrator. Special permits for golf carts shall be \$20.00 annually. There is no fee to register for the special permit for an ATV or UTV to operate on City streets.

3. No person shall operate a golf cart, ATV or UTV in violation of the following requirements or any other such requirements as imposed by the City of New Albin 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 15 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 discernable 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 and UTVs on the City streets shall if installed and stopping and wear seatbelts.

h. Persons operating must have valid driver's license and proof of insurance.

i. Persons operating must be 18 years old to ride alone, 25 with passenger.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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.

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: 3/13/23

Date of Second Reading: 3/13/23 - WAIVED

DATE OF THIRD READING - WAIVED

Roll Call Vote:


Councilmen Voting Aye: 5 - BLAIR, CRANE, GROTEGUT, MAUSS, STAHL

3/13/23

Councilmen Voting Nay: 0

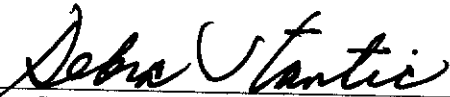
PASSED AND ADOPTED this 13th day of March 2023.

CITY OF NEW ALBIN, IOWA



Alberto Whitlatch, Mayor

ATTEST:



Debra Stantic, City Clerk/ Treasurer

Date of First Reading:

Date of Second Reading:

Roll Call Vote:

Councilmen Voting Aye:

Councilmen Voting Nay: