

## **ORDINANCE No. 296**

### **AN ORDINANCE APPENDING THE CODE OF ORDINANCES OF THE CITY OF ELY, IOWA, CHAPTER 77, PERTAINING TO GOLF CARTS**

BE IT ENACTED by the City Council of the City of Ely, Iowa:

**SECTION 1. CHAPTER MODIFIED.** Chapter 75 of the Code of Ordinances of the City of Ely, Iowa entitled GOLF CARTS, is amended, and is hereby adopted to read as follows

#### **75.01 PURPOSE.**

The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

#### **75.02 DEFINITIONS.**

For use in this chapter the following terms are defined:

1. “All-terrain vehicle” or “ATV” means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 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)*

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. “Off-road utility vehicle” 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:

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

A. “Off-road utility vehicle – type 1” includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. “Off-road utility vehicle – type 2” includes vehicles, other than type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. “Off-road utility vehicle – type 3” includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 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.

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 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 that has been altered or equipped with runners, skis, belt-type tracks, or treads.

*(Code of Iowa, Sec. 321G.1)*

5. “Go-kart” and “Off-road Go-kart” means a motorized vehicle that generally has a low visual profile, low center of gravity, the driver is seated in a low-profile position, that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel for control.

### **75.03 GENERAL REGULATIONS.**

No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of the *Code of Iowa* or a snowmobile within the City in violation of the provisions of Chapter 321G of the *Code of Iowa* or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

*(Code of Iowa, Ch. 321G & Ch. 321I)*

### **75.04 OPERATION OF OFF-ROAD MOTORCYCLE.**

No person shall operate an off-road motorcycle within the City of Ely, Iowa.

### **75.05 OPERATION OF GO-KART or OFF-ROAD GO-KART.**

No person shall operate a go-kart or an off-road go-kart within the City of Ely, Iowa.

### **75.06 OPERATION OF SNOWMOBILES.**

The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets that have not been plowed during the snow season and on such other streets as may be designated by the Council.

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

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. 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])*

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

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

(2) The snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic that constitutes an immediate hazard; and

(4) 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])*

3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile 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])*

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

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

5. Parks and Other City Land. 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 one-tenth of one inch.

6. Sidewalk or Parking. 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.

7. City Street Right-of-Way. Snowmobiles shall not be operated upon the public street right-of-way unless it is distinctly marked at a Snowmobile trail.

## **75.07 OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES.**

All-terrain vehicles and off-road utility vehicles may be operated on City streets only in accordance with Section 321.234A of the *Code of Iowa* and the provisions of this section. Operators shall follow all laws and rules for motor vehicles as set forth by the State of Iowa and Iowa DOT. Registered vehicle shall only be operated on a public street. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle. Occupants shall be seated while in the vehicle and must have the ability to restrain themselves in the vehicle. It is unlawful to ride in an occupant’s lap or be restrained/held-in by an occupant of the vehicle. The driver shall drive safe and undistracted by occupants in the vehicle. All manufacturers safety restraints shall be worn as directed by the manufacture.

1. City Registration. All-terrain vehicles and off-road utility vehicles with valid City of Ely registration may be operated on City streets and alleys for the following purposes:

- A. Snow removal via attached snowplow or blade.
- B. Gardening and/or lawn work.
- C. Special events authorized by the City Council.
- D. Transportation within the City of Ely

2. Registration Process. No person shall operate an all-terrain vehicle and off-road utility vehicle on any public street, or alley for any purpose unless said vehicle is registered with the City of Ely. Vehicle shall be registered with the City Clerk. The registration processes shall be established by resolution of the City Council for the City of Ely

3. Administrative Denial of Registration. The City Administrator, City Clerk, or Mayor may deny the registration of any vehicle, at time, and for any reason. The owner of the vehicle may appeal the decision of denial upon request to the City Council for the City of Ely. A hearing shall be conducted during a public city council meeting within 45 days of the request.

4. Equipment. All-terrain vehicles and off-road utility vehicles shall be equipped as required by Sections 321I.12 and 321I.13 of the *Code of Iowa*, including but not limited to a muffler, headlight, taillight, and brakes.

Registered Vehicles operated upon City streets shall be equipped with at least the following:

1. A safety flag affixed to a bike pole, the top of which shall be a minimum of five feet from ground level. The City may require additional requirements of the safety flag as detailed in the registration process (75.07.2)
2. Registered vehicles operated on City streets shall be equipped with adequate brakes
3. A registered vehicle must have adequate headlights, taillights, and brake lights to be driven at night

5. Operation.

A. No person shall operate an all-terrain vehicle and off-road utility vehicle on any City street, alley, or right-of-way unless such person is at least 16 years of age and has a valid Iowa driver's license.

B. Traffic Regulations. Any person operating an all-terrain vehicle and off-road utility vehicle shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.

C. Speed. No all-terrain vehicle and off-road utility vehicle shall be operated at a speed in excess of the lesser of 25 miles per hour or that posted; nor shall any all-terrain vehicle and off-road utility vehicle be operated at a speed greater than is reasonable and proper for the existing conditions.

D. Lights. All manufacturers equipped lighting shall be operational. No all-terrain vehicle and off-road utility vehicle shall be operated at after sunset or before sunrise without lighted headlights, tail lights, and brake lights from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet ahead.

E. Unattended and Parking. No person shall leave an all-terrain vehicle and off-road utility vehicle unattended while the motor is running, or the keys are in the ignition switch. Owner/operators shall comply with all parking regulations in the City.

F. Hours of Operation. Registered vehicles may be operated on City streets between sunrise and sunset. Registered vehicles may be operated between sunset and sunrise with functioning headlights, taillights, and brake lights.

G. Occupants. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle.

6. Locations.

A. City Streets. All-terrain vehicles and off-road utility vehicles may be operated upon streets under the jurisdiction and within the corporate limits of the City of Ely for the purposes listed above. All-terrain vehicles and off-road utility vehicles shall not be operated upon any City street that is a primary road extension or state highway. For the purpose of this section, State Street shall be considered a primary road extension. All-terrain vehicles and off-road utility vehicles may cross such primary road extensions.

B. Trails. All-terrain vehicles and off-road utility vehicles shall not be operated on any recreational, bike or walking trail unless the trail is specifically designated to allow use of motor vehicles.

C. Sidewalks. All-terrain vehicles and off-road utility vehicles shall not be operated upon sidewalks unless the operator is engaged in snow removal or sidewalk maintenance activities.

D. Parking. All-terrain vehicles and off-road utility vehicles shall not be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk referred to as the “parking” unless engaged in snow removal, maintenance or landscaping activities for the abutting property.

E. City Parks/Public Land. All-terrain vehicles and off-road utility vehicles shall not be operated in City parks or upon other City-owned land unless for a special event authorized by the City Council.

F. Private Property. All-terrain vehicles and off-road utility vehicles may only be operated on private property with the express consent of the owner.

G. Direct Crossing. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway provided all of the following occur:

*(Code of Iowa, Sec. 321I.10[5])*

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

(2) The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

(3) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

(4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

(5) The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city.

#### **75.08 PARENTAL OR GUARDIAN RESPONSIBILITY.**

It is unlawful for any parent, guardian, or other person having the care, custody, or control of a minor under the age of 16 years to knowingly or negligently permit or allow such a minor to operate a registered vehicle or violate the provisions of this chapter in any other way.

#### **75.09 PENALTY.**

The violation fine and fee schedule shall be established by resolution of the City Council for the City of Ely. Violation for reckless driving or underage driving are subject to the maximum fine established by resolution of the City Council and the permit could be permanently revoked.

#### **75.10 OCCUPANTS.**

All persons shall be seated in a manufacturer designated seat and shall be able to restrain themselves within the vehicle under their own power. 1 person per seat

#### **75.11 NEGLIGENCE.**

The owner and operator of any vehicles are liable for any injury or damage occasioned by the negligent operation of the vehicle. The owner of a vehicle shall be liable for any such injury or damage only if the owner was the operator of the vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the vehicle at the time the injury or damage occurred.

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

#### **75.11 ACCIDENT REPORTS.**

Whenever a vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,500.00 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

*(Code of Iowa, Sec. 321G.10 & 321I.11)*

**SECTION 2. CHAPTER MODIFIED.** Chapter 77 of the Code of Ordinances of the City of Ely, Iowa entitled GOLF CARTS, is amended, and is hereby adopted to read as follows

**77.01 PURPOSE.** The purpose of this chapter is to permit the operation of golf carts on certain streets in the City, as authorized by Section 321.247 of the *Code of Iowa*, as

amended. This chapter applies whenever a golf cart is operated on any street or alley, subject to those exceptions stated herein.

**77.02 OPERATION OF GOLF CARTS PERMITTED.** Golf carts (hereafter referred to as registered vehicles) registered with the City of Ely may be operated upon the streets of the City by persons at least 16 years of age possessing a valid Iowa operator's license, except as prohibited in Section 77.03 of this chapter. Operators shall follow all laws and rules for motor vehicles as set forth by the State of Iowa and Iowa DOT. Registered vehicle shall only be operated on a public street. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle. Occupants shall be seated while in the vehicle and must have the ability to restrain themselves in the vehicle. It is unlawful to ride in an occupant's lap or be restrained/held-in by an occupant of the vehicle. The driver shall drive safe and undistracted by occupants in the vehicle. All manufacturers safety restraints shall be worn as directed by the manufacture.

**77.03 PROHIBITED STREETS.** Registered vehicles shall not be operated upon any City street which is a primary road extension through the City. However, registered vehicles may cross such a primary road extension. State Street is hereby designated a primary road extension in the City.

**77.04 EQUIPMENT.** Registered Vehicles operated upon City streets shall be equipped with at least the following:

1. A slow-moving vehicle sign.
2. A safety flag affixed to a bike pole, the top of which shall be a minimum of five feet from ground level. The City may require additional requirements of the safety flag as detailed in the registration process (75.07.2)
3. Registered vehicles operated on City streets shall be equipped with adequate brakes
4. A registered vehicle must have adequate headlights, taillights, and brake lights to be driven at night

**77.05 HOURS.** Registered vehicles may be operated on City streets between sunrise and sunset. Registered vehicles may be operated between sunset and sunrise with functioning headlights, taillights, and brake lights.

**77.06 SPEED.** No registered vehicle shall be operated on any City street at a speed in excess of 25 miles per hour

**77.07 GOLF CARTS REGISTERED.** No person shall operate a registered vehicle on any public street, or alley for any purpose unless said golf cart is registered with the City of Ely. Vehicle shall be registered with the City Clerk. The registration processes shall be established by resolution of the City Council for the City of Ely

1. Administrative Denial of Registration. The City Administrator, City Clerk, or Mayor may deny the registration of any vehicle, at time, and for any reason. The owner of the vehicle may



appeal the decision of denial upon request to the City Council for the City of Ely. A hearing shall be conducted during a public city council meeting within 45 days of the request.

**77.08 PARENTAL OR GUARDIAN RESPONSIBILITY.** It is unlawful for any parent, guardian, or other person having the care, custody, or control of a minor under the age of 16 years to knowingly or negligently permit or allow such a minor to operate a registered vehicle or violate the provisions of this chapter in any other way.

**77.09 OCCUPANTS.** All persons shall be seated in a manufacturer designated seat and shall be able to restrain themselves within the vehicle under their own power. 1 person per seat.

**77.10 PENALTY.**

The violation fine and fee schedule shall be established by resolution of the City Council for the City of Ely. Violation for reckless driving or underage driving are subject to the maximum fine established by resolution of the City Council and the permit could be permanently revoked.

**75.11 ACCIDENT REPORTS.**

Whenever a vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,500.00 or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

*(Code of Iowa, Sec. 321G.10 & 321I.11)*

**77.12 NEGLIGENCE.**

The owner and operator of any vehicles are liable for any injury or damage occasioned by the negligent operation of the vehicle. The owner of a vehicle shall be liable for any such injury or damage only if the owner was the operator of the vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the vehicle at the time the injury or damage occurred.

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