

Adopted March 14, 2011

**CITY OF ELY
LINN COUNTY, IOWA
ORDINANCE No. 224**

**AN ORDINANCE TO PERMIT OPERATION OF GOLF CARTS AND ALL-TERRAIN
VEHICLES ON CITY STREETS UNDER CERTAIN CONDITIONS AND THE
REGISTRATION OF SUCH VEHICLES**

SECTION 1. §3-3-77 THROUGH 3-3-83 REPEALED. Sections 3-3-77 through 3-3-83 of the Ely City Code, as enacted by Ordinance No. 204, are hereby repealed in their entirety.

SECTION 2. §3-3-77 through 3-3-83 ENACTED. The following is hereby enacted as Section 3-3-77 through Section 3-3-83 of the Ely City Code:

GOLF CARTS

3-3-77 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.

3-3-78 OPERATION OF GOLF CARTS PERMITTED. Golf carts registered with the City of Ely may be operated upon the streets of the City by persons at least eighteen (18) years of age possessing a valid Iowa operator's license, except as prohibited in Section 3-3-79 of this chapter. "Off-Road Utility Vehicles", as defined in Section 321I.1(16) of the Code of Iowa, shall be included in the category of golf cart for the purpose of this ordinance. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle.

3-3-79 PROHIBITED STREETS. Golf carts shall not be operated upon any City street which is a primary road extension through the City. However, golf carts may cross such a primary road extension. State Street is hereby designated a primary road extension in the City.

3-3-80 EQUIPMENT. Golf carts operated upon City streets shall be equipped with at least the following:

1. A slow moving vehicle sign
2. A bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level,
3. Golf carts operated on city streets shall be equipped with adequate brakes
4. Headlights
5. Taillights

3-3-81 HOURS. Golf carts may be operated on City streets only between sunrise and sunset.

3-3-82 SPEED. No golf carts shall be operated on any City street at a speed in excess of twenty-five (25) miles per hour.

3-3-83. GOLF CARTS REGISTERED. No person shall operate a Golf Cart on any public street, or alley for any purpose unless said golf cart is registered by the City of Ely.

1. Golf Cart owners may register a golf cart with the City Clerk/Administrator using forms provided by the City.
2. The Clerk/Administrator shall not register a golf cart until the following has occurred:
 - a. Owner has provided proof owner has liability insurance covering operation of golf carts on city streets.
 - b. The Clerk/Administrator has inspected the vehicle to verify it meets the requirements of this Ordinance.
 - c. Owner has paid the registration fee set out below
3. The registration sticker shall be displayed visibly and prominently on the left rear fender.
4. All registrations issued shall uniquely identify the name and address of the owner.
5. The registration fee shall be twenty-five dollars (\$25.00).
6. Registrations shall be effective from April 1 through March 31 of each year.
 - a. Registration may be renewed after owner has filed an application to renew with the Clerk/Administrator and all conditions set out in Sect 3-3-83.3 have been met
 - b. Fee for a renewed registration shall be twenty-five dollars (\$25.00)

SECTION 4. §3-3-84 THROUGH 3-3-93 REPEALED. Sections 3-3-84 through 3-3-93 of the Ely City Code, enacted via Ordinance No. 204, are hereby repealed in their entirety:

SECTION 4. §3-3-84 through 3-3-93 ENACTED. The following is hereby enacted as Section 3-3-84 through Section 3-3-93 of the Ely City Code:

ALL TERRAIN VEHICLES

3-3-84 PURPOSE. The purpose of Sections 3-3-83 through 3-3-93 is to establish registration of All-Terrain Vehicles (ATVs) for operation on certain streets for the purpose of snow removal, lawn care and gardening within the City of Ely as authorized and pursuant to Section 321.234A and Chapter 321I of the Code of Iowa, 2010 as amended.

3-3-85 DEFINITIONS

1. "*All-terrain vehicle*" shall mean a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control." (§321I.1(1.a) Code of Iowa).

3-3-86 GENERAL REGULATIONS. No person shall operate an All-Terrain Vehicle (ATV) within the city limits of the City of Ely, Iowa in violation of the provisions of Chapter 321I of the Code of Iowa or rules enacted by the Iowa Department of Natural Resources governing the registration, numbering, equipping or manner of operation; or the provisions of sections 3-3-83 through 3-3-92 of this Code. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle

3-3-87 ALL TERRAIN VEHICLES REGISTERED. No person shall operate an All Terrain Vehicle on any public street, or alley for any purpose unless said vehicle is registered with the City of Ely.

1. ATV owners may register an ATV with the City Clerk/Administrator using forms provided by the City.
2. The Clerk/Administrator shall not register a vehicle under this provision until the following has occurred:
 - a. Owner has provided evidence that the ATV is registered as required by Iowa law, and that such registration is current. The owner/operator shall maintain such registration.
 - b. Owner has provided proof of current financial responsibility in accordance with Section 321.20B of the Code of Iowa. The owner shall maintain such financial responsibility.
 - c. The Clerk/Administrator has inspected the vehicle to verify it meets the requirements of this Ordinance.
 - d. Owner has paid the registration fee set out below.
3. The registration sticker shall be displayed visibly and prominently on the left rear fender.
4. All registrations issued shall uniquely identify the name and address of the owner/operator.
5. The registration fee shall be twenty-five dollars (\$25.00).
6. Registrations shall be effective from April 1 through March 31.
 - a. Registrations may be renewed after Owner/Operator has filed an application to renew with the Clerk/Administrator and all conditions set out in Sect 3-3-86.3 (above) have been met
 - b. Fee for a renewed registration shall be twenty-five dollars (\$25.00)

3-3-88 AUTHORIZED USES. All-Terrain Vehicles may only be operated on city streets and alleys in compliance with all requirements set out herein and for the following purposes:

1. Snow removal via attached snowplow or blade.
2. Gardening and/or lawn work.
3. Special events authorized by the City Council.

3-3-89 EQUIPMENT. Any ATV registered with the City of Ely shall be equipped as required by Sections 321I.12 and 321I.13 of the Code of Iowa, including but not limited to: muffler, headlight, tail light and brakes. ATV's shall also be equipped with a bicycle safety flag of fluorescent orange color on a staff holder to put such flag at least five feet (5') above the surface of the street.

3-3-90 OPERATION

1. No person shall operate an ATV on any city street, alley or right of way who is not at least eighteen (18) years of age and does not have a valid Iowa Driver's license.
2. Traffic Code. Any person operating an ATV's 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.
3. Speed. No ATV shall be operated at a speed in excess of the lesser of twenty-five (25) miles per hour or that posted, nor shall any ATV be operated at a speed greater than is reasonable and proper for the existing conditions.
4. Lights. No ATV shall be operated without a lighted headlight and taillight 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 five hundred feet ahead.
5. Unattended ATV's and Parking. No person shall leave an ATV unattended on public property while the motor is running or the keys are in the ignition switch. Owner/Operators shall comply with all parking regulations in the City.
6. Hours of Operation. No ATV shall be operated in the City of Ely between the hours of 10:00 o'clock p.m. and 6:30 o'clock a.m. except for emergency situations or for loading or unloading from a transport trailer; except that ATV's may be operated during prohibited hours to perform snow removal activities.
7. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle.

3-3-91 LOCATIONS.

1. City Streets. Registered ATV's may be operated upon streets under the jurisdiction and within the corporate limits of the City of Ely for the purposes listed above. ATV's shall not be operated upon any city street that is a primary road extension or state highway. For the purpose of this ordinance State Street shall be considered a primary road extension. ATV's may cross such primary road extensions.
2. Trails. ATV's shall not be operated on any recreational, bike or walking trail unless the trail is specifically designated to allow use of motor vehicles.
3. Sidewalks. ATV's shall not be operated upon sidewalks unless the operator is engaged in snow removal or sidewalk maintenance activities.
4. "Parking". ATV's 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.
5. City Parks and other land owned by the City of Ely. ATV's shall not be operated in City parks or upon other city owned land unless for a special event authorized by the City Council.
6. Private Property. ATV's may only be operated on private property with the express consent of the owner.

3-3-92 ACCIDENT REPORTS. Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever an ATV is involved in an accident resulting in injury or death to anyone, or property damage amounting to one thousand dollars (\$1,000) or more, and shall file an accident report within forty-eight (48) hours, in accordance with State law.

3-3-93 VIOLATION AND PENALTY.

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of one-hundred dollars (\$100.00) and revocation of the City of Ely registration for a period of two months.
2. Any person guilty of violating this ordinance two times in a twelve (12) month period shall be subject to a fine of two-hundred dollars (\$200.00) and revocation of the City of Ely registration for a period of two years.
3. Any person guilty of violating this ordinance three times shall be subject to a fine of three-hundred dollars (\$300.00) and permanent revocation of the City of Ely revocation.
4. Persons violating this ordinance may also be prosecuted, and subject to the penalties set out in, Section 321I.36 of the Code of Iowa.

SECTION 5. REPEALER CLAUSE. Any ordinance, provision or part thereof, which differs or is inconsistent with this ordinance is hereby repealed, to the extent of said difference or inconsistency.

SECTION 6. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, 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

SECTION 7. EFFECTIVE DATE. This ordinance shall be in effect following final passage, approval, and publication of this ordinance as required by law.

Introduced this 14th day of February, 2011 and adopted by the City Council of the City of Ely, Iowa this 14th day of March, 2011.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator

