

ORDINANCE NO. 2014:03
**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF EAGLE GROVE, IOWA BY AMENDING PROVISIONS PERTAINING TO THE
OPERATION OF SNOWMOBILES, ATVS AND GOLF CARTS ON CITY STREETS**

BE IT ENACTED by the City Council of the City of Eagle Grove, Iowa:

SECTION 1. SECTIONS MODIFIED. Sections 75.01–75.08 of the Code of Ordinances of the City of Eagle Grove, Iowa are repealed and the following adopted in lieu thereof:

75.01 PURPOSE. The purpose of this Chapter is to establish, authorize, or regulate the operation of snowmobiles, all-terrain vehicles 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” means a motorized flotation-tire vehicle, with not less than three and not more than six non-highway tires that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand, two hundred (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(1)(a))

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(1)(b) & 321I.16)

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 is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than two thousand, eight hundred (2,000) pounds and 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. 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(17))

4. “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 (40) 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(26))

75.03 GENERAL REGULATIONS. No person shall operate within this City an ATV, off-road motorcycle or off-road utility vehicle in violation of this Chapter or Chapter 321I of the *Code of Iowa*; a snowmobile in violation of this Chapter or Chapter 321G of the *Code of Iowa*; a golf cart in violation of this Chapter or Section 321.247 of the *Code of Iowa*; or a snowmobile, ATV, off-road motorcycle, off-road utility vehicle, or golf cart in violation of rules established by the Iowa Administrative Code and

the Iowa Department of Natural Resources governing their registration, equipment and manner of operation.

(Code of Iowa, Ch. 321G, Ch. 321I & § 321.247)

75.04 OPERATION OF SNOWMOBILES. In addition to the regulations imposed by Section 75.03 of this Code, the operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles may be operated upon any City street which has not been plowed during the snow season except: Commercial, Broadway and any street that is a primary highway.

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

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(4)(c))

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 ninety degrees (90°) 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 which 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(1)h)

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where designated by the controlling authority and the primary all-terrain vehicle sponsor.

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

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" or "tree berm" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

7. Insurance Required. The owner of every snowmobile being operated upon the public highways, streets, roads and alleys within the corporate limits of the City shall have in effect liability insurance covering the snowmobile in the same limits as required of motor vehicles by the financial responsibility provisions of Chapter 321A of the Iowa Code.

75.05 OPERATION OF ALL-TERRAIN VEHICLES. In addition to the regulations imposed by Section 75.03 of this Code, the operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs may be operated upon any City street except: Commercial, Broadway, and any street that is a primary road extension or state highway.

(Code of Iowa, Sec. 321I.10(1) & (3))

2. Trails. ATVs shall not be operated on any recreational, bike or walking trail unless the trail is specifically designated to allow use of motor vehicles. ATVs shall not be operated on any snowmobile trails except where designated by the controlling authority and the primary snowmobile trail sponsor.

(Code of Iowa, Sec. 321I.10(4))

3. Railroad Right-of-Way. ATVs shall not be operated on an operating railroad right-of-way. An 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. 321I.14(1)(h))

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs 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" or "tree berm" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

6. Insurance Required. The owner of every ATV being operated upon the public highways, streets, roads and alleys within the corporate limits of the City shall have in effect liability insurance covering the ATV in the same limits as required of motor vehicles by the financial responsibility provisions of Chapter 321A of the Iowa Code.

75.06 OPERATION OF GOLF CARTS. In addition to the regulations imposed by Section 75.03 of this Code, the operators of golf carts shall comply with the following restrictions regarding the operation of golf carts within the City:

1. Definitions.

- a. "Golf cart" means a three or four wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf, that is not capable of exceeding speeds of 25 mph.
- b. "Operate" means to ride in or on, other than as a passenger, use or control the operation of a golf cart in any manner, whether or not the golf cart is moving.
- c. "Operator" means a person who operates or is in actual physical control of a golf cart.
- d. "Driver's License" is a valid license to operate a motor vehicle issued by the State of Iowa or any other state.

- e. "Roadway" means that portion of a highway improved, designated, or ordinarily used, for vehicular travel.
 - f. "Street of highway" means the entire width between lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular travel.
2. Operation of Golf Carts Permitted. Golf carts may be operated upon the streets of the City by persons possessing a valid driver's license, who are at least sixteen (16) years of age, except as prohibited in paragraph 3 of Section 75.06.
 3. Operation on Roadways, Streets or Highway. Permitted persons may operate golf carts as defined herein during authorized times on City streets, but shall not be operated on any City street which is a primary road extension through the City except to the extent necessary to cross a city street which is a primary road extension through the City. Commercial and Broadway are hereby designated as primary road extensions in the City.
 4. Equipment. Golf carts operated upon City streets shall be equipped with at least the following:
 - a. A slow moving vehicle sign as defined in Iowa Code 321.383(2).
 - b. A bicycle safety flag, the bottom of which shall be above the top of the golf cart and which shall be a minimum of five (5) feet from the ground level as defined in Iowa Code 321.275(8).
 - c. With adequate brakes.
 - d. With rear view mirror as defined in Iowa Code 321.437(1).
 5. Permits. No person shall operate a golf cart on any public street or alley, for any purpose, unless the operator possesses a City of Eagle Grove permit to operate a golf cart on City streets, issued by the Police Department.
 - a. Golf cart owners may apply for a permit from the Police Department on forms provided by the City.
 - b. The Police Department shall not issue a permit until the owner/operator has provided the following:
 - i. Evidence that the operator is at least 16 years of age, and possesses a valid Iowa driver's license.
 - ii. Proof that the owner and operator have liability insurance covering operation of golf carts on City streets in the amount required by Iowa Code.
 - c. All permits shall be issued for a specific golf cart. Permit holders will be issued a number and a sticker to affix and displayed to the front of the vehicle on the driver's side.
 - d. The fee for such permits shall be twenty-five dollars (\$25.00). Permits will be granted for one (1) year valid from January 1 through December 31. Permits may be purchased at any time during the year but will be valid only through December 31.
 - e. The permit may be suspended or revoked by the Police Chief upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the permit fee.

- e. The permit may be suspended or revoked by the Police Chief upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the permit fee.
6. **Authorized Times of Operation.** The operation of golf carts on City streets shall be from sunrise to sunset. Golf carts shall not be operated when visibility is such that there is insufficient light to clearly see persons and vehicles at a distance of 500 feet.
7. **Number of Occupants.** The number of occupants in the golf cart may not exceed the design occupant load and in approved seats.
8. **Parental or Guardian Responsibility.** It is unlawful for any parent, guardian, or other person having the care, custody, and control of minor under the age of eighteen (18) years to knowingly or negligently permit or allow such a minor to violate the provisions of this chapter.
9. **Unlawful Operation.** No person shall drive or operate a golf cart:
 - a. In a careless, reckless, or negligent manner as to endanger the person or property of another or cause injury or damage thereto.
 - b. While under the influence of intoxicating liquor or mind-altering or habit-forming drugs.
 - c. Golf carts shall not be operated on any recreational, bike or walking trail unless the trail is specifically designed to allow use of motor vehicles.
 - d. Golf carts shall not be operated upon sidewalks.
 - e. Golf carts 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”.
 - f. Golf carts shall not be operated in City parks or upon other city owned land except upon roadways, paths or areas designed for vehicle traffic unless it is for a special event authorized by the City and the operator possesses a valid Eagle Grove permit. Special event use requires council approval.
 - g. Golf carts may only be operated on private property with the express consent of the owner.
 - h. No one under the age of six (6) years old shall be passenger at any time.
10. **Penalty.** In addition to the suspension or revocation of the permit, a person who violated this chapter is guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code 805.8A Subsection 3.
11. **Accident Reports.** Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever a golf cart is involved in an accident resulting in injury or death to anyone, or property damage in the amount of one thousand five hundred dollars (\$1,500.00) or more, and shall file an accident report within forty-eight (48) hours, in accordance with state law.

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

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

75.08 ACCIDENT REPORTS. Whenever a snowmobile, ATV, or golf cart is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand, five hundred dollars (\$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 within forty-eight (48) hours. If the accident occurred on public land, public ice, or a designated snowmobile trail under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within seventy-two hours, containing information as the commission may require. All other accidents shall be reported as required under Iowa Code § 321.266.

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

SECTION 2. TABLE OF CONTENTS. The Table of Contents for the Code of Ordinances shall be amended consistent with this Ordinance Amendment.

SECTION 3. 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 4. 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.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the City of Eagle Grove Council on the 21st day of July, 2014.

Sandra McGrath
Sandy McGrath, Mayor

Attest:

Michael Boyd
Michael Boyd, City Administrator

First Reading: June 16, 2014

Second Reading: July 7, 2014

Third Reading: July 21, 2014

I certify that the foregoing was published as Ordinance No. 2014.03 on the 31st day of July, 2014.

Michael Boyd
Michael Boyd, City Administrator