

# ORDINANCE 20210420-02

## CITY OF WEST LIBERTY

### Title 8, Chapter 12:

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

##### 8-12-01 Purpose

##### 8-12-02 Definitions

##### 8-12-03 Properly equipped golf carts, ATVs and/or UTVs allowed to operate on city streets.

##### 8-12-04 Permits Required

##### 8-12-05 Negligence

##### 8-12-06 Accident Reports

##### 8-12-07 Penalty and Enforcement

##### 8-12-08 Special Event Exceptions

**8-12-01 Purpose.** The purpose of this chapter is to regulate the operations of golf carts, all-terrain vehicles (ATV's) and/or off-road utility vehicles (UTV's) within the City.

**8-12-02 Definitions.** For use in this chapter the following terms are defined:

1. "All-terrain vehicle" or "ATV" is defined by Iowa Code § 321I as "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. Two-wheeled, off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration. An operator of a two-wheeled, off-road motorcycle is exempt from the safety instruction and certification program requirements of Sections 321I.25 and 321I.26 of the Code of Iowa.
2. "Off-road motorcycle" is defined by Iowa Code § 321I as "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, but which contains design features that enable operation over natural terrain."
3. Off-road Utility Vehicle ("UTV") is defined by Iowa Code § 321I as "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:
  - 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.

## ORDINANCE 20210420-02

- 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 four-wheeled recreational vehicle generally used for the transportation of person(s) in the sport of golf. Note: a vehicle with appearance of a "golf cart" but satisfying the requirements of 49 CFR 571.500 (i.e., is a "low speed vehicle") is not subject to this chapter but rather to the Iowa Code § 321.381A
  - 5. For purposes of this ordinance, "Golf Cart", "ATV", "Off-road Motorcycle" and "UTV" shall be referred to collectively as "ATV" or "ATV's".

### **8-12-03 Properly equipped golf carts, ATVs and/or UTVs allowed to operate on city streets.**

- 1. Pursuant to the authority granted under Iowa Code § 321.247, ATV's, only if equipped as specified herein, may be operated on all city streets between sunrise and sunset by any person possessing a valid driver's license and proof of security against liability as specified in Iowa Code 321.20B. This chapter of ordinances is adopted in the interest of public safety. ATV's are not designed or manufactured to be used on public streets and roads, and the city in no way advocates or endorses their operation on streets or roadways. The city, by regulating such operation, is merely addressing safety issues. This chapter is not to be relied upon as a determination that operation on streets is safe or advisable even if done in accordance with this chapter. All persons operating ATV's must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. All persons who operate or ride ATV's on streets inside the City of West Liberty do so at their own risk and peril. The City has no liability under any theory of liability, for ATV's to be operated on the streets of the city.
- 2. Rules and Regulations. ATV's may be operated on streets within the City of West Liberty in accordance with the following rules and regulations:
  - A. Any person who operates an ATV in the City takes full responsibility for all liability associated with operating the motorized vehicle.
  - B. Operation shall not exceed a rate of speed greater than reasonable or proper under all existing circumstances and in no event shall never exceed twenty-five mph or the posted speed limit, whichever is less.
  - C. 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.
  - D. Driver and Passengers must be seated on bench/seat of the ATV during operation. (Passengers are not permitted to sit on a lap of another passenger of the ATV)

## ORDINANCE 20210420-02

- E. Any person who operates an ATV pursuant to this ordinance must be at least sixteen years of age and possess a valid driver's license to operate a motor vehicle issued by Iowa or their home state.
- F. Any passenger seventeen years of age or under must use all safety equipment required by the Code of Iowa for the type of vehicle they are riding.
- G. When crossing of streets occur, the driver of the ATV must:
  - i. Come to a complete stop at posted stop sign before crossing any street.
  - ii. Yield the right-of-way to all oncoming traffic which constitutes an immediate hazard: and
  - iii. Yield to any pedestrian traffic in a crosswalk; and
  - iv. Follow all other applicable regulations for ATV's or any motor vehicle laws as described in Code of Iowa, including Iowa Vehicle Code Chapter 321.
  - v. In addition, crossing of highways is governed by Iowa Code § 321I.10(5) and all ATV operators must observe these requirements.
- H. The owner of the ATV must provide proof of liability insurance before a permit will be issued. The proof of insurance must be with the ATV whenever said ATV is in operation.
- I. ATV's shall only be allowed to be operated on City streets between sunrise and sunset.
- J. No ATV's shall be operated upon the public sidewalk, nor shall they be operated upon that portion of the street located between the curb line and the sidewalk or property line.
- K. Any person who operates an ATV on the streets of the City must adhere to all applicable laws concerning the possession and use of alcoholic beverages and all controlled substances, as well as all other state traffic laws.
- L. ATV's are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicapped parking permit.
- M. No item shall be towed by an ATV.
- N. ATV's may not be operated on City streets during times of inclement weather, (incidental use on City streets during snow removal activities for driveways, parking lots, sidewalks, etc., excepted).
- O. ATV's shall not be operated upon private property without the express consent of the owner thereof.

## ORDINANCE 20210420-02

- P. ATV's shall not be operated in City parks, trail systems or upon other City-owned property unless for a special event authorized by the police department and the operator possesses a valid permit issued by the city.
- Q. Required Equipment. An ATV operated on a City Street shall have the following equipment in good working condition at all times:
- i. An orange safety flag, the top of which shall be a minimum of six (6) feet from ground level, and extend a minimum 2 feet above the highest point of the (golf cart)
  - ii. Adequate brakes.
  - iii. Steering apparatus.
  - iv. Head, tail, and brake lights (golf carts: street legal light kit).
  - v. Horn.
  - vi. Rear view and/or side mirrors.
  - vii. Adequate exhaust and muffler system.
  - viii. Tires.
  - ix. Visible City of West Liberty permit sticker on the rear of the ATV.
  - x. All equipment required of an ATV by the Code of Iowa, including Chapter 321I, Chapter 324, and all other applicable parts of the Iowa Code.
- R. Railroad Right-of-way. ATV's 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[1h]).

**8-12-04 Permit Required.** No person shall operate an ATV without first obtaining a permit from the City of West Liberty Police Department as provided in this section.

1. Permits shall be granted for a period of one year, or the remaining balance of time in the current City fiscal year as applicable, and annually thereafter (the "Permit Year"). Permits must be renewed annually by July 1 of each year. If the permit is not obtained or renewed by July 1, a penalty may be assessed in an amount per resolution of the City Council.
2. The annual cost of a permit will be established per resolution of the City Council after considering the costs of implementing and maintain this chapter and shall be paid to the

## ORDINANCE 20210420-02

City of West Liberty by the applicant. Permit costs shall be prorated based on 8-12-04(1). Insurance coverage shall be verified as in effect by the police department when issuing or renewing the permit. Proof of insurance needs to be carried on the ATV at all times while being operated.

3. After completion of the application and payment of the requisite fee, the applicant shall present the ATV to the chief of police, or his/her designee, for an inspection to determine whether the ATV may be operated on a City Street. If the applicant and ATV are qualified under the terms and conditions of this chapter, the police department shall issue a sticker as visible proof of compliance, which shall be valid for the fiscal year, and which must be displayed on the rear of the ATV at all times.
4. A permit(s) shall not be issued if, during the previous permit year, the permitted ATV and/or the ATV owner with one or more permits was cited and convicted of any violations of this chapter.
5. ATV owners must complete a permit application form, which may be obtained from the City of West Liberty. The completed forms will be maintained by the City of West Liberty Police Department.
6. Permits can be revoked by the Chief of Police as result of any violation of the City's Code or the Code of Iowa. The revocation, including a description of the violation, shall be provided in writing to the owner of the ATV. The revocation may be appealed to the City Council within 10 days of the written notice of revocation of the permit. The owner shall request the appeal in writing and submit the appeal to the City Clerk.
7. Special Exemptions: City owned ATV may be operated without a permit on public streets and city property. (Police Department, Fire Department, Parks and Recreation)

**8-12-05 Negligence.** The owner and the operator of an ATV are jointly and severally liable for any injury or damage occasioned by the negligent operation of the ATV. However, the owner shall be liable for any such injury or damage only if the owner was the operator of the ATV at the time the injury or damage occurred, or if the operator had the owner's consent to operate at the time the injury or damage occurred. (Code of Iowa § 321I.19)

**8-12-06 Accident Reports.** Whenever an ATV is involved in an accident resulting in injury or death to anyone, or property damage, 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 § 321I.11)

**8-12-07 Penalty and Enforcement.** Violation of this ordinance shall constitute a revocation of the permit if applicable, and a simple misdemeanor punishable by a fine, plus the applicable court surcharge and costs and/or up to thirty (30) days in jail as set forth in Iowa Code § 903.1. Any amendments to the simple misdemeanor penalties of Iowa Code § 903 shall be automatically incorporated into this section without the need of amending this ordinance. To the extent that a person is deemed to be a "repeat offender", under Iowa Code section 321I.36, or as may be deemed appropriate by the City Attorney or the Muscatine County Attorney's office, any violations hereunder may be charged using the applicable State provisions then existing under the Iowa Code.

**ORDINANCE 20210420-02**

**8-12-08 Special Events.** ATV's used for Special Events (i.e. Parades and/or Festivals) will be exempt from obtaining a permit under this chapter only by the specific approval of the West Liberty City Council.

**PASSED, APPROVED AND ADOPTED** this 20<sup>th</sup> day of July, 2021 with the effective date of August 20, 2021.

**ATTEST:**

\_\_\_\_\_  
Lee Geertz  
City Clerk

\_\_\_\_\_  
Robert Hartman  
Mayor

07/06/2021 First Reading: Rock/Zacarias 4-0 with amended changes in red.

07/20/2021 Second Reading with the motion by Council Member Rock to waive the third and final reading with an effective date 30 days from July 20, 2021: Rock/Zacarias: Roll Call Vote Yes: Rock, McFerren, Zacarias, and Smith: Nay -Beranek passed 4-1.

07/2021: Third and Final Reading waived. Effective City Council Approved Ordinance No. 20210420-02: Second Reading of an Ordinance establishing Regulations of Operating Golf Carts, ATV's and UTVs in the City of West Liberty, Iowa Approving: Rock motion to approve second reading, waive the third reading and effective 30 days (08/20/2021) from approval: Rock/Zacarias: Roll Call: Rock, Zacarias, McFerren, Smith – Yay Beranek – No passed 4-1